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CALL TO ORDER

The Senate was called to order by President Lee at 10:27 a.m. A quorum present—40:

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

Excused: Senator Argenziano at 12:15 p.m. until 2:33 p.m.; Senator Carlton periodically for the purpose of working on the appropriations bills

PRAYER

The following prayer was offered by the Rev. Graham Glover, Good Shepherd Lutheran Church, Chiefland:

Gracious Lord, as you made each of us in your image, continue to look with compassion on the whole human family. Take away the arrogance and hatred which infect our hearts. Break down the walls that separate us. Unite us in bonds of love, and through our struggle and confusion, work to accomplish your purposes on earth.

Almighty and most merciful God, bless those who hold office in this Senate, that in this last week of session, they may do their work in a spirit of wisdom and kindness. Help them use their authority to serve faithfully and to promote the general welfare.

O Lord, our ruler and redeemer, your glory shines throughout the world. We commend our state to your merciful care that its citizens may live securely in peace, and may be guided by your providence and grace. We especially call to mind before you this day all those whom it would

be easy to forget: the homeless, the destitute, the sick, the aged, and all who have none to care for them.

Guide all those in this body as they seek to bring a spirit of life and justice to the governance of our laws and the ordering of our days. This and all other things, we ask in your most holy and precious name. Amen.

PLEDGE

Senate Pages Carson Lee Hancock of Ft. Lauderdale; Hannah Hodge of Plant City; Elizabeth A. Webster and John E. Webster, daughter and son of Senator Webster of Orlando, 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. Robert G. Brooks, sponsored by Senator Posey, as doctor of the day. Dr. Brooks specializes in Internal Medicine.

RECONSIDERATION OF BILLS

On motion by Senator Sebesta, the rules were waived and the Senate reconsidered the vote by which—

CS for SB 2644—A bill to be entitled An act relating to public records and open meetings; amending s. 11.0431, F.S.; creating an exemption from public-records requirements for user identification and passwords held by the Division of Legislative Information Services pursuant to s. 11.0455, F.S.; creating a temporary exemption from public-records requirements for reports and files stored in the electronic filing system pursuant to s. 11.0455, F.S.; creating s. 112.32156, F.S.; creating an exemption from public-records requirements for user identifications and passwords held by the Commission on Ethics pursuant to s. 112.32155, F.S.; creating a temporary exemption from public-records requirements for reports and files stored in the electronic system pursuant to s. 112.32155, F.S.; providing for future legislative review and repeal under the Open Government Sunset Review Act; amending s. 112.3215, F.S.; creating a temporary exemption from public-records and open-meetings requirements for records relating to the compensation-reporting audit and investigation of possible lobbying compensation reporting violations and for meetings held pursuant to an investigation or at which a compensating-reporting audit is discussed; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing findings of public necessity; providing a contingent effective date.

—passed April 7.

On motion by Senator Sebesta, further consideration of **CS for SB 2644** was deferred.

On motion by Senator Sebesta, the rules were waived and the Senate reconsidered the vote by which—

CS for SB 2646—A bill to be entitled An act relating to lobbying; amending s. 11.045, F.S., relating to the requirements that legislative lobbyists register and report as required by legislative rule; defining the term “compensation”; requiring each registrant who is a designated lobbyist to identify the industry group classification that describes the principal; requiring that each registrant designate the general and specific areas of the principal’s legislative interest; requiring the disclosure of all compensation provided or owed to a legislative lobbyist; requiring lobbying activity reports to include the name and address of each person to whom a lobbying expenditure was made, the amount, date, and purpose of the expenditure, and the name and title of the person for whom

the expenditure was made; requiring that expenditures made as open invitations be so designated; requiring that each legislative lobbyist report the areas of the principal's legislative interest which were lobbied during the reporting period; requiring a report of the amount of time spent on each category; requiring detailed written descriptions of specific issues lobbied; requiring the Division of Legislative Information Services to aggregate certain compensation and expenditure information; revising the period for filing reporting statements; requiring that a lobbyist and principal preserve certain records for a specified period; providing for inspection of such records by a representative of the Legislature; providing for audits by the Auditor General; providing for enforcement of the right of inspection by writ; authorizing legislative committees to investigate persons engaged in legislative or executive lobbying; requiring that lobbying-activity reports be electronically filed; creating s. 11.0455, F.S.; defining the term "electronic filing system"; providing requirements for lobbyists filing reports with the Division of Legislative Information Services by means of the division's electronic filing system; providing that such reports are considered to be under oath; providing requirements for the electronic filing system; providing for the Legislature to adopt rules to administer the electronic filing system; requiring alternate filing procedures; requiring the issuance of electronic receipts; requiring that the division provide for public access to the data that is filed via the Internet; amending s. 11.45, F.S.; requiring that the Auditor General conduct random audits of the activity reports filed by legislative and executive lobbyists; granting the Auditor General independent authority to audit the accounts and records of any principal or lobbyist with respect to compliance with the compensation-reporting requirements; requiring that the audit reports be forwarded to the Legislature; amending s. 112.3215, F.S., relating to the requirements that executive branch and Constitution Revision Commission lobbyists register and report; defining the term "compensation"; requiring each lobbyist who is a designated lobbyist to identify the industry group classification that describes the principal; requiring that each lobbyist designate the general and specific areas of the principal's legislative interest; requiring the disclosure of all compensation provided or owed to a lobbyist; requiring lobbying activity reports to include the name and address of each person to whom a lobbying expenditure was made, the amount, date, and purpose of the expenditure and the name, title, and agency of the person for whom the expenditure was made; requiring that each lobbyist report the areas of the principal's lobbying interest which were lobbied during the reporting period; requiring a report of the amount of time spent on each category; requiring detailed written descriptions of specific issues lobbied; requiring the Commission on Ethics to aggregate certain compensation and expenditure information; revising the period for filing reporting statements; requiring that a lobbyist and principal preserve certain records for a specified period; providing for inspection of such records by a representative of the commission; providing for audits by the Auditor General; providing for enforcement of the right of inspection by writ; requiring that lobbying-activity reports be electronically filed; creating s. 112.32155, F.S.; defining the term "electronic filing system"; providing requirements for lobbyists filing reports with the Florida Commission on Ethics by means of the electronic filing system; providing that such reports are considered to be under oath; providing requirements for the electronic filing system; providing for the commission to adopt rules to administer the electronic filing system; requiring alternate filing procedures; requiring the issuance of electronic receipts; requiring that the commission provide for public access to the data that is filed via the Internet; specifying the initial reporting period that is subject to the requirements of the act; providing effective dates.

—passed April 7.

On motion by Senator Sebesta, further consideration of **CS for SB 2646** was deferred.

BILLS ON THIRD READING

Consideration of **CS for SB 718** and **HB 1659** was deferred.

CS for SB 530—A bill to be entitled An act relating to driving under the influence; amending s. 322.271, F.S.; correcting a cross-reference; creating s. 322.2715, F.S.; directing the Department of Highway Safety and Motor Vehicles to require the placement of a department-approved ignition interlock device on specified vehicles operated by any person convicted of committing certain driving-under-the-influence offenses; providing an exception; specifying the duration of each installation pe-

riod based upon the number of DUI convictions; directing the department to require installation of the ignition interlock if the court fails to order the mandatory placement of the device or fails to order placement for the applicable period; providing an exception; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **CS for SB 530** was 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	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

Consideration of **CS for SB 284** and **CS for SB 1344** was deferred.

HB 853—A bill to be entitled An act relating to motor vehicle lease agreements; amending s. 521.004, F.S.; revising retail lessor disclosure requirements; revising requirement for copies of certain documents to be provided to the lessee; providing an effective date.

—was read the third time by title.

On motion by Senator Alexander, **HB 853** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Miller

HB 285—A bill to be entitled An act relating to the right to a speedy trial; creating time limits within which a person charged with a crime must be brought to trial; permitting state attorneys to file a demand for a speedy trial; providing conditions that must be met in order to do so; requiring that the trial judge schedule a calendar call upon the filing of a demand for a speedy trial in order to schedule a trial; prescribing conditions under which the trial court may postpone a trial date; providing an effective date.

—was read the third time by title.

On motion by Senator Lynn, **HB 285** was passed and 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	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Jones	Siplin
Bullard	King	Smith
Campbell	Klein	Villalobos
Carlton	Lawson	Webster
Clary	Lynn	Wilson
Constantine	Margolis	Wise
Crist	Miller	

Nays—None

Vote after roll call:

Yea—Dawson

CS for SB 1498—A bill to be entitled An act relating to the Lead Poisoning Prevention Screening and Education Act; providing a popular name; providing legislative findings; providing definitions; providing for the establishment of a statewide comprehensive educational program on lead poisoning prevention; providing for a public information initiative; providing for distribution of literature about childhood lead poisoning; requiring the establishment of a screening program for early identification of persons at risk of elevated levels of lead in the blood; providing for screening of children; providing for prioritization of screening; providing for the maintenance of records of screenings; providing for reporting of cases of lead poisoning; providing an appropriation; providing contingencies for appropriation; providing effective dates.

—as amended April 29 was read the third time by title.

On motion by Senator Miller, **CS for SB 1498** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Dawson

CS for CS for CS for SB 2—A bill to be entitled An act relating to scholarship programs; amending s. 1002.39, F.S., relating to the John M. McKay Scholarships for Students with Disabilities Program; revising the definition of an eligible student; revising the eligibility requirements of the program; revising requirements for scholarship funding and payments; providing reporting requirements for school districts; holding a school district harmless from a specified student enrollment ceiling; prohibiting the transfer of funds to the Florida School for the Deaf and

the Blind under certain circumstances; extending the term of the scholarship; prohibiting certain students from receiving a scholarship; revising the parental notification requirements; authorizing certain scholarship students to participate in a distance learning or correspondence course or a private tutoring program under certain circumstances; providing a definition of timely parental notification; providing requirements for district school boards with respect to completing and making changes to the matrix of services for scholarship students; requiring school districts to provide parental notification related to reassessments; revising requirements that a participating private school demonstrate fiscal soundness; requiring annual registration of private schools; providing requirements for documentation and notice; providing additional requirements for participating private schools; requiring annual sworn and notarized compliance statements to be filed with the department; requiring specific documentation for participating scholarship students; requiring that the private school maintain a physical location in this state; requiring that information be made available to potential scholarship students and the department; requiring scholarship students to participate in assessments; requiring notification to parents regarding student skill levels; requiring notification to the department regarding changes in information; requiring notification to local health departments; prohibiting discrimination on the basis of religion by a private school; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 943.0542, F.S.; requiring the Department of Education to verify the background screening information provided by the private school; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring that costs of background checks to be borne by certain parties; requiring the Department of Law Enforcement to provide the Department of Education with information related to background screening; prohibiting a private school from acting as an attorney in fact for the parent of a scholarship student or endorsing scholarship warrants on behalf of a parent; prohibiting participating private schools from sending or directing scholarship funds to parents of a scholarship student who receives instruction at home; prohibiting a participating school from being a private tutoring program or a correspondence or distance learning school; requiring a private school that is subject to enforcement action by the department for certain violations to file certain surety bonds and, pending compliance with certain laws, cease accepting new scholarship students; prohibiting a participating school from accepting students pending verification of information; authorizing a participating private school to request, and the department to grant, closed-enrollment status for a school; requiring a private school that is subject to enforcement action by the department for certain violations to file certain surety bonds and, pending compliance with certain laws, cease accepting new scholarship students; prohibiting the parent of a scholarship student from designating a participating private school as the parent's attorney in fact to sign a scholarship warrant; clarifying that the school district must report to the department the students who are attending a private school under the program; establishing additional obligations of the Department of Education; requiring the department to review, approve, and verify information; requiring the department to determine the eligibility of a private school to participate in the program; requiring the department to publish an on-line list of current eligible private schools; requiring the department to deny or refuse to allow the participation of a private school for failing to meet certain requirements; requiring the department to issue a notice of noncompliance for minor violations; providing for an emergency order revoking the registration of a private school for failing to satisfy the requirements in the notice; requiring the Department of Education to immediately revoke the registration of a private school for certain other violations; requiring the department to revoke the scholarship for a participant for failing to comply with statutory requirements or for engaging in specified practices; requiring the department to conduct investigations of legally sufficient complaints of violations; authorizing the department to require supporting information or documentation; authorizing the Department of Education to change the matrix of services under certain circumstances; providing for audits by the Auditor General; providing requirements for the audits; requiring the State Board of Education to adopt rules; specifying the required rules; amending s. 220.187, F.S., relating to the Corporate Tax Credit Scholarship Program; providing a short title; providing definitions; eliminating the \$5-million cap on contributions to any single eligible nonprofit scholarship-funding organization; prohibiting certain private schools and other entities from participating in the scholarship program; authorizing students whose family income level meets certain federal poverty level criteria to continue to participate in the scholarship program; prohibiting certain students from par-

ticipating in the scholarship program; revising limitations on the allocation of annual credits granted under the program; providing limitations on eligible contributions; requiring scholarship-funding organizations to obligate all of the contributions subject to certain conditions; requiring the Auditor General to review certain audits, request certain information, and report to the Legislative Auditing Committee any findings of noncompliance; authorizing the Legislative Auditing Committee to conduct hearings and compel the Department of Education to revoke eligibility of certain nonprofit scholarship-funding organizations; providing for audit reports to be submitted to the Department of Education; requiring audits be conducted within 180 days after completion of the nonprofit scholarship-funding organization's fiscal year; requiring a nonprofit scholarship-funding organization to make scholarship payments at least on a quarterly basis; prohibiting commingling of certain scholarship funds; requiring a nonprofit scholarship-funding organization to maintain a separate account for scholarship funds; requiring a nonprofit scholarship-funding organization to verify student attendance at a private school prior to submission of scholarship funds; requiring a nonprofit scholarship-funding organization to verify income eligibility of qualified students at least once a year in accordance with State Board of Education rules; requiring a nonprofit scholarship-funding organization to submit certain reports to the Department of Education; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring costs of background checks be borne by certain parties; requiring the Department of Education to verify the background screening information provided by the eligible nonprofit scholarship-funding organization; requiring the Department of Law Enforcement to provide the Department of Education with information related to background screening; prohibiting certain eligible nonprofit scholarship-funding organizations the owners of which have filed for bankruptcy from participating in the program; requiring a nonprofit scholarship-funding organization comply with antidiscrimination provisions of 42 U.S.C. s. 2000d; prohibiting an owner or a nonprofit scholarship-funding organization from owning, operating, or administering an eligible private school under the scholarship program; requiring a nonprofit scholarship-funding organization to report any private school not in compliance with scholarship program requirements to the Department of Education; prohibiting provision of scholarship funds to a student to attend a private school not in compliance; authorizing a parent to transfer the scholarship; requiring award of scholarships on a first-come, first-served basis; prohibiting a nonprofit scholarship-funding organization from targeting certain students for scholarships; prohibiting the award of scholarships to a child of an owner of a nonprofit scholarship-funding organization; prohibiting a nonprofit scholarship-funding organization from securing financing in anticipation of eligible contributions; prohibiting a nonprofit scholarship-funding organization from participating in the program if the organization fails to meet statutory obligations; requiring students to meet certain attendance policies; requiring parents to meet certain parental involvement requirements unless excused; prohibiting a parent from authorizing a power of attorney for endorsement of scholarship warrant; requiring a parent to ensure that a scholarship student participates in testing requirements; prohibiting a student or parent of a student from participating in the scholarship program if the student or parent fails to meet statutory obligations; revising provisions with respect to private schools; revising requirements that a participating private school demonstrate fiscal soundness; requiring a private school that is subject to enforcement action by the department for certain violations to file certain surety bonds and, pending compliance with certain laws, cease accepting new scholarship students; requiring a private school to employ or contract with teachers who have regular and direct contact with students at the school's physical location; requiring the private schools to employ or contract with teachers who have at least a baccalaureate degree or 3 years of teaching experience at a public or private school, and other skills that qualify the teacher to provide appropriate instruction; requiring a private school to report to the Department of Education the qualifications of teachers; requiring a private school to annually register with the Department of Education and provide certain information concerning the private school organization, student list, and notice of intent to participate in the scholarship program; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring that costs of background checks be borne by certain parties;

requiring the Department of Law Enforcement to provide the Department of Education with information related to background screening; requiring a private school to administer or to make provision for administering certain tests to scholarship students; requiring reporting of scores to the student's parent and to the public university that was selected to analyze and report certain data; requiring a private school to cooperate with a scholarship student whose parent chooses to participate in certain assessments; requiring a private school to file an affidavit; requiring a private school to notify the Department of Education in writing within 7 days if a student is ineligible to participate in the scholarship program; requiring a private school to report to the Department of Education and distribute to scholarship applicants information concerning accreditation and years in existence; requiring the Department of Education to make certain information concerning private school accreditation available to the public; prohibiting a private school from participating in the scholarship program if the private school fails to meet its statutory obligations; prohibiting discrimination on the basis of religion by a private school; requiring the Department of Education to determine the eligibility of certain nonprofit scholarship-funding organizations within 90 days after application; requiring a written notice with specific reasons for approval or denial; requiring the Department of Education to annually determine the eligibility of nonprofit scholarship-funding organizations and private schools; requiring the Department of Education to make accessible to the public a list of eligible private schools; requiring the Department of Education to annually verify the eligibility of students; requiring the Department of Education to maintain a student database of program participants and to update the database at least quarterly; requiring the Department of Education to notify a nonprofit scholarship-funding organization of any ineligible student; requiring the Department of Education to annually account for and verify the eligibility of program expenditures; requiring the Department of Education to review audits; providing for selection by the Commissioner of Education of a public university to analyze and report on certain student data; requiring the public university to report student performance data; providing limitations on reporting; requiring the Department of Education to revoke the eligibility of program participants for failure to comply with statutory obligations; requiring the Department of Education to conduct investigations of certain complaints; requiring the Department of Education to annually report on accountability activities; requiring the department to verify information; requiring the State Board of Education to adopt rules regarding documentation to establish eligibility of nonprofit scholarship-funding organizations, requiring an affidavit, and requiring independent income verification for determining the eligibility of students; authorizing the State Board of Education to delegate its authority to the Commissioner of Education with the exception of rulemaking authority; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator King, **CS for CS for CS for SB 2** as amended was passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Garcia	Pruitt
Aronberg	Geller	Rich
Bennett	Hill	Saunders
Bullard	Jones	Sebesta
Campbell	King	Siplin
Carlton	Klein	Smith
Clary	Lawson	Villalobos
Constantine	Lynn	
Crist	Margolis	

Nays—8

Atwater	Haridopolos	Wilson
Baker	Posey	Wise
Fasano	Webster	

Vote after roll call:

Yea—Dawson

Consideration of **CS for SB 282** was deferred.

CS for CS for SB 2236—A bill to be entitled An act relating to tuition rates at state colleges and universities; amending s. 1009.24, F.S.; providing that the Legislature has the responsibility to establish tuition and fees; providing that tuition and fees for certain state university resident students are established within the General Appropriations Act or law; requiring each board of trustees to set university tuition and fees under certain circumstances; providing that such tuition and fees may not exceed tuition and fees for corresponding programs at certain public institutions; requiring each university to allocate a certain percentage amount raised by tuition increases to financial aid for students; providing that tuition and fees for certain students are not subject to a cap; creating s. 1009.286, F.S.; requiring students to pay 75 percent of the actual cost per credit hour for credit hours in excess of a specified number for community-college credits and for overall credits applied to a baccalaureate degree; excluding certain credit hours from calculation as hours required to earn a baccalaureate degree; providing for notification of students by a postsecondary institution; providing applicability; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Constantine, **CS for CS for SB 2236** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Dawson

CS for CS for SB 2264—A bill to be entitled An act relating to the payment of instructional costs for students; amending s. 1009.21, F.S.; defining the term “initial enrollment” for purposes of determining a postsecondary student’s residential status for tuition purposes; providing duties of institutions of higher education; providing conditions under which a nonresident may be reclassified as a resident of this state; requiring that specified evidence of the legal residence and dependent status of an individual be provided as a prerequisite to classification as a resident for tuition purposes; amending s. 1009.24, F.S.; providing that the Legislature has the responsibility to establish tuition and fees; providing that tuition and fees for certain state university resident students are established within the General Appropriations Act or law; requiring each board of trustees to set university tuition and fees under certain circumstances; providing that such tuition and fees may not exceed tuition and fees for corresponding programs at certain public institutions; requiring each university to allocate a certain percentage amount raised by tuition increases to financial aid for students; providing that tuition and fees for certain students are not subject to a cap; amending s. 1009.40, F.S.; providing that certain students are ineligible to receive more than one state-funded tuition assistance grant; providing an effective date.

—was read the third time by title.

On motion by Senator Atwater, **CS for CS for SB 2264** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Argenziano	Atwater
Alexander	Aronberg	Baker

Bennett	Geller	Posey
Bullard	Haridopolos	Pruitt
Campbell	Hill	Rich
Carlton	Jones	Saunders
Clary	King	Sebesta
Constantine	Klein	Siplin
Crist	Lawson	Smith
Diaz de la Portilla	Lynn	Villalobos
Dockery	Margolis	Webster
Fasano	Miller	Wilson
Garcia	Peaden	Wise

Nays—None

Vote after roll call:

Yea—Dawson

CS for SB 786—A bill to be entitled An act relating to fees imposed on tire and battery sales; amending s. 403.718, F.S.; imposing a fee on the sale of new motor vehicle tires sold to governmental entities; amending s. 403.7185, F.S.; imposing a fee on the sale of new or remanufactured lead-acid batteries sold to governmental entities; specifying that certain amendments are remedial in nature and are intended for clarification; providing that certain dealers are not eligible for a refund; providing an effective date.

—was read the third time by title.

On motion by Senator Clary, **CS for SB 786** was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Pruitt
Aronberg	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Jones	Siplin
Bullard	King	Smith
Campbell	Klein	Villalobos
Carlton	Lawson	Webster
Clary	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

Vote after roll call:

Yea—Dawson, Hill, Posey

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

HB 497—A bill to be entitled An act relating to highway safety; creating the Anjelica and Victoria Velez Memorial Traffic Safety Act; amending s. 316.650, F.S.; requiring traffic citation forms to include a check box indicating a failure to stop at a traffic signal; amending s. 318.18, F.S.; revising the penalty for a moving violation of a traffic control signal steady red indication and of a traffic control device when a driver fails to stop at a traffic signal; providing for distribution of moneys collected; amending s. 318.21, F.S.; providing for distribution of specified civil penalties; amending s. 322.0261, F.S.; requiring the Department of Highway Safety and Motor Vehicles to identify a person who has committed a second moving violation of a traffic control signal steady red indication or of a traffic control device within a specified time period and require such person to complete a driver improvement course; providing for cancellation of license for failure to complete said course within a specified time period; amending s. 322.27, F.S.; assigning a point value for the conviction of a moving violation of a traffic control signal steady red indication or of a traffic control device; creating s. 395.4036, F.S.; providing for distribution of funds to trauma centers; authorizing trauma centers to request that such funds be used as intergovernmental

transfer funds in the Medicaid program; providing for audits and attestations; providing an appropriation; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **HB 497** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Dawson

Consideration of **CS for CS for SB 1110** was deferred.

HB 1889—A bill to be entitled An act relating to the distribution of proceeds from the excise tax on documents; amending s. 201.15, F.S.; revising monetary criteria for distributing portions of the tax to certain trust funds; revising authorization for the Department of Revenue to use certain amounts for certain purposes; requiring that proceeds of the tax in excess of specified amounts be deposited into the General Revenue Fund; providing for increased distributions to certain trust funds under certain circumstances to provide for payments on bonds; revising monetary criteria for distributing portions of the tax to the State Housing Trust Fund and the Local Government Housing Trust Fund for purposes of preserving the rights of holders of affordable housing guarantees; requiring distributions to the State Housing Trust Fund to be sufficient for certain purposes; providing a limitation; providing effective dates.

—as amended April 29 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Atwater, the Senate reconsidered the vote by which **Amendment 1 (874624)** was adopted.

MOTION

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

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

Amendment 1A (773968)—On page 10, line 8, after the period (.) insert: *From these funds, \$208,000,000 shall be for the Hurricane Housing Recovery Program and shall be allocated as described in Appendix 1, Table 3 of the Hurricane Housing Work Group Recommendations to Assist in Florida’s Long Term Housing Recovery Efforts report dated February 16, 2005, as follows: \$165,984,000 for Tier I counties, \$31,122,000 for Tier II counties, \$10,374,000 for Tier III counties, and \$520,000 to the Florida Housing Finance Corporation for compliance monitoring. From these funds, an additional \$42,000,000 shall be provided for the Rental Recovery Loan Program, as described in the Hurricane Housing Work Group Recommendations to Assist in Florida’s Long Term Housing Recovery Efforts report dated February 16, 2005, to assist with building and rehabilitating affordable rental housing to help communities respond to hurricane-recovery needs.*

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

On motion by Senator Atwater, **HB 1889** as amended was passed and certified to the House. The vote on passage was:

Yeas—27

Mr. President	Fasano	Peaden
Alexander	Garcia	Posey
Atwater	Haridopolos	Pruitt
Baker	Hill	Saunders
Bennett	Jones	Sebesta
Campbell	King	Villalobos
Carlton	Lawson	Webster
Clary	Lynn	Wilson
Diaz de la Portilla	Margolis	Wise

Nays—11

Argenziano	Dawson	Miller
Aronberg	Dockery	Rich
Bullard	Geller	Siplin
Crist	Klein	

Vote after roll call:

Yea—Constantine

HB 1069—A bill to be entitled An act relating to the Family Readiness Program; creating s. 250.5206, F.S.; creating the Family Readiness Program within the Department of Military Affairs; providing purpose of the program; providing for program funding and use of program funds; specifying eligible services and eligible program recipients; providing procedure with respect to requests for assistance and award of funds under the program; providing for monthly audit reviews of the program; providing for annual reports; providing rulemaking authority of the Department of Military Affairs; providing an appropriation; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **HB 1069** was 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	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

SB 308—A bill to be entitled An act relating to law enforcement officers; amending s. 112.532, F.S.; requiring that all identifiable witnesses be interviewed, whenever possible, before beginning the investigative interview of the accused law enforcement officer; requiring that the complaint and all witness statements be given to the law enforcement officer before beginning an investigative interview; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **SB 308** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for SB 1208—A bill to be entitled An act relating to long-term care coverage; amending s. 409.905, F.S.; providing conditions for eligibility; creating s. 409.9102, F.S.; directing the Agency for Health Care Administration to establish the Long-term Care Partnership Program; providing purpose and duties; directing the agency to submit a plan and proposed legislation to the Legislature; providing a contingent effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Peaden, **CS for SB 1208** 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
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1081—A bill to be entitled An act relating to discount medical plan organizations; amending s. 636.202, F.S.; revising a definition; amending s. 636.204, F.S.; revising provisions relating to licensure requirements to do business as a discount medical plan organization; creating s. 636.205, F.S.; providing requirements for issuance of a license; authorizing the Office of Insurance Regulation to deny a license; amending s. 636.206, F.S.; providing that discount medical plan organizations are not subject to the Florida Insurance Code for purposes of examination and investigation; creating s. 636.207, F.S.; providing for applicability of pt. II of ch. 636, F.S.; amending s. 636.208, F.S.; revising provisions relating to reimbursement of certain charges and fees upon cancellation of membership in the plan; amending s. 636.210, F.S.; revising prohibitions relating to advertising; amending s. 636.212, F.S.; revising provisions relating to disclosures to prospective members; amending s. 636.214, F.S.; revising provisions relating to provider agreements; amending s. 636.216, F.S.; providing conditions for approval of charges and forms; deleting a provision relating to request for a hearing; amending s. 636.218, F.S.; revising requirements for information to be included in annual reports; creating s. 636.223, F.S.; providing for administrative penalties; amending s. 636.228, F.S.; specifying marketing requirements of discount medical plans; providing limitations; amending s. 636.230, F.S.; specifying fee disclosure requirements for bundling discount medical plans with other products; amending s. 636.236, F.S.; requiring discount medical plan organizations to maintain surety bonds; providing conditions for substituting deposited securities for surety bonds; amend-

ing s. 636.238, F.S.; revising penalties; repealing s. 636.242, F.S., relating to civil remedies; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **HB 1081** was 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
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Wilson

HB 835—A bill to be entitled An act relating to wind-protection provisions of the Florida Building Code; requiring the commission to adopt certain wind protection requirements for areas of the state not within the high velocity hurricane zone; providing construction; providing for incorporation into the Florida Building Code of the repeal of a design option relating to internal pressure for buildings within the windborne debris region; providing an appropriation for a joint program to educate contractors for certain purposes; requiring the commission to review damage from Hurricane Ivan and make recommendations to the Legislature for changes to the Florida Building Code, especially relating to certain areas; requiring a report; directing the commission to evaluate the definition of the term “exposure category C” and recommend a revision to accurately reflect certain conditions specific to the state; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Lynn, **HB 835** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for SB 1702—A bill to be entitled An act relating to teen courts; amending s. 938.19, F.S.; authorizing a board of county commissioners to adopt an ordinance that incorporates the provisions of the act; providing funding for a teen court through the assessment of an additional court cost against each person who pleads guilty or nolo contendere to, or is convicted of, a violation of a criminal law, an ordinance, or a traffic offense in the county; providing for administration by the clerk of the

circuit court; authorizing the clerk of the court to retain a specified percentage of the assessments collected as income to the clerk of the court; requiring the teen court to account for all funds deposited into the teen court account; requiring an annual report to the board of county commissioners by a specified date; authorizing specified organizations to operate and administer a teen court program; prohibiting teen courts in counties adopting an ordinance from recovering court costs under s. 939.185, F.S.; amending s. 939.185, F.S.; providing an exception for teen court funding; providing an effective date.

—was read the third time by title.

On motion by Senator Bennett, **CS for SB 1702** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Atwater

Consideration of **CS for CS for SB 428** was deferred.

CS for SB 1354—A bill to be entitled An act relating to sexual offenders; amending ss. 947.005 and 948.001, F.S.; defining terms; amending ss. 947.1405 and 948.30, F.S.; prohibiting a sex offender from having contact with a child younger than 18; providing an exception; providing that the Parole Commission or a court may approve a sex offender having supervised contact with a child younger than 18 under specified conditions; directing the Department of Health to prepare and maintain a list of “qualified practitioners”; requiring a court and the commission to use qualified practitioners on the department list to prepare risk assessments; specifying that qualified practitioners must meet the rule requirements specified by their respective licensing boards; prohibiting a sex offender from accessing or using the Internet or other computer services without an approved safety plan; reenacting s. 775.21(3)(b), F.S., relating to the threat to public safety by sexual offenders, to incorporate the amendments made to s. 947.1405, F.S., in a reference thereto; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Fasano, **CS for SB 1354** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Crist	Lawson
Alexander	Dawson	Lynn
Argenziano	Diaz de la Portilla	Margolis
Aronberg	Dockery	Miller
Atwater	Fasano	Peaden
Baker	Garcia	Posey
Bennett	Geller	Pruitt
Bullard	Haridopolos	Rich
Campbell	Hill	Saunders
Carlton	Jones	Sebesta
Clary	King	Siplin
Constantine	Klein	Smith

Villalobos
Webster
Nays—None

Wilson

Wise

HB 897—A bill to be entitled An act relating to trusts and other agency relationships; amending s. 711.501, F.S.; including additional investment instruments within the definition of the term “security account”; creating s. 737.309, F.S.; providing procedures for the resignation of a trustee; providing that such resignation does not discharge or affect any liability of the resigning trustee; providing for notice of resignation; amending s. 737.402, F.S.; revising the powers conferred upon a trustee; amending s. 737.403, F.S.; specifying circumstances in which court authorization is not required for a trustee to exercise his or her power when a conflict of interest exists; amending s. 738.104, F.S.; removing a prohibition on a trustee’s power to make certain adjustments; specifying a circumstance under which an adjustment shall not be deemed to benefit the trustee; providing application of section to administration of certain trusts; conforming cross references; amending s. 738.1041, F.S.; providing and revising definitions; providing methods by which a trustee may make certain changes to trusts; removing requirements regarding certain minimum unitrust amounts; removing a spouse’s right to compel reconversion of certain trusts; providing remedies for trustees or disinterested persons not acting in good faith; expanding scope of section to trusts administered either in this state or under Florida law; authorizing a grantor to create an express total return unitrust; requiring certain provisions to be included in an express total return unitrust; amending s. 738.303, F.S.; redefining the term “undistributed income”; amending s. 738.401, F.S., relating to character of receipts; providing certain statements that a trustee may rely upon; providing special rules to apply to receipts by private trustees from certain entities; providing definitions; providing an effective date.

—was read the third time by title.

On motion by Senator Atwater, **HB 897** was 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	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

Consideration of **CS for CS for SB 2232** was deferred.

HB 307—A bill to be entitled An act relating to physical examinations; amending s. 493.6108, F.S.; authorizing physician assistants or advanced registered nurse practitioners to conduct physical examinations of Class “G” permit applicants; amending s. 633.34, F.S.; authorizing physician assistants or advanced registered nurse practitioners to conduct physical examinations of any person applying for employment as a firefighter; providing an effective date.

—was read the third time by title.

On motion by Senator Crist, **HB 307** was 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	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	Jones	Smith
Campbell	King	Villalobos
Carlton	Klein	Webster
Clary	Lawson	Wilson
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

CS for CS for CS for SB 1520—A bill to be entitled An act relating to consumer protection; amending s. 493.6303, F.S.; revising training requirements for obtaining a Class “D” license; requiring a minimum number of hours of training in terrorism awareness or other training prescribed by the Department of Agriculture and Consumer Services; providing a timeframe for submitting proof of having completed the training; revising the number of training hours required; amending s. 501.059, F.S.; prohibiting the transmission of facsimile documents under certain circumstances; amending s. 501.142, F.S.; providing that the regulation of refunds in retail sales establishments is preempted by the Department of Agriculture and Consumer Services; authorizing the department to adopt rules; authorizing the department to enter orders for certain violations; requiring that any moneys recovered by the department as a penalty be deposited in the General Inspection Trust Fund; authorizing a local government to impose penalties; amending s. 506.5131, F.S.; revising fees, fines, and costs assessed against the owner of a shopping cart; repealing s. 526.3135, F.S., relating to reports of the Division of Standards of the Department of Agriculture and Consumer Services; repealing ss. 546.001, 546.002, 546.003, 546.004, 546.006, and 546.008, F.S., relating to the “Amusement Ride and Attraction Insurance Act”; amending s. 559.801, F.S.; redefining the term “business opportunity” for purposes of the “Sale of Business Opportunities Act”; amending s. 559.920, F.S.; redefining actions by motor vehicle repair shops or employees which are unlawful; amending s. 559.927, F.S.; defining the term “travel club” for the purpose of part XI of ch. 559, F.S., relating to sellers of travel; amending s. 559.928, F.S.; revising information to be submitted for registration as a seller of travel and information submitted by independent agents; requiring the payment of an annual fee; amending s. 616.242, F.S.; exempting certain governmental entities from a requirement to maintain liability protection covering amusement rides; amending s. 849.094, F.S.; redefining the term “operator” for purposes of the regulation of game promotions; providing requirements relating to disclosure of the rules and regulations of a game promotion; amending s. 849.161, F.S.; providing that the chapter does not apply to amusement games or machines which operate by the insertion of a coin or other currency; directing the State Technology Office to integrate additional features into the state’s official Internet website; directing the State Technology Office to integrate information concerning the Florida 211 Network into the state’s official Internet website; amending s. 570.544, F.S.; designating the Division of Consumer Services within the Department of Agriculture and Consumer Services as the state clearinghouse for matters relating to consumer protection, consumer information, and consumer services; deleting reporting requirements; providing for implementation; providing effective dates.

—as amended April 29 was read the third time by title.

On motion by Senator Lynn, **CS for CS for CS for SB 1520** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Atwater	Campbell
Alexander	Baker	Carlton
Argenziano	Bennett	Clary
Aronberg	Bullard	Constantine

Crist	King	Saunders
Dawson	Klein	Sebesta
Diaz de la Portilla	Lawson	Siplin
Dockery	Lynn	Smith
Fasano	Margolis	Villalobos
Garcia	Miller	Webster
Geller	Peaden	Wilson
Haridopolos	Posey	Wise
Hill	Pruitt	
Jones	Rich	

Nays—None

CS for CS for SB 1090—A bill to be entitled An act relating to mental health care services for minors and incapacitated persons; amending s. 39.402, F.S.; requiring a child’s parent or legal guardian to provide certain information to the Department of Children and Family Services; amending s. 39.407, F.S.; specifying requirements for the department with respect to providing psychotropic medication to a child in the custody of the department; requiring that the prescribing physician attempt to obtain express and informed parental consent for providing such medication; authorizing the department to provide psychotropic medication without such consent under certain circumstances; requiring the department to provide medical information to a physician under certain circumstances; requiring that the child be evaluated by a physician; requiring that the department obtain court authorization for providing such medication within a specified period; providing requirements for a motion by the department seeking court authorization to provide psychotropic medication; specifying circumstances under which medication may be provided in advance of a court order; requiring that notice be provided to all parties if the department proposes to provide psychotropic medication to the child; requiring that a hearing be held if any party objects; providing requirements for the hearing; authorizing the court to order additional medical consultation; specifying the required burden of proof with respect to evidence presented at the hearing; requiring that the department provide a child’s medical records to the court; providing requirements for court review; authorizing the court to order the department to obtain a medical opinion; requiring that the department adopt rules to ensure that children receive appropriate psychotropic medications; specifying the provisions to be included in the rules; conforming a cross-reference; amending s. 394.459, F.S., relating to the rights of patients under the Florida Mental Health Act; revising provisions requiring that a patient be asked to give express and informed consent before admission or treatment; requiring that additional information be provided with respect to the risks and benefits of treatment, the dosage range of medication, potential side effects, and the monitoring of treatment; clarifying provisions governing the manner in which consent may be revoked; requiring that facilities develop a system for investigating and responding to certain complaints; amending s. 743.0645, F.S.; redefining the term “medical care and treatment” for purposes of obtaining consent for the medical treatment of a minor; providing an exception with respect to the consent provided under s. 39.407, F.S.; directing the department to conduct an assessment; requiring a report; creating s. 1006.0625, F.S.; defining the term “psychotropic medication”; prohibiting a public school from denying a student access to programs or services under certain conditions; authorizing public school teachers and school district personnel to share certain information with a student’s parent; prohibiting public school teachers and school district personnel from compelling certain actions by a parent; authorizing the refusal of psychological screening; providing for medical decisionmaking authority; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Campbell, **CS for CS for SB 1090** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Bennett	Crist
Alexander	Bullard	Dawson
Argenziano	Campbell	Diaz de la Portilla
Aronberg	Carlton	Dockery
Atwater	Clary	Fasano
Baker	Constantine	Garcia

Geller	Margolis	Siplin
Haridopolos	Miller	Smith
Hill	Peaden	Villalobos
Jones	Posey	Webster
King	Pruitt	Wilson
Klein	Rich	Wise
Lawson	Saunders	
Lynn	Sebesta	

Nays—None

SENATOR VILLALOBOS PRESIDING

SB 2148—A bill to be entitled An act relating to bingo; amending s. 849.0931, F.S.; revising provisions for the conduct of bingo sessions and games; revising definitions; defining “bingo session,” “calendar week,” “day,” and “member”; restricting assistance in the conduct of bingo to members; revising provisions for prizes and jackpots; providing for an additional jackpot per session; providing for valuation of noncash prizes; prohibiting free games; providing an exception; limiting bingo sessions; revising provisions for assistance in the conduct of bingo; revising rules for the conduct of bingo games; providing for accommodations for persons with physical disabilities; preempting regulation of bingo to the state; prohibiting certain persons from conducting or assisting in the conduct of bingo; prohibiting certain persons from being a bingo lessor or employee of such lessor; prohibiting a bingo organization from allowing use of its identity for the purpose of conducting bingo; prohibiting certain persons from participating in certain bingo games; providing restriction on sale of bingo cards; providing penalties; amending s. 849.161, F.S.; providing that specified gambling regulations do not apply to specified bingo facilities; providing an effective date.

—as amended April 29 was read the third time by title.

Senator Bullard moved the following amendment:

Amendment 1 (100648)(with title amendment)—On page 2, before line 1, insert:

Section 1. Paragraphs (a), (c), and (e) of subsection (2), paragraph (a) of subsection (4), paragraph (a) of subsection (6), paragraph (c) of subsection (7), and paragraph (a) of subsection (8) of section 849.086, Florida Statutes, are amended, and present paragraphs (h), (i), (j), and (k) of subsection (2) of that section are redesignated as paragraphs (i), (j), (k), and (l), respectively, and a new paragraph (h) is added to that subsection, to read:

849.086 Cardrooms authorized.—

(2) DEFINITIONS.—As used in this section:

(a) “Authorized game” means a game or series of games of poker or dominoes which are played in a nonbanking manner.

(c) “Cardroom” means a facility where authorized card games are played for money or anything of value and to which the public is invited to participate in such games and charged a fee for participation by the operator of such facility. Authorized games and cardrooms do not constitute casino gaming operations.

(e) “Cardroom distributor” means any business that distributes cardroom paraphernalia such as card tables, betting chips, chip holders, dominoes, dominoes tables, drop boxes, banking supplies, playing cards, card shufflers, and other associated equipment to authorized cardrooms.

(h) “Dominoes” means a game of dominoes typically played with a set of 28 flat rectangular blocks, called bones, marked on one side, which is divided into two equal parts, with from zero to six dots, called pips, in each part. There are larger sets of blocks which contain a correspondingly higher number of pips. The term “dominoes” also refers to the set of blocks used to play the game.

(4) AUTHORITY OF DIVISION.—The Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation shall administer this section and regulate the operation of cardrooms under this section and the rules adopted pursuant thereto, and is hereby authorized to:

(a) Adopt rules, including, but not limited to: the issuance of cardroom and employee licenses for cardroom operations; the operation of a cardroom; the review and approval of the play and wagering in a game or series of games of poker or a game of dominoes; recordkeeping and reporting requirements; and the collection of all fees and taxes imposed by this section.

(6) BUSINESS AND EMPLOYEE OCCUPATIONAL LICENSE REQUIRED; APPLICATION; FEES.—

(a) A person employed or otherwise working in a cardroom as a cardroom manager, floor supervisor, pit boss, dealer, or any other activity related to cardroom operations while the facility is conducting card playing or games of dominoes must hold a valid cardroom employee occupational license issued by the division. Food service, maintenance, and security employees with a current pari-mutuel occupational license and a current background check will not be required to have a cardroom employee occupational license.

(7) CONDITIONS FOR OPERATING A CARDROOM.—

(c) A cardroom operator must at all times employ and provide a nonplaying dealer for each table on which authorized card games which traditionally utilize a dealer are conducted at the cardroom. A cardroom operator must at all times employ and provide a nonplaying supervisor for each table on which an authorized dominoes game is conducted at the cardroom. Such dealers or dominoes game supervisors may not have any participatory interest in any game other than the dealing of cards or the supervision of dominoes games and may not have an interest in the outcome of the game. The providing of such dealers or dominoes games supervisors by a licensee shall not be construed as constituting the conducting of a banking game by the cardroom operator.

(8) METHOD OF WAGERS; LIMITATION.—

(a) No wagering may be conducted using money or other negotiable currency. Games may only be played utilizing a wagering system whereby all players’ money is first converted by the house to tokens or chips which shall be used for wagering only at that specific cardroom. No wager of money or any other property or thing of value may be made on the outcome of an authorized game other than by the persons who are playing in such a game or in a series of such games. Any wager authorized by this paragraph must be in strict compliance with this subsection.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 849.086, F.S.; revising definitions to include dominoes as an authorized game and to allow games other than card games to be played in cardrooms; authorizing rulemaking relating to poker and dominoes by the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation; providing for supervision of dominoes games at a cardroom; limiting wagering related to authorized games;

On motion by Senator Argenziano, further consideration of **SB 2148** with pending **Amendment 1 (100648)** was deferred.

CS for CS for SB 1968—A bill to be entitled An act relating to building designations; designating the Kleist Health Education Center and the Herbert J. and Margaret S. Sugden Hall at the Florida Gulf Coast University; designating the James and Annie Ying Academic Center and the Anthony and Sonja Nicholson Field House at the University of Central Florida; designating the Sybil C. Mobley Business Building, the Margaret W. Lewis/Jacqueline B. Beck Allied Health Building, the Walter L. Smith Architecture Building, and the Carrie Meek/James N. Eaton, Sr. Southeast Regional Black Archives Research Center and Museum at the Florida Agricultural and Mechanical University; designating the Powell Family Structures and Materials Laboratory, the Farrison Hall, and the Steinbrenner Band Hall at the University of Florida; designating the James E. “Jim” and Linda King, Jr. Student Union Building at the University of North Florida; designating the John M. McKay Visitors Pavilion at the John and Mabel Ringling Museum of Art at the Florida State University Center for Cultural Arts; designating Reubin O’D. Askew Student Life Center, the Sherrill Williams Ragans Hall, the John Thrasher Building, the Mike Martin Field at Dick Houser Stadium, and the JoAnne Graf Softball Field at Florida State Univer-

sity; designating the Herbert F. Morgan Building at the Florida Agricultural and Mechanical University-Florida State University College of Engineering; authorizing the universities to erect markers; designating the Norman C. Hayslip Biological Control Research and Containment Laboratory at the University of Florida/IFAS in Ft. Pierce; designating the H. William Heller Hall at the University of South Florida St. Petersburg; designating the John S. Curran, M.D., Children's Health Center at the University of South Florida; directing the university to erect suitable markers; creating s. 15.052, F.S.; designating the State of Florida Maritime Museum and Research Center in the City of Pensacola as the official state maritime museum; providing for future legislative review and repeal; designating the Patricia and Phillip Frost Art Museum at the Florida International University, University Park Campus Miami; directing the university to erect markers; providing effective dates.

—as amended April 29 was read the third time by title.

On motion by Senator Lawson, **CS for CS for SB 1968** 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
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

CS for SB 2222—A bill to be entitled An act relating to economic development; amending s. 288.095, F.S.; increasing the cap on refunds from the Economic Development Trust Fund; providing for separate accounting for refunds to certain industries; amending s. 288.106, F.S.; defining the term “aerospace industry” and redefining the term “target industry business” for purposes of the tax refund program for such businesses; amending ss. 288.107, 290.00677, F.S.; conforming cross-references; providing an effective date.

—was read the third time by title.

On motion by Senator King, **CS for SB 2222** 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
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 291—A bill to be entitled An act relating to condominiums; amending s. 718.301, F.S.; providing for the effect of actions taken by members of the board of administration of an association designated by

the developer; requiring examination and certification of certain defects by certain licensed individuals or entities; providing an effective date.

—as amended April 29 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Geller, the Senate reconsidered the vote by which **Amendment 1 (072352)** was adopted.

MOTION

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

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

Amendment 2 (502692)(with title amendment)—On page 1, between lines 10 and 11, insert:

Section 1. Section 718.117, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 718.117, F.S., for present text.)

718.117 Termination of condominium.—

(1) TERMINATION BECAUSE OF ECONOMIC WASTE OR IM- POSSIBILITY.—Notwithstanding any provision to the contrary in the declaration, the condominium form of ownership of a property in which fewer than 75 percent of the units are timeshare units may be terminated by a plan of termination approved by the lesser of a majority of the total voting interests or as otherwise provided in the declaration for approval of termination, in the following circumstances:

(a) When the total estimated cost of repairs necessary to restore the improvements to their former condition or bring them into compliance with applicable laws or regulations exceeds the combined fair market value of all units in the condominium after completion of the repairs; or

(b) When it becomes impossible to operate a condominium in its prior physical configuration because of land-use laws or regulations.

(2) OPTIONAL TERMINATION.—Except as provided in subsections (1) and (3) and unless otherwise provided in the declaration, the condominium form of ownership of the property may be terminated pursuant to a plan of termination approved by at least 80 percent of the total voting interests of the condominium. Unless the declaration of a condominium containing timeshare units provides for lower percentages, a condominium in which 75 percent or more of the units are timeshare units may only be terminated pursuant to a plan of termination approved by 80 percent of the total voting interests of the association and the holders of 80 percent of the original principal amount of outstanding recorded mortgage liens on timeshare estates in the condominium.

(3) If 80 percent of the total voting interests fail to approve the plan of termination but less than 20 percent of the total voting interests disapprove of the plan, the circuit court shall have jurisdiction to entertain a petition by the association or by one or more unit owners and approve the plan of termination, and the action may be a class action.

(a) All unit owners and the association must be joined as parties to the action. Service of process on unit owners may be by publication, but the plaintiff must furnish every unit owner not personally served with process with a copy of the petition and plan of termination and the final decree of the court by mail at the unit owner's last known residential address.

(b) Upon determining that the rights and interests of the unit owners are equitably set forth in the plan of termination as required by this section, the plan of termination may be approved by the court. Consistent with the provisions of this section, the court may modify the plan of termination to provide for an equitable distribution of the interest of unit owners before approving the plan of termination.

(c) This subsection does not apply to condominiums in which 75 percent or more of the units are timeshare units.

(4) EXEMPTION.—A plan of termination is not an amendment subject to s. 718.110(4).

(5) **MORTGAGE LIENHOLDERS.**—Notwithstanding any provision to the contrary in the declaration or this chapter, approval of a plan of termination by the holder of a recorded mortgage lien affecting a condominium parcel in a condominium property in which fewer than 75 percent of the units are timeshare units is not required unless the plan of termination will result in less than the full satisfaction of the mortgage lien affecting the parcel.

(6) **POWERS IN CONNECTION WITH TERMINATION.**—The association shall continue in existence following approval of the plan of termination, with all powers it had before approval of the plan. Notwithstanding any contrary provision in the declaration or bylaws, after approval of the plan, the board has the power and duty:

(a) To employ directors, agents, attorneys, and other professionals to liquidate or conclude its affairs.

(b) To conduct the affairs of the association as necessary for the liquidation or termination.

(c) To carry out contracts and collect, pay, and settle debts and claims for and against the association.

(d) To defend suits brought against the association.

(e) To sue in the name of the association for all sums due or owed to the association or to recover any of its property.

(f) To perform any act necessary to maintain, repair, or demolish unsafe or uninhabitable improvements or other condominium property in compliance with applicable codes.

(g) To sell at public or private sale or to exchange, convey, or otherwise dispose of assets of the association for an amount deemed to be in the best interest of the association, and to execute bills of sale and deeds of conveyance in the name of the association.

(h) To collect and receive rents, profits, accounts receivable, income, maintenance fees, special assessments, or insurance proceeds for the association.

(i) To contract and do anything in the name of the association which is proper or convenient to terminate the affairs of the association.

(7) **NATURAL DISASTERS.**—

(a) If, after a natural disaster, the identity of the directors or their right to hold office is in doubt, if they are deceased or unable to act, if they fail or refuse to act, or if they cannot be located, any interested person may petition the circuit court to determine the identity of the directors or, if found to be in the best interest of the unit owners, to appoint a receiver to conclude the affairs of the association after a hearing following notice to such persons as the court directs.

(b) The receiver shall have all powers given to the board pursuant to the declaration, bylaws, or subsection (6), and any other powers that are necessary to conclude the affairs of the association and are set forth in the order of appointment. The appointment of the receiver is subject to the bonding requirements of such order. The order shall also provide for the payment of a reasonable fee to the receiver from the sources identified in the order, which may include rents, profits, incomes, maintenance fees, or special assessments collected from the condominium property.

(8) **PLAN OF TERMINATION.**—The plan of termination must be a written document executed in the same manner as a deed by unit owners having the requisite percentage of voting interests to approve the plan and by the termination trustee. A unit owner may document assent to the plan of termination by executing the plan or consent to or joinder in the plan in the manner of a deed. A plan of termination and the consents or joinders of unit owners and, if required, consents or joinders of mortgages must be recorded in the public records of each county in which any portion of the condominium is located. The plan of termination is effective only upon recordation or at a later date specified in the plan.

(9) **PLAN OF TERMINATION; REQUIRED PROVISIONS.**—The plan of termination must specify:

(a) The name, address, and powers of the termination trustee;

(b) A date after which the plan of termination is void if it has not been recorded;

(c) The interest of the respective unit owners in the association property, common surplus, and other assets of the association, which shall be the same as the respective interests of the unit owners in the common elements immediately before the termination;

(d) The interests of the respective unit owners in any proceeds from any sale of the condominium property. If, pursuant to the plan of termination, condominium property or real property owned by the association is to be sold following termination, the plan must provide for the sale and may establish any minimum sale terms; and

(e) Any interests of the respective unit owners in any insurance proceeds or condemnation proceeds that are not used for repair or reconstruction. Unless the declaration expressly addresses the distribution of insurance proceeds or condemnation proceeds, the plan of termination may apportion those proceeds pursuant to the methods prescribed in subsection (11).

(10) **PLAN OF TERMINATION; OPTIONAL PROVISIONS.**—The plan of termination may provide:

(a) That each unit owner retains the exclusive right of possession to the portion of the real estate that formerly constituted the unit, in which case the plan must specify the conditions of possession.

(b) In the case of a conditional termination, the plan must specify the conditions for termination. A conditional plan will not vest title in the termination trustee until the plan and a certificate executed by the association with the formalities of a deed, confirming that the conditions in the conditional plan have been satisfied or waived by the requisite percentage of the voting interests, has been recorded.

(11) **ALLOCATION OF PROCEEDS OF SALE OF CONDOMINIUM PROPERTY.**—

(a) Unless the declaration expressly provides for the allocation of the proceeds of sale of condominium property, the plan of termination must first apportion the proceeds between the aggregate value of all units and the value of the common elements, based on their respective fair-market values immediately before the termination, as determined by one or more independent appraisers selected by the association or termination trustee.

(b) The portion of proceeds allocated to the units shall be further apportioned among the individual units. The apportionment is deemed fair and reasonable if it is determined by any of the following methods:

1. The respective value of the units based on the fair-market values of the units immediately before the termination, as determined by one or more independent appraisers selected by the association or termination trustee;

2. The respective value of the units based on the most recent market value of the units before the termination, as provided in the county property appraiser's records; or

3. The respective interests of the units in the common elements specified in the declaration immediately before the termination.

(c) The methods of apportionment in paragraph (b) do not prohibit any other method of apportioning the proceeds of sale allocated to the units agreed upon in the plan of termination. The portion of the proceeds allocated to the common elements shall be apportioned among the units based upon their respective interests in the common elements as provided in the declaration.

(d) Liens that encumber a unit shall be transferred to the proceeds of sale of the condominium property attributable to such unit in their same priority. The proceeds of any sale of condominium property pursuant to a plan of termination may not be deemed to be common surplus or association property.

(12) **TERMINATION TRUSTEE.**—The association shall serve as termination trustee unless another person is appointed in the plan of termination. If the association is unable, unwilling, or fails to act as trustee, any unit owner may petition the court to appoint a trustee. Upon recording or at a later date specified in the plan, title to the condominium

property vests in the trustee. Unless prohibited by the plan, the trustee shall be vested with the powers given to the board pursuant to the declaration, and subsection (6). If the association is not the termination trustee, the trustee's powers shall be co-extensive with those of the association to the extent not prohibited in the plan of termination or the order of appointment. If the association is not the trustee, the association shall transfer any association property to the trustee. If the association is dissolved, the trustee shall also have such other powers necessary to conclude the affairs of the association.

(13) **TITLE VESTED IN TERMINATION TRUSTEE.**—If termination is pursuant to a plan of termination under subsection (1) or subsection (2), the unit owners' rights as tenants in common in undivided interests in the condominium property vest in the termination trustee when the plan is recorded or at a later date specified in the plan. The unit owners thereafter become the beneficiaries of proceeds realized from any plan of termination. The termination trustee may deal with the condominium property or any interest therein if the plan confers to the trustee the authority to protect, conserve, manage, sell, or dispose of the condominium property. The trustee, on behalf of the unit owners, may contract for the sale of real property, but the contract is not binding on the unit owners until the plan is approved pursuant to subsection (1) or subsection (2).

(14) **NOTICE.**—

(a) Within 30 days after a plan of termination has been recorded, the termination trustee shall deliver by certified mail, return receipt requested, notice to all unit owners, lienors of the condominium property, and lienors of all units at their last known addresses that a plan of termination has been recorded. The notice shall include the book and page number of the public records where the plan is recorded, notice that a copy of the plan shall be furnished upon written request, and notice that the unit owner or lienor has the right to contest the fairness of the plan.

(b) The trustee, within 30 days after the effective date of the plan, shall provide to the division a certified copy of the recorded plan, the date the plan was recorded, and the county, book, and page number of the public records where it was recorded.

(15) **RIGHT TO CONTEST.**—A unit owner or lienor may contest a plan of termination by initiating a summary procedure pursuant to s. 51.011 within 90 days after the date the plan is recorded. A unit owner or lienor who does not contest the plan is barred from asserting or prosecuting a claim against the association, the termination trustee, any unit owner, or any successor in interest to the condominium property. In an action contesting a plan of termination, the person contesting the plan has the burden of pleading and proving that the apportionment of the proceeds from the sale among the unit owners was not fair and reasonable. The apportionment of sale proceeds is presumed fair and reasonable if it was determined pursuant to the methods prescribed in subsection (11). The court shall adjudge the rights and interests of the parties and order the plan of termination to be implemented if it is fair and reasonable. The court shall void a plan that is determined not to be fair and reasonable. In such action the prevailing party may recover reasonable attorney's fees and costs.

(16) **DISTRIBUTION.**—Following termination of the condominium, the condominium property, association property, common surplus, and other assets of the association shall be held by the termination trustee, as trustee for unit owners and holders of liens on the units, in their order of priority.

(a) Not less than 30 days prior to the first distribution, the termination trustee shall deliver by certified mail, return receipt requested, a notice of the estimated distribution to all unit owners, lienors of the condominium property, and lienors of each unit at their last known address stating a good-faith estimate of the amount of the distributions to each class and the procedures and deadline for notifying the termination trustee of any objections to the amount. The deadline must be at least 15 days after the date the notice was mailed. The notice may be sent with or after the notice required by subsection (14). If a unit owner or lienor files an objection with the termination trustee, the trustee does not have to distribute the funds and property allocated to the respective unit owner and lienor until the trustee has had a reasonable time to determine the validity of the adverse claims. In the alternative, the trustee may interplead the unit owner, lienor, and any other person claiming an interest in the unit and deposit the funds allocated to the unit in the court registry,

at which time the condominium property, association property, common surplus, and other assets of the association are free of all claims and liens of the parties to the suit. In an interpleader action, the trustee and prevailing party may recover reasonable attorney's fees and costs and court costs.

(b) The proceeds of any sale of condominium or association property and any remaining condominium or association property, common surplus, and other assets shall be distributed in the following priority:

1. To pay the costs of implementing the plan of termination, including demolition, removal, and disposal fees, termination trustee's fees and costs, accounting fees and costs, and attorney's fees and costs.

2. To lienholders for liens recorded prior to the recording of the declaration.

3. To lienholders for liens of the association which have been consented to under s. 718.121.

4. To creditors of the association, as their interests appear.

5. To unit owners, the proceeds of any sale of condominium property subject to satisfaction of liens on each unit in their order of priority, in shares specified in the plan of termination, unless objected to by a unit owner or lienor.

6. To unit owners, the remaining condominium property, subject to satisfaction of liens on each unit in their order of priority, in shares specified in the plan of termination, unless objected to by a unit owner or a lienor.

7. To unit owners, the proceeds of any sale of association property, the remaining association property, common surplus, and other assets of the association, subject to satisfaction of liens on each unit in their order of priority, in shares specified in the plan of termination, unless objected to by a unit owner or a lienor.

(c) After determining that all known debts and liabilities of an association in the process of termination have been paid or adequately provided for, the termination trustee shall distribute the remaining assets pursuant to the plan of termination. If the termination is by court proceeding or subject to court supervision, the distribution may not be made until any period for the presentation of claims ordered by the court has passed.

(d) Assets held by an association upon a valid condition requiring return, transfer, or conveyance, which condition has occurred or will occur, shall be returned, transferred, or conveyed in accordance with the condition. The remaining association assets shall be distributed pursuant to paragraph (b).

(e) Distribution may be made in money, property, or securities and in installments or as a lump sum, if it can be done fairly and ratably and in conformity with the plan of termination. Distribution shall be made as soon as is reasonably consistent with the beneficial liquidation of the assets.

(17) **ASSOCIATION STATUS.**—The termination of a condominium does not change the corporate status of the association that operated the condominium property. The association continues to exist to conclude its affairs, prosecute and defend actions by or against it, collect and discharge obligations, dispose of and convey its property, and collect and divide its assets, but not to act except as necessary to conclude its affairs.

(18) **CREATION OF ANOTHER CONDOMINIUM.**—The termination of a condominium does not bar the creation, by the termination trustee, of another condominium affecting any portion of the same property.

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

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 718.117, F.S.; substantially revising provisions relating to the termination of the condominium form of ownership of a property; providing grounds; pro-

viding powers and duties of the board of administration of the association; waiving certain notice requirements following natural disasters; providing requirements for a plan of termination; providing for the allocation of proceeds from the sale of condominium property; providing powers and duties of a termination trustee; providing notice requirements; providing a procedure for contesting a plan of termination; providing rules for the distribution of property and sale proceeds; providing for the association's status following termination; allowing the creation of another condominium by the trustee; providing exceptions for certain condominiums containing a certain percentage of timeshare units;

On motion by Senator Clary, **HB 291** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Peadar
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise
Dawson	Miller	

Nays—None

CS for SB 546—A bill to be entitled An act relating to reimbursement for lung transplant services for Medicaid recipients; amending s. 409.9062, F.S.; requiring the Agency for Health Care Administration to reimburse lung transplant facilities a global fee for services provided to Medicaid recipients; providing an appropriation; providing an effective date.

—was read the third time by title.

On motion by Senator Smith, **CS for SB 546** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for SB 60—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.0515, F.S.; providing membership in the Special Risk Class for certain employees of a law enforcement agency or medical examiner's office whose duties include collecting, examining, preserving, documenting, preparing, or analyzing physical evidence; providing a declaration of important state interest; making an appropriation to the Department of Law Enforcement; providing an effective date.

—was read the third time by title.

On motion by Senator Campbell, **CS for SB 60** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

HB 1725—A bill to be entitled An act relating to the Florida Enterprise Zone Act; amending s. 290.001, F.S.; revising the name of the act; amending s. 290.004, F.S.; deleting obsolete definitions; amending s. 290.0055, F.S.; revising procedures for counties or municipalities to nominate an area for designation as a new enterprise zone; deleting obsolete provisions; removing the authority for certain counties to nominate more than one enterprise zone; revising criteria for eligibility of an area for nomination by certain local governments for designation as an enterprise zone; revising procedures and requirements for amending enterprise zone boundaries; amending s. 290.0056, F.S.; deleting a requirement that a governing body appoint the board of an enterprise zone development agency by ordinance; revising requirements for making such appointments; deleting a requirement that a certificate of appointment of a board member be filed with the clerk of the county or municipality; deleting the requirement that an annual report by a board be published and available for inspection in the office of the municipal or county clerk; revising the powers and responsibilities of an enterprise zone development agency; providing additional responsibilities; revising certain reporting requirements; amending s. 290.0057, F.S.; specifying application of enterprise zone development plan requirements only to designations of new enterprise zones; amending s. 290.0058, F.S.; updating obsolete references; revising requirements for determining pervasive poverty in an area nominated as a rural enterprise zone; providing an exception for areas nominated for designation as a rural enterprise zone; amending s. 290.0065, F.S.; establishing the maximum number of enterprise zones allowed, subject to any new zones authorized by the Legislature; revising the procedure for designating a new enterprise zone if an existing zone is not redesignated; deleting a requirement that an application for designation as an enterprise zone be categorized by population; deleting obsolete provisions; authorizing the office to redesignate enterprise zones having an effective date on or before January 1, 2005; providing requirements and procedures; authorizing a governing body to request enterprise zone boundary changes; requiring the office to determine, in consultation with Enterprise Florida, Inc., the merits of enterprise zone redesignations; providing criteria; providing for an enterprise zone redesignation approval procedure; prohibiting an entity having jurisdiction over an area denied redesignation as an enterprise zone from reapplying for redesignation for 1 year; providing a redesignation procedure for zones authorized in conjunction with certain federal acts; providing requirements for an application for redesignation; deleting obsolete provisions; amending s. 290.0066, F.S.; providing that failure to make progress or failure to comply with measurable goals may be considered as grounds for revocation of an enterprise zone designation; amending s. 290.012, F.S.; providing a transition date that provides for a zone having an effective date on or before January 1, 2005, to continue to exist until December 21, 2005, and to expire on that date; requiring any zone designated or redesignated after January 1, 2006, to be designated or redesignated in accordance with the Florida Enterprise Zone Act; amending s. 290.014, F.S., to conform; amending s. 290.016, F.S.; delaying the repeal of the Florida Enterprise Zone Act; amending s. 163.345, F.S., to conform; amending ss. 166.231, 193.077, 193.085, 195.073, 196.012, 205.022, 205.054, and 212.02, F.S.; extending expiration dates with respect to various tax exemptions to conform provisions to changes made by the act; amending s. 212.08, F.S.; revising the procedures for applying for a tax exemption on building materials used to rehabilitate property located in an enterprise zone; deleting a limitation on claiming exemptions through a refund of previously paid taxes; extending an expiration date for the exemption; extending an expiration

date for an exemption for business property used in an enterprise zone; deleting obsolete provisions governing the community contribution tax credit for donations, to conform; extending the expiration date of the tax credit for electrical energy used in an enterprise zone, to conform; amending s. 212.096, F.S.; deleting obsolete provisions; extending the expiration date for the enterprise zone jobs tax credit, to conform; amending ss. 220.02 and 220.03, F.S.; extending the expiration date of the enterprise zone jobs tax credit against corporate income tax to conform to changes made by the act; revising definitions to extend the expiration date of the credit to conform; amending s. 220.181, F.S.; deleting obsolete provisions; extending the expiration date of the tax credit, to conform; amending s. 220.182, F.S.; extending the expiration date of the enterprise zone property tax credit, to conform; amending s. 288.1175, F.S., to conform.; amending s. 370.28, F.S.; providing that an enterprise zone having an effective date on or before January 1, 2005, shall continue to exist until December 21, 2005, and shall expire on that date; requiring that an enterprise zone in a community affected by net limitations which is redesignated after January 1, 2006, do so in accordance with the Florida Enterprise Zone Act; repealing s. 290.00555, F.S., relating to the designation of a satellite enterprise zone; repealing s. 290.0067, F.S., relating to an enterprise zone in Lake Apopka; repealing s. 290.00675, F.S., relating to a boundary amendment for the City of Brooksville in Hernando County; repealing s. 290.00676, F.S., relating to an amendment of certain rural enterprise zone boundaries; repealing s. 290.00678, F.S., relating to a designation of rural champion communities as enterprise zones; repealing s. 290.00679, F.S., relating to amendments to certain rural enterprise zone boundaries; repealing s. 290.0068, F.S., relating to the designation of an enterprise zone encompassing a brownfield pilot project; repealing s. 290.00685, F.S., relating to an application to amend boundaries of an enterprise zone containing a brownfield pilot project; repealing s. 290.00686, F.S., relating to the designation of enterprise zones in Brevard County and the City of Cocoa; repealing s. 290.00687, F.S., relating to the designation of an enterprise zone in Pensacola; repealing s. 290.00688, F.S., relating to the designation of an enterprise zone in Leon County; repealing s. 290.00689, F.S., relating to the designation of a pilot project in an enterprise zone; repealing s. 290.0069, F.S., relating to the designation of an enterprise zone in Liberty County; repealing s. 290.00691, F.S., relating to the designation of an enterprise zone in Columbia County and Lake City; repealing s. 290.00692, F.S., relating to the designation of an enterprise zone in Suwannee County and Live Oak; repealing s. 290.00693, F.S., relating to the designation of an enterprise zone in Gadsden County; repealing s. 290.00694, F.S., relating to the designation of an enterprise zone in Sarasota County and Sarasota; repealing s. 290.00695, F.S., relating to the designation of enterprise zones in Hernando County and Brooksville; repealing s. 290.00696, F.S., relating to the designation of an enterprise zone in Holmes County; repealing s. 290.00697, F.S., relating to the designation of an enterprise zone in Calhoun County; repealing s. 290.00698, F.S., relating to the designation of an enterprise zone in Okaloosa County; repealing s. 290.00699, F.S., relating to the designation of an enterprise zone in Hillsborough County; repealing s. 290.00701, F.S., relating to the designation of an enterprise zone in Escambia County; repealing s. 290.00702, F.S., relating to the designation of enterprise zones in Osceola County and the City of Kissimmee; repealing s. 290.00703, F.S., relating to the designation of an enterprise zone in South Daytona; repealing s. 290.00704, F.S., relating to the designation of an enterprise zone in Lake Wales; repealing s. 290.00705, F.S., relating to the designation of an enterprise zone in Walton County; repealing s. 290.00706, F.S., relating to the designation of enterprise zones in Miami-Dade County and the City of West Miami; repealing s. 290.00707, F.S., relating to the designation of an enterprise zone in Hialeah; repealing s. 290.00708, F.S., relating to a boundary amendment in an enterprise zone within a consolidated government; repealing s. 290.00709, F.S., relating to a boundary amendment in an enterprise zone within an inland county; repealing s. 290.009, F.S., relating to the Enterprise Zone Interagency Coordinating Council; repealing s. 290.015, F.S., relating to an evaluation and review of the enterprise zone program; providing for carryover of eligibility for tax credits under s. 212.096, F.S.; providing for carryover of eligibility for tax credits under s. 220.181, F.S.; providing for carryover of eligibility for tax exemption under s. 196.1995, F.S., and the tax exemption under s. 220.182, F.S.; providing for carryover of eligibility for tax credits under s. 220.183, F.S.; providing for carryover of eligibility for tax credits under s. 212.08, F.S.; providing for carryover of eligibility for tax credits under s. 624.5105, F.S.; providing for carryover of eligibility for a tax exemption under s. 212.08, F.S.; providing an effective date.

—was read the third time by title.

On motion by Senator King, **HB 1725** 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
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

The Senate resumed consideration of—

SB 2148—A bill to be entitled An act relating to bingo; amending s. 849.0931, F.S.; revising provisions for the conduct of bingo sessions and games; revising definitions; defining “bingo session,” “calendar week,” “day,” and “member”; restricting assistance in the conduct of bingo to members; revising provisions for prizes and jackpots; providing for an additional jackpot per session; providing for valuation of noncash prizes; prohibiting free games; providing an exception; limiting bingo sessions; revising provisions for assistance in the conduct of bingo; revising rules for the conduct of bingo games; providing for accommodations for persons with physical disabilities; preempting regulation of bingo to the state; prohibiting certain persons from conducting or assisting in the conduct of bingo; prohibiting certain persons from being a bingo lessor or employee of such lessor; prohibiting a bingo organization from allowing use of its identity for the purpose of conducting bingo; prohibiting certain persons from participating in certain bingo games; providing restriction on sale of bingo cards; providing penalties; amending s. 849.161, F.S.; providing that specified gambling regulations do not apply to specified bingo facilities; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (100648)** by Senator Bullard was adopted by two-thirds vote.

MOTION

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

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

Amendment 2 (340572)(with title amendment)—On page 13, between lines 28 and 29, insert:

Section 3. Subparagraph 1. of paragraph (a) of subsection (1) of section 849.161, Florida Statutes, is amended to read:

849.161 Amusement games or machines; when chapter inapplicable.—

(1)(a)1. Nothing contained in this chapter shall be taken or construed as applicable to an arcade amusement center having amusement games or machines which operate by means of the insertion of a coin or other currency and which by application of skill may entitle the person playing or operating the game or machine to receive points or coupons which may be exchanged for merchandise only, excluding cash and alcoholic beverages, provided the cost value of the merchandise or prize awarded in exchange for such points or coupons does not exceed 75 cents on any game played.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 28, after the semicolon (;) insert: amending s. 849.161, F.S.; providing that the chapter does not apply to amusement games or machines which operate by the insertion of a coin or other currency;

On motion by Senator Argenziano, **SB 2148** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Alexander	Diaz de la Portilla	Margolis
Argenziano	Dockery	Miller
Aronberg	Fasano	Peaden
Atwater	Garcia	Posey
Baker	Geller	Pruitt
Bennett	Haridopolos	Rich
Bullard	Hill	Saunders
Campbell	Jones	Sebesta
Clary	King	Siplin
Constantine	Klein	Smith
Crist	Lawson	Villalobos
Dawson	Lynn	Wilson

Nays—3

Carlton	Webster	Wise
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CS for SB 1024—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 288.99, F.S., the “Certified Capital Company Act”; removing the October 2, 2005, repeal of information relating to an active investigation or office review of a certified capital company scheduled under the Open Government Sunset Review Act; narrowing the exemption; eliminating the exemption from public-records requirements for social security numbers of any customers of a certified capital company, complainants, or persons associated with a certified capital company or qualified business; eliminating references to specified premium tax credits under the act designated as “Program One” and “Program Two”; providing editorial and conforming changes; providing for the future repeal of the Certified Capital Company Act; providing an effective date.

—was read the third time by title.

On motion by Senator King, further consideration of **CS for SB 1024** was deferred.

Consideration of **CS for CS for SB 1766** was deferred.

CS for SB 738—A bill to be entitled An act relating to the Criminal Justice Standards and Training Commission; amending s. 943.11, F.S.; requiring that the members of the commission who are sheriffs appointed by the Governor be chosen from a list of nominees submitted by the Florida Sheriffs Association; requiring that the members of the commission who are chiefs of police appointed by the Governor be chosen from a list of nominees submitted by the Florida Police Chiefs Association; requiring that the members of the commission who are law enforcement officers of the rank of sergeant or below and the member who is a correctional officer of the rank of sergeant or below who are appointed by the Governor be chosen from a list of nominees submitted by a committee composed of certain collective bargaining agents; providing selection criteria for the committee; requiring lists of nominees to be submitted by a time certain; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **CS for SB 738** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Atwater	Bullard
Argenziano	Baker	Campbell
Aronberg	Bennett	Carlton

Clary	Hill	Rich
Constantine	Jones	Saunders
Crist	King	Sebesta
Dawson	Klein	Siplin
Diaz de la Portilla	Lawson	Smith
Dockery	Lynn	Villalobos
Fasano	Miller	Webster
Garcia	Peaden	Wilson
Geller	Posey	Wise
Haridopolos	Pruitt	

Nays—1

Margolis

The Senate resumed consideration of—

CS for SB 1024—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 288.99, F.S., the “Certified Capital Company Act”; removing the October 2, 2005, repeal of information relating to an active investigation or office review of a certified capital company scheduled under the Open Government Sunset Review Act; narrowing the exemption; eliminating the exemption from public-records requirements for social security numbers of any customers of a certified capital company, complainants, or persons associated with a certified capital company or qualified business; eliminating references to specified premium tax credits under the act designated as “Program One” and “Program Two”; providing editorial and conforming changes; providing for the future repeal of the Certified Capital Company Act; providing an effective date.

—which was previously considered this day.

Pending further consideration of **CS for SB 1024**, on motion by Senator King, by two-thirds vote **HB 1817** was withdrawn from the Committees on Commerce and Consumer Services; Banking and Insurance; Governmental Oversight and Productivity; Government Efficiency Appropriations; and Rules and Calendar.

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

HB 1817—A bill to be entitled An act relating to review under the Open Government Sunset Review Act; amending s. 288.99, F.S., the “Certified Capital Company Act”; removing the October 2, 2005, repeal of information relating to an active investigation or office review of a certified capital company scheduled under the Open Government Sunset Review Act; narrowing the exemption; eliminating the exemption from public records requirements for social security numbers of any customers of a certified capital company, complainants, or persons associated with a certified capital company or qualified business; eliminating references to specified premium tax credits under the act designated as “Program One” and “Program Two”; providing editorial and conforming changes; providing for the future repeal of the Certified Capital Company Act; providing an effective date.

—a companion measure, was substituted for **CS for SB 1024** and read the second time by title.

On motion by Senator King, by two-thirds vote **HB 1817** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Alexander	Crist	Klein
Argenziano	Dawson	Lawson
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Baker	Fasano	Miller
Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta

Siplin	Villalobos	Wilson
Smith	Webster	Wise

Nays—None

HB 193—A bill to be entitled An act relating to hazing; providing a popular name; specifying conduct that constitutes hazing at high schools with grades 9-12; creating new offenses of hazing at such a high school; providing a definition; providing for felony and misdemeanor offenses of hazing at such a high school; specifying the elements of each offense; providing criminal penalties; requiring the court to impose a hazing education course as a condition of sentence in certain circumstances; authorizing the court to impose a condition of drug or alcohol probation in certain circumstances; specifying circumstances that do not constitute a valid defense to a prosecution of hazing at such a high school; creating a rule of construction; amending s. 1006.63, F.S.; revising a definition; providing for felony and misdemeanor offenses of hazing at postsecondary educational institutions; specifying the elements of each offense; providing for criminal penalties; requiring the court to impose a hazing education course as a condition of sentence in certain circumstances; authorizing the court to impose a condition of drug or alcohol probation in certain circumstances; specifying circumstances that do not constitute a valid defense to a prosecution for the offense of hazing; creating a rule of construction; amending s. 1001.64, F.S., to conform a cross reference; providing construction with respect to civil causes of action; providing applicability; providing an effective date.

—was read the third time by title.

On motion by Senator Campbell, **HB 193** 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
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1693—A bill to be entitled An act relating to unemployment compensation; amending s. 120.80, F.S.; providing an exemption for special deputies from uniform rules of procedure; amending s. 443.071, F.S.; providing penalties for false employer schemes; providing the requirements for establishing prima facie evidence; authorizing certain access to records relating to investigations of unemployment compensation fraud; amending s. 443.091, F.S.; clarifying benefit eligibility; amending s. 443.1216, F.S.; clarifying the persons that employee leasing companies may lease to a client; clarifying the exemption of certain service from the definition of employment; amending s. 443.1217, F.S.; clarifying exempt wages for the purpose of determining employer contributions; amending s. 443.131, F.S.; revising the definition of “total excess payments”; prohibiting the transfer of unemployment experience by acquisition of a business in certain cases; providing for calculation of unemployment experience rating; providing penalties; amending s. 443.151, F.S.; providing for dismissal of untimely filed appeals; extending a deadline for recoupment of benefits; amending s. 895.02, F.S.; revising the definition of “racketeering activity”; reenacting ss. 16.56(1)(a), 655.50(3)(g), 896.101(2)(g), and 905.34(3), F.S., relating to the Office of Statewide Prosecution, the Florida Control of Money Laundering in Financial Institutions Act, the Florida Money Laundering Act, and the powers and duties of a statewide grand jury, respectively, to incorporate the amendment to s. 895.02, F.S., in references thereto; providing an effective date.

—was read the third time by title.

On motion by Senator King, **HB 1693** 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
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 869—A bill to be entitled An act relating to Crohn’s and Colitis disease research; creating the Crohn’s and Colitis Disease Research Act; requiring the Department of Health to conduct an inflammatory bowel disease epidemiology study with the University of Florida College of Public Health and Health Professions; requiring the Agency for Health Care Administration to conduct a chronic disease study on the coverage standards provided by Medicaid for inflammatory bowel disease therapies; providing for membership in a study group; requiring reports to the Governor and Legislature; providing an effective date.

—was read the third time by title.

On motion by Senator Margolis, **HB 869** 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
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 1469—A bill to be entitled An act relating to public records and meetings exemptions; creating s. 497.172, F.S.; creating a public meetings exemption for the Board of Funeral, Cemetery, and Consumer Services for those portions of meetings conducted for the exclusive purpose of developing or reviewing licensure examination questions and answers; creating a public meetings exemption for probable cause panel meetings of the board; creating a public records exemption for records of exempt probable cause panel meetings for a time certain; creating a public records exemption for records relating to investigations, inspections, or examinations in process for a time certain; maintaining the public records exemptions under certain circumstances; creating a public records exemption for trade secrets; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **HB 1469** was 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
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

HB 529—A bill to be entitled An act relating to funeral and cemetery industry regulation; amending s. 316.1974, F.S.; authorizing the use of purple lights on certain funeral escort vehicles and funeral lead vehicles; amending s. 497.005, F.S.; revising definitions; amending s. 497.101, F.S.; clarifying eligibility for Board of Funeral, Cemetery, and Consumer Services membership; requiring the Department of Financial Services to adopt rules regarding application for board membership; amending s. 497.103, F.S.; revising authority of the department to take emergency action; limiting the authority of the Chief Financial Officer; amending s. 497.140, F.S.; revising the time period for board reaction to department revenue projections; providing for future termination of certain assessments; providing for delinquency fees to be charged and collected from certain licensees; providing a default delinquency fee; amending s. 497.141, F.S.; requiring licensure applications to include tax identification numbers of applicants that are not natural persons; authorizing the licensing authority to require certain applicants to provide a photograph; clarifying when licenses may be issued to entities and to natural persons; clarifying the types of entities to which licenses may be issued; providing signature requirements; authorizing the licensing authority to adopt rules; restricting assignment or transfer of licenses; amending s. 497.142, F.S.; revising fingerprinting requirements; clarifying requirements as to disclosure of previous criminal records; revising which members of an entity applying for licensure are required to disclose their criminal records; providing for waiver of the fingerprint requirements in certain circumstances; providing for the cost for fingerprinting processing; amending s. 497.143, F.S.; prohibiting preneed sales under a limited license; amending s. 497.144, F.S.; requiring a challenger to pay the costs for failure to appear at a challenge hearing; amending s. 497.147, F.S.; revising provisions relating to the licensing authority's rules regulating precensure training and continuing education providers; amending s. 497.149, F.S.; revising terminology; amending s. 497.151, F.S.; revising applicability; specifying what is not deemed to be a complaint; amending s. 497.152, F.S.; revising disciplinary provisions; revising certain grounds for disciplinary action; specifying what is not deemed to be a complaint; authorizing the board to adopt rules providing criteria for identifying minor and nonwillful remittance deficiencies; amending s. 497.153, F.S.; providing for the use of consent orders in certain circumstances; amending s. 497.158, F.S.; revising fine amounts; amending s. 497.159, F.S.; revising provisions relating to criminal penalties for violations involving precensure examinations, willful obstruction, and trust funds and other specified violations; revising what constitutes improper discrimination; amending s. 497.161, F.S.; removing a provision allowing board members to serve as experts in investigations; specifying standing of licensees to challenge rules; amending s. 497.165, F.S.; stipulating that intentional or gross negligence renders owners, directors, and officers jointly and severally liable for certain trust fund deficiencies; amending s. 497.166, F.S.; specifying who may act as a preneed sales agent; providing responsibility of certain licensees; amending s. 497.169, F.S.; revising provisions for award of attorney's fees and costs in certain actions; creating s. 497.171, F.S.; providing requirements for the identification of human remains; amending s. 497.260, F.S.; revising what constitutes improper discrimination by cemeteries; amending s. 497.263, F.S.; revising the applicability of certain application procedures for licensure of cemetery companies; amending s. 497.264, F.S.; revising requirements relating to applicants seeking to acquire control of a licensed cemetery; amending s. 497.281, F.S.; revising requirements for licensure of burial rights brokers; amending s. 497.365, F.S.; requiring the board to adopt rules prescribing application and renewal fees for

inactive status, a delinquency fee, and a fee for reactivation of a license; providing a cap on such fees; providing a limitation on the department's ability to reactivate a license; amending s. 497.368, F.S.; revising grounds for issuance of licensure as an embalmer by examination; amending s. 497.369, F.S.; revising grounds for issuance of licensure as an embalmer by endorsement; amending s. 497.373, F.S.; revising grounds for issuance of licensure as a funeral director by examination; amending s. 497.374, F.S.; revising grounds for issuance of licensure as a funeral director by endorsement; amending s. 497.376, F.S.; revising authority to issue a combination license as a funeral director and embalmer; authorizing the licensing authority to establish certain rules; amending s. 497.378, F.S.; raising the cap on funeral director and embalmer license renewal fees; amending s. 497.380, F.S.; specifying requirements for funeral establishment licensure applicants; raising the cap on funeral establishment license renewal fees; providing requirements for reporting a change in location of the establishment; amending s. 497.385, F.S.; revising application requirements for licensure of a removal service or a refrigeration service; providing requirements for change in location of removal services and refrigeration services; deleting a provision exempting centralized embalming facilities from certain funeral establishment requirements; authorizing the licensing authority to adopt certain rules for centralized embalming facility operations; revising application requirements for licensure of a centralized embalming facility; providing for inspection of centralized embalming facilities; providing for change in ownership and change in location of centralized embalming facilities; amending s. 497.453, F.S.; revising net worth requirements for preneed licensure; specifying authority to accept certain alternative evidence of financial responsibility in lieu of net worth regarding preneed licensure applicants; providing preneed license renewal fees for monument establishments; revising grounds for issuance of a preneed branch license; raising the cap on branch license renewal fees; deleting a provision exempting sponsoring preneed licensees from responsibility for certain violations of branch licensees; amending s. 497.456, F.S.; revising use of the Preneed Funeral Contract Consumer Protection Trust Fund by the licensing authority; amending s. 497.458, F.S.; revising requirements to loan or invest trust funds; amending s. 497.466, F.S.; revising general provisions applicable to preneed sales agents; revising requirements and application procedures for preneed sales agent licensure; providing requirements for the issuance of a temporary preneed sales agent license; providing requirements for the conversion of temporary preneed sales agent licenses to permanent preneed sales agent licenses; providing requirements for applicants with a criminal or disciplinary record; providing for termination of a permanent preneed sales agent license due to lack of appointments; providing requirements for the appointment of preneed sales agents; providing for administrative matters regarding preneed sales agent licensure; creating s. 497.468, F.S.; providing for disclosure of certain information to the public; requiring the licensing authority to establish rules relating to the manner in which certain written contracts are provided; amending s. 497.550, F.S.; creating two categories of monument establishment licensure and providing certain requirements for such categories; revising application procedures for licensure as a monument establishment; requiring inspection of proposed monument establishment facilities; amending s. 497.551, F.S.; revising requirements for renewal of monument establishment licensure; amending s. 497.552, F.S.; revising facility requirements for monument establishments; amending s. 497.553, F.S.; requiring the board to set an annual inspection fee for monument establishment licensees; providing a cap for such fee; providing requirements for change of ownership and location of monument establishments; amending s. 497.554, F.S.; revising application procedure and renewal requirements for monument establishment sales representatives; deferring application of section; amending s. 497.555, F.S.; requiring monument establishments to comply with rules establishing minimum standards for access to cemeteries; amending s. 497.602, F.S.; revising application procedures for direct disposer licensure; amending s. 497.603, F.S.; raising the cap on direct disposer license renewal fees; amending s. 497.604, F.S.; revising provisions relating to direct disposal establishment licensure and application for such licensure; revising provisions relating to the regulation of direct disposal establishments; amending s. 497.606, F.S.; revising provisions relating to cinerator facility licensure and application for such licensure; revising provisions relating to the regulation of cinerator facilities; amending s. 497.607, F.S.; providing that the anatomical board at the University of Florida Health Science Center is not prohibited from causing the final disposition of unclaimed human remains under certain circumstances; amending s. 152, ch. 2004-301, Laws of Florida; specifying applicability of rules; amending s. 626.785, F.S.; revising a policy coverage limit; repealing s. 497.275, F.S., relating to identification of human remains in licensed

cemeteries; repealing s. 497.388, F.S., relating to identification of human remains; repealing s. 497.556, F.S., relating to requirements relating to monument establishments; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **HB 529** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Votes Recorded:

May 3, 2005: Yea—Carlton

HB 1459—A bill to be entitled An act relating to liens on commercial real estate; creating part III of ch. 475, F.S., the “Commercial Real Estate Sales Commission Lien Act”; providing definitions; specifying conditions under which a broker is entitled to a lien upon the owner’s net proceeds from the disposition of commercial real estate for any commission earned by the broker under a brokerage agreement; providing that the lien cannot be assigned, enforced, or waived by anyone other than the broker; requiring disclosure; providing for the contents of the commission notice and delivery to certain parties; providing a form for the commission notice; providing that a lien may not be enforced if the notice is not delivered to certain parties; providing that the commission notice may be recorded; providing for expiration and extension under certain conditions; providing for release of the commission notice under certain conditions; providing the duties of the closing agent; requiring the closing agent to reserve an owner’s proceeds under certain conditions; providing for the release of proceeds under certain conditions; requiring deduction of certain costs from the proceeds; providing for interpleader or other legal proceedings sought by a closing agent to adjudicate certain rights; providing for the deposit of reserved proceeds in a court registry; providing for the discharge of the closing agent from further liability; providing for a civil action if a dispute arises concerning the proceeds; providing that the prevailing party may recover certain fees and costs incurred in a civil action; establishing the priority of a recorded commission notice; providing for the service of notice; providing that a buyer’s broker is not entitled to a lien; providing certain conditions under which a buyer’s broker may seek payment of a commission; creating part IV of ch. 475, F.S., the “Commercial Real Estate Leasing Commission Lien Act”; providing definitions; providing conditions under which a broker may place a lien upon an owner’s interest in commercial real estate for any commission earned under a brokerage agreement with respect to a lease of commercial real estate; providing that the lien cannot be assigned, enforced, or waived by anyone other than the broker; requiring disclosure; providing for the contents of the lien notice; providing a form for the lien notice; providing that the lien notice may be recorded; providing that a lien may not be enforced if the broker fails to record the notice; providing for effectiveness of a recorded lien notice; providing for release of the lien notice under certain conditions; providing for expiration and extension under certain conditions; providing for foreclosure of a recorded lien under certain conditions; providing a form; providing for a civil action if a dispute arises concerning the proceeds; providing that the prevailing party may recover certain fees and costs incurred in a civil action; providing procedures to transfer a lien to a security; providing that the clerk of court may collect a service charge; providing for subordination of a broker’s lien; amending s. 475.42, F.S.; providing that a broker may place a lien when allowed by law; providing an effective date.

—was read the third time by title.

On motion by Senator Posey, **HB 1459** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Votes Recorded:

May 3, 2005: Yea—Carlton

SB 2452—A bill to be entitled An act relating to pharmacy technicians; amending s. 465.014, F.S.; authorizing pharmacy technicians to initiate or receive requests for original prescriptions when dispensing for nonhuman use; prohibiting a licensed pharmacist from supervising more than a certain number of pharmacy technicians in dispensing prescriptions for nonhuman use; amending s. 465.035, F.S.; providing an exception to certain requirements for dispensing medicinal drugs for nonhuman use via facsimile; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Aronberg, **SB 2452** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Votes Recorded:

May 3, 2005: Yea—Carlton

HB 565—A bill to be entitled An act relating to mobile homes; amending s. 723.037, F.S.; providing intent, requirements, and restrictions regarding information exchanged in meetings between park owners and homeowners’ committees and at mediation; providing exceptions; amending s. 723.0611, F.S.; designating the Florida Mobile Home Relocation Corporation as an agency of the state and certain other persons as officers, employees, or agents of the state for application of sovereign immunity provisions; providing rulemaking authority to administer provisions involving the corporation; amending s. 723.0612, F.S.; providing that mobile home owners are not eligible for compensation in certain circumstances involving change in use of the land comprising the mobile home park; providing entitlement to attorney’s fees and costs in certain enforcement actions; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **HB 565** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Votes Recorded:

May 3, 2005: Yea—Carlton

HB 1289—A bill to be entitled An act relating to signing and sealing by professional geologists; creating s. 373.1175, F.S.; authorizing the Department of Environmental Protection and the governing boards of water management districts to require signing and sealing of certain documents and reports by professional geologists; requiring such cost to be borne by the permit applicant or permittee; providing construction with respect to professional engineers; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **HB 1289** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Votes Recorded:

May 3, 2005: Yea—Carlton

HB 423—A bill to be entitled An act relating to the definition of “employee” for the purposes of workers’ compensation; amending s. 440.02, F.S.; redefining the term “employee” under the Workers’ Compensation Law to revise an exemption relating to owner-operators of motor vehicles; providing an effective date.

—was read the third time by title.

On motion by Senator Atwater, **HB 423** was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Aronberg	Baker
Argenziano	Atwater	Bennett

Bullard	Haridopolos	Pruitt
Campbell	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta
Crist	Klein	Siplin
Dawson	Lawson	Smith
Diaz de la Portilla	Lynn	Villalobos
Dockery	Margolis	Webster
Fasano	Miller	Wilson
Garcia	Peaden	Wise
Geller	Posey	

Nays—None

Votes Recorded:

May 3, 2005: Yea—Carlton

CS for CS for SB 2570—A bill to be entitled An act relating to home medical equipment providers; amending s. 400.925, F.S.; revising and providing definitions; amending s. 400.93, F.S.; providing that physicians who sell, rent, or supply equipment or devices to their patients are exempt from licensure as a home medical equipment provider; amending s. 400.931, F.S.; including additional categories of equipment in a report required by applicants for licensure; increasing the amount of liability insurance required of home medical equipment providers; amending s. 400.933, F.S.; revising requirements for licensure and assessment of fees; amending s. 400.934, F.S.; revising minimum standards required for licensure; amending s. 400.935, F.S.; requiring the Agency for Health Care Administration to provide additional regulatory standards by rule; creating s. 400.936, F.S.; requiring proof of accreditation as a prerequisite for licensure or license renewal; providing for temporary licensure; providing for rules relating to designation of accrediting organizations; amending s. 400.95, F.S.; providing for notice of a toll-free telephone number to report fraud and abuse by providers; providing an effective date.

—was read the third time by title.

On motion by Senator Jones, **CS for CS for SB 2570** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Votes Recorded:

May 3, 2005: Yea—Carlton

CS for CS for CS for SB 1314—A bill to be entitled An act relating to independent living; amending s. 39.013, F.S.; authorizing a child in foster care to petition the court to retain jurisdiction of his or her case; limiting the court’s continued jurisdiction to 1 year after the child’s 18th birthday; identifying the issues to be considered by the court during its continued jurisdiction; providing that the jurisdiction of the court terminates under specified conditions; providing that the court encourage the Statewide Guardian Ad Litem Office to provide greater representation to certain children; amending s. 39.701, F.S.; requiring the Department of Children and Family Services to include in its judicial review study report verification that the child has been provided with certain information about the Road-to-Independence Scholarship Program and with

notice of the child's right to petition the court for continuing jurisdiction; amending s. 409.1451, F.S.; authorizing a child who is eligible for the Road-to-Independence Scholarship Program to continue to reside with a licensed foster family or a group care provider; requiring that the department enroll certain young adults who were formerly in foster care in the Florida KidCare program if they do not otherwise have health insurance or are not eligible for Medicaid; requiring that the Independent Living Services Advisory Council study the most effective way of providing health insurance for young adults in the program for independent living who are not eligible for the Florida KidCare program; requiring the council to report its recommendations to the Legislature; providing an appropriation; requiring the department to adopt rules; providing an effective date.

—as amended April 29 was read the third time by title.

On motion by Senator Rich, **CS for CS for CS for SB 1314** 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
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

THE PRESIDENT PRESIDING

On motion by Senator Aronberg, by two-thirds vote **HB 207** was withdrawn from the Committees on Criminal Justice; Domestic Security; and Justice Appropriations.

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

HB 207—A bill to be entitled An act relating to criminal acts committed during a state of emergency; amending s. 810.02, F.S.; providing enhanced penalties for specified burglaries that are committed during a state of emergency; providing that a person arrested for committing a burglary during a state of emergency may not be released until that person appears before a magistrate at a first-appearance hearing; directing that a felony burglary committed during a state of emergency be reclassified one level above the current ranking of the offense committed; amending s. 812.014, F.S.; providing enhanced penalties for the theft of certain property stolen during a state of emergency; directing that a felony theft committed during a state of emergency be reclassified one level above the current ranking of the offense committed; providing an effective date.

—a companion measure, was substituted for **CS for SB 282** and by two-thirds vote read the second time by title. On motion by Senator Aronberg, by two-thirds vote **HB 207** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Carlton	Geller
Alexander	Clary	Haridopolos
Argenziano	Constantine	Hill
Aronberg	Crist	Jones
Atwater	Dawson	King
Baker	Diaz de la Portilla	Klein
Bennett	Dockery	Lawson
Bullard	Fasano	Lynn
Campbell	Garcia	Margolis

Miller	Saunders	Villalobos
Peaden	Sebesta	Webster
Posey	Siplin	Wilson
Pruitt	Smith	Wise
Rich		

Nays—None

SPECIAL ORDER CALENDAR

On motion by Senator King—

CS for SJR 4—A joint resolution proposing an amendment to Section 3 of Article XI of the State Constitution, relating to the type of amendment or revision which may be proposed by citizen initiative.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SJR 4** to **HJR 1727**.

Pending further consideration of **CS for SJR 4** as amended, on motion by Senator King, by two-thirds vote **HJR 1727** was withdrawn from the Committees on Ethics and Elections; Judiciary; and Rules and Calendar.

On motion by Senator King—

HJR 1727—A joint resolution proposing an amendment to Section 3 of Article XI of the State Constitution to provide the permissible subject matter of revisions or amendments to the State Constitution proposed by initiative.

—a companion measure, was substituted for **CS for SJR 4** as amended and read the second time by title.

Senator King moved the following amendment which was adopted:

Amendment 1 (875986)(with title amendment)—Delete every-thing after the resolving clause and insert:

That the following amendment to Section 3 of Article XI of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

**ARTICLE XI
AMENDMENTS**

SECTION 3. Initiative.—

(a) The power to propose the revision or amendment of any portion or portions of this constitution by initiative is reserved to the people, provided that, any such revision or amendment, except for those limiting the power of government to raise revenue, shall embrace but one subject and matter directly connected therewith. *The amendment or revision must also:*

(1) *amend an existing article of this constitution on the same subject and matter, except that any proposed amendment or revision of Article X must amend or repeal an existing section of that article on the same subject and matter;*

(2) *address a basic or fundamental right of a citizen of this state; or*

(3) *change the basic structure of state government as established in Article II, Article III, Article IV, or Article V of this constitution.*

(b) *The initiative power may be invoked by filing with the custodian of state records a petition containing a copy of the proposed revision or amendment, signed by a number of electors in each of one half of the congressional districts of the state, and of the state as a whole, equal to eight percent of the votes cast in each of such districts respectively and in the state as a whole in the last preceding election in which presidential electors were chosen.*

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

**CONSTITUTIONAL AMENDMENT
ARTICLE XI, SECTION 3**

CONSTITUTIONAL AMENDMENTS AND REVISIONS PROPOSED BY INITIATIVE.—Proposing an amendment to the State Constitution to require that a constitutional amendment or revision proposed by initiative amend an existing article of this constitution on the same subject and matter, except that any proposed amendment or revision of Article X must amend or repeal an existing section of that article on the same subject and matter; address a basic or fundamental right of a citizen of this state; or change the basic structure of state government as established in Article II, Article III, Article IV, or Article V.

And the title is amended as follows:

Delete everything before the resolving clause and insert: House Joint Resolution A joint resolution proposing an amendment to Section 3 of Article XI of the State Constitution, relating to the type of amendment or revision which may be proposed by citizen initiative.

Pursuant to Rule 4.19, **HJR 1727** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator King—

CS for SJR 6—A joint resolution proposing an amendment to Section 5 of Article XI of the State Constitution; requiring that a proposed amendment to or revision of the State Constitution be approved by at least sixty percent of the electors of the state voting on the measure.

—was read the second time by title.

An amendment was considered and failed and an amendment was considered and adopted to conform **CS for SJR 6** to **HJR 1723**.

Pending further consideration of **CS for SJR 6** as amended, on motion by Senator King, by two-thirds vote **HJR 1723** was withdrawn from the Committees on Ethics and Elections; Judiciary; and Rules and Calendar.

On motion by Senator King—

HJR 1723—A joint resolution proposing an amendment to Section 5 of Article XI of the State Constitution to require that any proposed amendment to or revision of the State Constitution be approved by at least 60 percent of the electors voting on the measure.

—a companion measure, was substituted for **CS for SJR 6** as amended and read the second time by title.

Pursuant to Rule 4.19, **HJR 1723** was placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater—

CS for SJR 2200—A joint resolution proposing an amendment to Section 7 of Article XI of the State Constitution; requiring that a proposed amendment to or revision of the State Constitution which authorizes the imposition of a new state tax or fee by state government must be approved by at least two-thirds of those voters voting in the election in which such amendment or revision is considered; requiring that a proposed amendment to or revision of the State Constitution which increases, or authorizes the increase of, an existing state tax or fee by state government must be approved by at least two-thirds of those voters voting in the election in which such amendment or revision is considered; providing that the phrase “existing State tax or fee” means any tax or fee producing revenue subject to lump sum or other appropriation by the Legislature, either for the state general revenue fund or any trust fund, which tax or fee is in effect at the time of the election when the proposed amendment or revision is considered; requiring that a proposed amendment to or revision of the State Constitution which imposes a significant financial impact on state government be approved by at least two-thirds of those voters voting in the election in which such amendment or revision is considered; providing that the phrase “significant financial impact” means an amount greater than one-tenth of 1 percent of the total state budget for the state fiscal year ending in the year prior to the general election in which such proposed amendment or revision is considered; deleting obsolete provisions.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SJR 2200** to **HJR 1741**.

Pending further consideration of **CS for SJR 2200** as amended, on motion by Senator Atwater, by two-thirds vote **HJR 1741** was withdrawn from the Committees on Ethics and Elections; Judiciary; Government Efficiency Appropriations; and Rules and Calendar.

On motion by Senator Atwater, the rules were waived and—

HJR 1741—A joint resolution proposing an amendment to Section 7 of Article XI of the State Constitution to require approval by at least two-thirds of the voters of any proposed amendment or revision to the State Constitution imposing or authorizing imposition of any new tax or fee, increasing or authorizing an increase in any existing tax or fee, or imposing a significant fiscal impact on the state, counties, school districts, municipalities, or special districts, and to delete a provision limiting such voting requirement to only new state taxes or fees.

—a companion measure, was substituted for **CS for SJR 2200** as amended and read the second time by title.

Senator Atwater moved the following amendment which was adopted:

Amendment 1 (270608)(with title amendment)—Delete everything after the enacting clause and insert:

That the following amendment to Section 7 of Article XI of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE XI AMENDMENTS

SECTION 7. Tax, or fee, or significant financial impact limitation.—Notwithstanding Article X, Section 12(d) of this constitution;

(a) No amendment or revision to this constitution which imposes a new State tax or fee shall become effective ~~be imposed on or after November 8, 1994 by any amendment to this constitution~~ unless the proposed amendment or revision is approved by not fewer than two-thirds of the voters voting in the election in which such proposed amendment or revision is considered. For purposes of this section, the phrase “new State tax or fee” shall mean any tax or fee which would produce revenue subject to lump sum or other appropriation by the Legislature, either for the State general revenue fund or any trust fund, which tax or fee is not in effect on November 7, 1994. ~~including without limitation such taxes and fees as are the subject of proposed constitutional amendments appearing on the ballot on November 8, 1994. This section shall apply to proposed constitutional amendments relating to State taxes or fees which appear on the November 8, 1994 ballot, or later ballots, and Any such proposed amendment or revision that which fails to gain the two-thirds vote required hereby shall be null, void, and without effect.~~

(b) No amendment or revision to this constitution which increases an existing State tax or fee shall become effective unless the proposed amendment or revision is approved by not fewer than two-thirds of the voters voting in the election in which such proposed amendment or revision is considered. For purposes of this section, the phrase “existing State tax or fee” shall mean any tax or fee that produces revenue subject to lump sum or other appropriation by the Legislature, either for the State general revenue fund or any trust fund, which tax or fee is in effect at the time of the election at which the proposed amendment or revision is considered. Any such proposed amendment or revision that fails to gain the two-thirds vote required by this subsection shall be null, void, and without effect.

(c) No amendment or revision to this constitution which imposes a significant financial impact on state government shall become effective unless the proposed amendment or revision is approved by not fewer than two-thirds of voters voting in the election in which such proposed amendment or revision is considered. For purposes of this section, the phrase “significant financial impact” shall mean a financial impact to the state, including requiring the Legislature to increase taxes in order to maintain the state budget at existing revenues and expenditures, in any state fiscal year prior to and including the first state fiscal year of full implementation in an amount greater than two-tenths of one percent of the portion of the state budget appropriated from the General Revenue Fund, as

established in the General Appropriations Act approved by the Governor, for the state fiscal year ending in the year prior to the election in which such proposed amendment or revision is considered. The determination that a proposed amendment or revision imposes a significant financial impact on state government shall be certified pursuant to the process established in general law. Any such proposed amendment or revision that fails to gain the two-thirds vote required by this subsection shall be null, void, and without effect.

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

CONSTITUTIONAL AMENDMENT
ARTICLE XI, SECTION 7

SIGNIFICANT FINANCIAL IMPACT LIMITATION AMENDMENT.—Proposing amendments to the State Constitution requiring that a proposed amendment to or revision of the State Constitution which increases an existing state tax or fee must be approved by at least two-thirds of those voters voting in the election in which such amendment or revision is considered. For the purposes of this amendment, “existing state tax or fee” means any tax or fee that produces revenue subject to lump-sum or other appropriation by the Legislature, either for the state general revenue fund or any trust fund, if that tax or fee is in effect at the time of the election when the proposed amendment or revision is considered. The amendment also requires that a proposed amendment to or revision of the State Constitution which imposes a significant financial impact on state government must be approved by at least two-thirds of those voters voting in the election in which such amendment or revision is considered. For the purposes of this amendment, a “significant financial impact” means a financial impact to the state, including requiring the Legislature to increase taxes in order to maintain the state budget at existing revenues and expenditures, in any state fiscal year prior to and including the first state fiscal year of full implementation in an amount greater than two-tenths of 1 percent of the portion of the state budget appropriated from the General Revenue Fund, as established in the General Appropriations Act approved by the Governor, for the state fiscal year ending in the year prior to the election in which such proposed amendment or revision is considered. Currently, such a proposal must be approved by only a simple majority of those voting on the proposal, unless it imposes a new state tax or fee. This amendment repeals obsolete provisions in this section of the State Constitution relating to items on the November 8, 1994, ballot.

And the title is amended as follows:

Delete everything before the enacting clause and insert: House Joint Resolution A joint resolution proposing an amendment to Section 7 of Article XI of the State Constitution; requiring that a proposed amendment to or revision of the State Constitution which increases an existing state tax or fee by state government must be approved by at least two-thirds of those voters voting in the election in which such amendment or revision is considered; providing that the phrase “existing State tax or fee” means any tax or fee producing revenue subject to lump sum or other appropriation by the Legislature, either for the state general revenue fund or any trust fund, which tax or fee is in effect at the time of the election when the proposed amendment or revision is considered; requiring that a proposed amendment to or revision of the State Constitution which imposes a significant financial impact on state government be approved by at least two-thirds of those voters voting in the election in which such amendment or revision is considered; providing that the phrase “significant financial impact” means a financial impact to the state, including requiring the Legislature to increase taxes in order to maintain the state budget at existing revenues and expenditures, in any state fiscal year prior to and including the first state fiscal year of full implementation in an amount greater than two-tenths of 1 percent of the portion of the state budget appropriated from the General Revenue Fund, as established in the General Appropriations Act approved by the Governor, for the state fiscal year ending in the year prior to the election in which such proposed amendment or revision is considered; deleting obsolete provisions.

Pursuant to Rule 4.19, **HJR 1741** as amended was placed on the calendar of Bills on Third Reading.

RECESS

On motion by Senator Pruitt, the Senate recessed at 12:34 p.m. to reconvene at 1:04 p.m. or upon call of the President.

AFTERNOON SESSION

The Senate was called to order by the President at 1:22 p.m. A quorum present—39:

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

SPECIAL ORDER CALENDAR, continued

CS for CS for SB 1996—A bill to be entitled An act relating to the petition process; providing a short title; amending s. 99.097, F.S.; revising requirements for verification of signatures on petitions; prescribing limits on use of paid petition circulators; providing procedures to contest alleged improper signature verification; amending s. 100.371, F.S.; revising procedures for placing an initiative on the ballot; providing requirements for information to be contained on petitions; providing procedure for revocation of a petition signature; requiring a statement on the ballot regarding the financial impact statement; creating s. 100.372, F.S.; providing regulation for initiative petition circulators and their activities; amending s. 101.161, F.S.; conforming a cross-reference; amending s. 101.62, F.S.; conforming a cross-reference; amending s. 104.012, F.S.; providing criminal penalties for specified offenses involving voter registration applications; amending s. 104.185, F.S.; proscribing specified actions involving petitions and providing or increasing criminal penalties therefor; amending s. 104.42, F.S.; prescribing duties of supervisors of elections with respect to unlawful registrations, petitions, and voting; providing for verifying and counting signatures submitted for verification before the effective date of the act; requiring resubmission and reapproval of petition forms; providing severability; providing an effective date.

—was read the second time by title.

Amendments were considered and failed and amendments were considered and adopted to conform **CS for CS for SB 1996** to **HB 1471**.

Pending further consideration of **CS for CS for SB 1996** as amended, on motion by Senator Alexander, by two-thirds vote **HB 1471** was withdrawn from the Committees on Ethics and Elections; Criminal Justice; Judiciary; and Government Efficiency Appropriations.

On motion by Senator Alexander—

HB 1471—A bill to be entitled An act relating to the petition process; providing a popular name; amending s. 99.097, F.S.; providing for certain petitions to be verified by a certain method; requiring certain provisions to be satisfied before a signature on a petition may be counted; prohibiting compensation to any paid petition circulator in certain circumstances; providing the procedure to contest and resolve the alleged improper verification of certain signatures; amending s. 100.371, F.S.; revising requirements for placement of constitutional amendments proposed by initiative on the ballot for the general election; revising and providing rulemaking authority; providing limitations on the contents of a petition form; establishing compliance criteria for petition forms; providing an elector’s right to mail or deliver the form to an address provided for that purpose; providing notices that must be contained in each petition form; revising the duties of supervisors of elections; revising requirements relating to the Financial Impact Estimating Conference and financial impact statements; creating s. 100.372, F.S.; providing for the regulation of initiative petition circulators; providing definitions; providing qualification requirements; providing requirements for the practice of paid petition circulation; amending ss. 101.161, and 101.62, F.S.; correcting cross references; amending s. 104.012, F.S.; providing criminal penalties for specified offenses involving voter registra-

tion applications; amending s. 104.185, F.S.; revising and providing violations involving petitions and providing penalties therefor; amending s. 104.42, F.S.; revising provisions relating to unlawful registrations, petitions, and voting and the investigation of such matters; requiring documentation and reporting thereof to the Florida Elections Commission within a specified time period; providing for the validity of certain petition signatures gathered before the effective date of the act; requiring previously approved petition forms to be resubmitted for approval in accordance with the requirements of the act; providing severability; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1996** as amended and read the second time by title.

On motion by Senator Alexander, further consideration of **HB 1471** was deferred.

SENATOR WEBSTER PRESIDING

On motion by Senator Miller, by two-thirds vote **HB 449** was withdrawn from the Committees on Education; Health Care; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Miller—

HB 449—A bill to be entitled An act relating to a public records exemption; amending s. 1004.43, F.S.; expanding the public records exemption for proprietary confidential business information owned or controlled by the not-for-profit corporation operating the H. Lee Moffitt Cancer Center and Research Institute and its subsidiaries relating to trade secrets; expanding the exemption to include information received from an agency in this or another state or nation or the Federal Government which is otherwise exempt or confidential pursuant to the laws of this or another state or nation or pursuant to federal law; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 1082** and read the second time by title.

Pursuant to Rule 4.19, **HB 449** was placed on the calendar of Bills on Third Reading.

On motion by Senator Clary, by two-thirds vote **HB 1527** was withdrawn from the Committees on Banking and Insurance; and Judiciary.

On motion by Senator Clary—

HB 1527—A bill to be entitled An act relating to disposition of unclaimed property; amending s. 717.106, F.S.; specifying communication by documented telephone contact to avoid a presumption of certain property being unclaimed; amending s. 717.1101, F.S.; decreasing a time period for a presumption of stock, equity interest, and certain debt of a business association being unclaimed; specifying criteria for certain other property of a business association being presumed unclaimed; amending s. 717.117, F.S.; revising requirements for notifying owners of inactive accounts; amending s. 717.118, F.S.; increasing a threshold amount for a requirement for an active attempt to notify owners of unclaimed property; amending s. 717.119, F.S.; revising provisions for disposal of proceeds of sales of unclaimed firearms or ammunition; amending s. 717.122, F.S.; providing for sale of unclaimed stock or certain equity interest under certain circumstances; amending s. 717.124, F.S.; revising requirements for making unclaimed property claims; amending s. 717.12404, F.S.; revising requirements for making claims on behalf of a business entity or trust; creating s. 717.12406, F.S.; providing definitions; amending s. 717.1241, F.S.; revising requirements and procedures for resolving conflicting claims; amending s. 717.1242, F.S.; requiring the ordering of estate or heirs to pay the Department of Financial Services certain costs and fees; amending s. 717.1243, F.S.; revising requirements and procedures for claims by beneficiaries of deceased owners of unclaimed property; creating s. 717.1245, F.S.; requiring petitioners for writs of garnishment to pay the department certain costs and fees in certain actions; amending s. 717.1311, F.S.; deleting a provision requiring certain record holders to pay certain estimated amounts relating to insufficient records; amending s. 717.1315, F.S.; revising requirements and procedures for retention of records by an owner's representa-

tion; amending s. 717.132, F.S.; providing for imposition of fines by a court instead of the department; amending s. 717.1322, F.S.; providing for civil enforcement by the department of certain violations; revising the department's authority to issue certain registration revocation orders; creating s. 717.1323, F.S.; specifying a prohibited practice; amending s. 717.1331, F.S.; authorizing the department to enforce subpoenas; amending s. 717.1333, F.S.; authorizing the estimation of certain amounts due from insufficient records; amending s. 717.135, F.S.; revising requirements for powers of attorney to recover property; specifying forms; specifying certain activities as not prohibited; prohibiting certain modifications to a power of attorney; amending s. 717.1351, F.S.; revising requirements for contracts to acquire ownership of or entitlement to property; specifying forms; specifying certain activities as not prohibited; prohibiting certain modifications to an agreement; providing rule-making authority to the department to specify what evidence may identify a seller; creating s. 717.1381, F.S.; specifying certain powers of attorney and agreements to be void as contrary to public policy; prohibiting entering into such agreements; providing application; amending s. 717.1400, F.S.; revising registration requirements; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2494** and read the second time by title.

MOTION

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

Senator Clary moved the following amendments which were adopted:

Amendment 1 (312064)(with title amendment)—On line 65, insert:

Section 1. Subsections (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), and (21) of section 717.101, Florida Statutes, are amended to read:

717.101 Definitions.—As used in this chapter, unless the context otherwise requires:

(11) "Health care provider" means any state-licensed entity that provides and receives payment for health care services. These entities include, but are not limited to, hospitals, outpatient centers, physician practices, and skilled nursing facilities.

(12)(11) "Holder" means a person, wherever organized or domiciled, who is:

- (a) In possession of property belonging to another;
- (b) A trustee in case of a trust; or
- (c) Indebted to another on an obligation.

(13)(12) "Insurance company" means an association, corporation, or fraternal or mutual benefit organization, whether or not for profit, which is engaged in providing insurance coverage, including, by way of illustration and not limitation, accident, burial, casualty, credit life, contract performance, dental, fidelity, fire, health, hospitalization, illness, life (including endowments and annuities), malpractice, marine, mortgage, surety, and wage protection insurance.

(14)(13) "Intangible property" includes, by way of illustration and not limitation:

- (a) Moneys, checks, drafts, deposits, interest, dividends, and income.
- (b) Credit balances, customer overpayments, security deposits and other instruments as defined by chapter 679, refunds, unpaid wages, unused airline tickets, and unidentified remittances.
- (c) Stocks, and other intangible ownership interests in business associations.
- (d) Moneys deposited to redeem stocks, bonds, bearer bonds, original issue discount bonds, coupons, and other securities, or to make distributions.
- (e) Amounts due and payable under the terms of insurance policies.

(f) Amounts distributable from a trust or custodial fund established under a plan to provide any health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance, or similar benefit.

(15)(14) "Last known address" means a description of the location of the apparent owner sufficient for the purpose of the delivery of mail. For the purposes of identifying, reporting, and remitting property to the department which is presumed to be unclaimed, "last known address" includes any partial description of the location of the apparent owner sufficient to establish the apparent owner was a resident of this state at the time of last contact with the apparent owner or at the time the property became due and payable.

(16)(15) "Lawful charges" means charges against dormant accounts that are authorized by statute for the purpose of offsetting the costs of maintaining the dormant account.

(17) "Managed care payor" means a health care plan that has a defined system of selecting and limiting health care providers as evidenced by a managed care contract with the health care providers. These plans include, but are not limited to, managed care health insurance companies and health maintenance organizations.

(18)(16) "Owner" means a depositor in the case of a deposit, a beneficiary in case of a trust or a deposit in trust, or a payee in the case of other intangible property, or a person having a legal or equitable interest in property subject to this chapter or his or her legal representative.

(19)(17) "Public corporation" means a corporation created by the state, founded and owned in the public interest, supported by public funds, and governed by those deriving their power from the state.

(20)(18) "Reportable period" means the calendar year ending December 31 of each year.

(21)(19) "State," when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession, and any other area subject to the legislative authority of the United States.

(22)(20) "Ultimate equitable owner" means a natural person who, directly or indirectly, owns or controls an ownership interest in a corporation, a foreign corporation, an alien business organization, or any other form of business organization, regardless of whether such natural person owns or controls such ownership interest through one or more natural persons or one or more proxies, powers of attorney, nominees, corporations, associations, partnerships, trusts, joint stock companies, or other entities or devices, or any combination thereof.

(23)(21) "Utility" means a person who owns or operates, for public use, any plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas.

(Redesignate subsequent sections.)

And the title is amended as follows:

On line 2, after the semicolon (;) insert: amending s. 717.101, F.S.; providing definitions;

Amendment 2 (132506)(with title amendment)—Lines 124-183, delete those lines and insert:

Section 3. Subsections (3) and (4) of subsection (7) of section 717.117, Florida Statutes, are amended, and paragraph (c) is added to subsection (7) of that section, to read:

717.117 Report of unclaimed property.—

(3) The report must be filed before May 1 of each year. ~~The Such~~ report shall apply to the preceding calendar year. The department may impose and collect a penalty of \$10 per day up to a maximum of \$500 for the failure to timely report or the failure to include in a report information required by this chapter. The penalty shall be remitted to the department within 30 days after the date of the notification to the holder that the penalty is due and owing. As necessary for proper administration of this chapter, the department may waive any penalty due with appropriate justification. On written request by any person required to file a report and upon a showing of good cause, the department may

postpone the reporting date. The department must provide information contained in a report filed with the department to any person requesting a copy of the report or information contained in a report, to the extent the information requested is not confidential, within 45 90 days after the report has been processed and added to the unclaimed property database subsequent to a determination that the report is accurate and that the reported property is the same as the remitted property.

(4) Holders of inactive accounts having a value of \$50 or more shall use due diligence to locate apparent owners. *Not more than 120 days and not less than 60 days prior to filing the report required by this section, the holder in possession of property presumed unclaimed and subject to custody as unclaimed property under this chapter shall send written notice to the apparent owner at the apparent owner's last known address informing the apparent owner that the holder is in possession of property subject to this chapter, if the holder has in its records an address for the apparent owner which the holder's records do not disclose to be inaccurate.*

~~(a) When an owner's account becomes inactive, the holder shall conduct at least one search for the apparent owner using due diligence. For purposes of this section, an account is inactive if 2 years have transpired after the last owner initiated account activity, if 2 years have transpired after the expiration date on the instrument or contract, or if 2 years have transpired since first-class mail has been returned as undeliverable.~~

~~(b) Within 180 days after an account becomes inactive, the holder shall conduct a search to locate the apparent owner of the property. The holder may satisfy such requirement by conducting one annual search for the owners of all accounts which have become inactive during the prior year.~~

~~(c) Within 30 days after receiving updated address information, the holder shall provide notice by telephone or first class mail to the current address notifying the apparent owner that the holder is in possession of property which is presumed unclaimed and may be remitted to the department. The notice shall also provide the apparent owner with the address or the telephone number of an office where the apparent owner may claim the property or reestablish the inactive account.~~

~~(d) The account shall be presumed unclaimed if the holder is not able to contact the apparent owner by telephone, the first class mail notice is returned to the holder as undeliverable, or the apparent owner does not contact the holder in response to the first class mail notice.~~

(7)

~~(c) This section does not apply to credit balances, overpayments, refunds, or outstanding checks owed by a health care provider to a managed care payor with whom the health care provider has a managed care contract, provided that the credit balances, overpayments, refunds, or outstanding checks become due and owing pursuant to the managed care contract.~~

And the title is amended as follows:

On line 11, after the semicolon (;) insert: providing an additional exception to the reporting of unclaimed property;

Pursuant to Rule 4.19, **HB 1527** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg, by two-thirds vote **HB 1417** was withdrawn from the Committees on Regulated Industries; and Judiciary.

On motion by Senator Aronberg—

HB 1417—A bill to be entitled An act relating to land surveying and mapping; amending s. 472.013, F.S.; revising requirements to be entitled to take the licensure examination to practice in this state as a surveyor and mapper; amending s. 472.015, F.S.; authorizing certain photogrammetrists to qualify for a license by endorsement; amending s. 472.021, F.S.; revising liability of partnerships and other business entities rendering professional surveying and mapping services; amending s. 472.005, F.S.; providing a definition of "photogrammetrist"; amending s. 472.007, F.S.; conforming a provision to the definition of photogrammetrist; providing an effective date.

—a companion measure, was substituted for **CS for SB 2050** and read the second time by title.

Pursuant to Rule 4.19, **HB 1417** was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

CS for SB 1270—A bill to be entitled An act relating to property appraiser assessments; amending s. 193.023, F.S.; providing property appraisers with additional methods for inspecting real property for assessment purposes in addition to physical inspections; reducing the required frequency of physical inspections; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1270** to **HB 499**.

Pending further consideration of **CS for SB 1270** as amended, on motion by Senator Saunders, by two-thirds vote **HB 499** was withdrawn from the Committees on Community Affairs; and Government Efficiency Appropriations.

On motion by Senator Saunders, the rules were waived and—

HB 499—A bill to be entitled An act relating to property appraiser assessments; amending s. 193.023, F.S.; requiring property appraisers to physically inspect property every 5 years for certain purposes; amending s. 193.501, F.S.; revising a definition; providing an effective date.

—a companion measure, was substituted for **CS for SB 1270** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 499** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

CS for CS for CS for CS for SB 442—A bill to be entitled An act relating to building safety; amending s. 215.559, F.S.; requiring that a specified percentage of the funds appropriated under the Hurricane Loss Mitigation Program be used for education concerning the Florida Building Code and for the operation of the disaster contractors network; requiring the Department of Community Affairs to contract with a non-profit tax-exempt entity for training, development, and coordination; amending s. 400.23, F.S.; providing that residents of nursing homes may move their beds under certain circumstances; requiring the nursing homes to notify the Agency for Health Care Administration; amending s. 468.621, F.S.; providing additional grounds for which disciplinary actions may be taken against building code enforcement officials; amending ss. 471.033 and 481.225, F.S.; providing criminal penalties for performing building inspections under certain circumstances; amending s. 489.537, F.S.; providing that certain alarm system contractors and electrical contractors may not be required by a municipality or county to obtain additional certification or meet additional licensure requirements; amending s. 553.73, F.S.; specifying certain codes from the International Code Congress and the International Code Council as foundation codes for the updated Florida Building Code; providing requirements for amendments to the foundation codes; providing for the incorporation of certain statements, decisions, and amendments into the Florida Building Code; providing a timeframe for rule updates to the Florida Building Code to become effective; adding a requirement for technical amendments to the Florida Building Code; providing requirements for the Florida Building Commission in reviewing code amendments; providing an exception; incorporating by reference certain standards for unvented conditioned attic assemblies; amending s. 553.77, F.S.; revising duties of the Florida Building Commission; authorizing local building departments or other entities to approve changes to an approved building plan; providing that a member shall abstain from voting under certain circumstances; deleting requirements that the commission hear certain appeals and issue declaratory statements; creating s. 553.775, F.S.; providing legislative intent with respect to the interpretation of the Florida Building Code; providing for the commission to resolve disputes regarding interpretations of the code; requiring the commission to review decisions of local building officials and local enforcement agencies;

providing for publication of an interpretation on the Building Code Information System and in the Florida Administrative Weekly; authorizing the commission to adopt a fee; amending s. 553.79, F.S.; exempting truss-placement plans from certain requirements; amending s. 553.791, F.S.; clarifying a definition; expanding authorization to use private providers to provide building code inspection services; including fee owner contractors within such authorization; revising notice requirements for using private providers; revising procedures for issuing permits; providing requirements for representatives of private providers; providing for waiver of certain inspection records requirements under certain circumstances; requiring issuance of stop-work orders to be pursuant to law; providing for establishment of a registration system for private providers and authorized representatives of private providers for licensure compliance purposes; preserving authority to issue emergency stop-work orders; revising insurance requirements for private providers; providing a definition; authorizing performance audits by local building code enforcement agencies of private providers; specifying conditions for proceeding with building work; amending s. 553.80, F.S.; providing that certain buildings are exempt from the building code; providing that universities and colleges may create a board of adjustment; authorizing local governments to impose certain fees for code enforcement; providing requirements and limitations; conforming a cross-reference; requiring the commission to expedite adoption and implementation of the existing state building code as part of the Florida Building Code pursuant to limited procedures; exempting certain buildings of the Department of Agriculture and Consumer Services from local permitting requirements, review, or fees; amending s. 120.80, F.S.; authorizing the Florida Building Commission to conduct proceedings to review decisions of local officials; amending s. 553.841, F.S.; revising provisions governing the Building Code Training Program; creating the Building Code Education and Outreach Council to coordinate, develop, and ensure enforcement of the Florida Building Code; providing for membership, terms of office, and meetings; providing duties of the council; providing for administrative support for the council; requiring the council to develop a core curriculum and equivalency test for specified licensees; providing for the use of funds by the council; repealing s. 553.8413, F.S., relating to the Education Technical Advisory Committee; amending s. 553.842, F.S.; providing for products to be approved for statewide use; deleting an obsolete date; deleting a provision requiring the commission to adopt certain criteria for local program verification and validation by rule; adding an evaluation entity to the list of entities specifically approved by the commission; deleting a requirement that the commission establish a schedule for adopting rules relating to product approvals under certain circumstances; authorizing the commission to adopt rules relating to material standards; amending s. 633.025, F.S.; providing that local governments may adopt fire sprinkler requirements under certain circumstances; creating s. 633.026, F.S.; requiring that the State Fire Marshal establish by rule a process for rendering nonbinding interpretations of the Florida Fire Prevention Code; authorizing the State Fire Marshal to enter into contracts and refer interpretations to a nonprofit organization; providing for the interpretations to be advisory; providing for establishing a fee by department rule; providing requirements for local product approval of products or systems of construction; specifying methods for demonstrating compliance with the structural windload requirements of the Florida Building Code; providing for certification to be issued by a professional engineer or registered architect; providing for audits under a quality assurance program and other types of certification; providing that changes to the Florida Building Code do not void the approval of previously installed products; providing for guidelines for the mitigation grant program; amending s. 633.021, F.S.; redefining terms used in ch. 633, F.S.; amending s. 633.0215, F.S.; revising provisions relating to the construction of townhouse stairs; amending s. 633.071, F.S.; requiring inspection tags to be attached to all fire protection systems; providing for the standardization of inspection tags and reports; amending s. 633.082, F.S.; requiring fire protection systems to be inspected in accordance with nationally accepted standards; amending s. 633.521, F.S.; establishing a permit classification for individuals who inspect fire protection systems; amending s. 633.524, F.S.; establishing fees for various classes of permits; amending s. 633.537, F.S.; establishing continuing education requirements; amending s. 633.539, F.S.; requiring fire protection systems to be inspected, serviced, or maintained by a permit holder; establishing the scope of work criteria; amending s. 633.547, F.S.; providing for disciplinary action; amending s. 633.702, F.S.; providing a criminal penalty for intentionally or willfully installing, servicing, testing, repairing, improving, or inspecting a fire alarm system unless the person who performs those acts has certain qualifications or is exempt under s. 489.503, F.S.; amending s. 1013.372, F.S.; providing that counties pay costs of making new education facilities

ready for emergencies; amending ch. 2000-141, Laws of Florida; providing for removal of outdated wind-protection standards from the Florida Building Code; providing for an update of the code's wind-protection standards; providing an appropriation; providing that the Department of Environmental Protection retains exclusive authority to review and approve boat docking facility permits; providing for incorporation in the Florida Building Code of the repeal of a design option relating to internal pressure for buildings within the windborne debris region; requiring the Florida Building Commission to make recommendations to the Legislature; providing an effective date for the Florida Building Code; repealing s. 553.851, F.S., relating to the protection of underground gas pipelines; providing that a local government must act upon certain permit applications within a specified time or the permits are automatically deemed approved; providing for an extension; providing procedures for disaster recovery mitigation companies; requiring the Florida Building Commission to amend certain provisions of the Florida Building Code relating to mezzanine size and use; requiring the Florida Building Commission to convene a workgroup to study the recommendation for a single validation entity; providing an effective date.

—was read the second time by title.

Senator King moved the following amendment which was adopted:

Amendment 1 (145694)(with title amendment)—On page 8, line 3 through page 10, line 5, delete those lines and insert:

Section 1. Paragraph (a) of subsection (2) and subsections (3) and (4) of section 215.559, Florida Statutes, are amended, present subsection (7) of that section is redesignated as subsection (8) and amended, present subsections (5) and (6) of that section are redesignated as subsections (6) and (7), respectively, and a new subsection (5) is added to that section, to read:

215.559 Hurricane Loss Mitigation Program.—

(2)(a) Seven million dollars in funds provided in subsection (1) shall be used for programs to improve the wind resistance of residences and mobile homes, including loans, subsidies, grants, demonstration projects, and direct assistance; *educating persons concerning the Florida Building Code* cooperative programs with local governments and the Federal Government; and other efforts to prevent or reduce losses or reduce the cost of rebuilding after a disaster.

(3) Forty percent of the total appropriation in paragraph (2)(a) shall be used to inspect and improve tie-downs for mobile homes. Within 30 days after the effective date of that appropriation, the department shall contract with a public higher educational institution in this state which has previous experience in administering the programs set forth in this subsection to serve as the administrative entity and fiscal agent pursuant to s. 216.346 for the purpose of administering the programs set forth in this subsection in accordance with established policy and procedures. The administrative entity working with the advisory council set up under subsection (5) shall develop a list of mobile home parks and counties that may be eligible to participate in the tie-down program.

(4) Of moneys provided to the Department of Community Affairs in paragraph (2)(a), 10 percent shall be allocated to a Type I Center within the State University System dedicated to hurricane research. The Type I Center shall develop a preliminary work plan approved by the advisory council set forth in subsection (6) (5) to eliminate the state and local barriers to upgrading existing mobile homes and communities, research and develop a program for the recycling of existing older mobile homes, and support programs of research and development relating to hurricane loss reduction devices and techniques for site-built residences. The State University System also shall consult with the Department of Community Affairs and assist the department with the report required under subsection (8) (7).

(5) *An amount equal to fifteen percent of the total appropriation in paragraph (2)(a) shall be used for education awareness concerning the Florida Building Code and the operation of the disaster contractors network. Not more than 30 days after the effective date of each subsequent appropriation, the Department of Community Affairs shall contract with a nonprofit tax-exempt entity having prior contracting experience with building code training, development, and coordination and whose membership is representative of all of the statewide construction and design licensee associations. The entity shall allocate 20 percent of these resources to the disaster contractors network for the education of the con-*

struction industry and hurricane response if needed to coordinate the industry in the event of a natural disaster. The entity shall allocate 20 percent of these resources to the largest residential construction trade show in the state for the education of the residential construction industry on building code and mitigation issues. The remaining resources shall be used by the entity for outreach building code activities after consultation with the building code program under the Florida Building Commission as provided for in s. 553.841.

(8)(7) On January 1st of each year, the Department of Community Affairs shall provide a full report and accounting of activities under this section and an evaluation of such activities to the Speaker of the House of Representatives, the President of the Senate, and the Majority and Minority Leaders of the House of Representatives and the Senate. *Upon completion of the report, the Department of Community Affairs shall deliver the report to the Office of Insurance Regulation. The Office of Insurance Regulation shall review the report and shall make such recommendations available to the insurance industry as the Office of Insurance Regulation deems appropriate. These recommendations may be used by insurers for potential discounts or rebates pursuant to s. 627.0629. The Office of Insurance Regulation shall make the recommendations within 1 year after receiving the report.*

And the title is amended as follows:

On page 1, line 11, after the semicolon (;) insert: *providing that the Office of Insurance Regulation make recommendations to the insurance industry based on a report regarding the Hurricane Loss Mitigation Program by the Department of Community Affairs;*

Senator Bennett moved the following amendments which were adopted:

Amendment 2 (042462)(with title amendment)—On page 58, delete line 14 and insert: *assemblies must be inspected once every 3 years.*

Amendment 3 (841806)(with title amendment)—On page 77, lines 21-27, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 6, lines 29-31, delete those lines and insert: 489.503, F.S.;

Amendment 4 (045452)(with title amendment)—On page 78, lines 9-16, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 7, lines 6-9, delete those lines and insert: *appropriation; providing for incorporation*

Amendment 5 (793938)(with title amendment)—On page 79, line 17, after the period (.) insert: *After July 1, 2005, a design professional who has been preparing construction documents for a project in anticipation of the Florida Building Code, 2004 edition, as adopted pursuant to Rule 9B-3.047, Florida Administrative Code, and adoption proceedings before the commission may choose to have such project governed by the 2004 edition of the Florida Building Code.*

And the title is amended as follows:

On page 7, line 16, after the first semicolon (;) insert: *granting certain design professionals the choice of having certain projects governed under the 2004 edition of the code;*

Amendment 6 (194844)(with title amendment)—On page 80, between lines 28 and 29, insert:

Section 47. *The Florida Building Commission shall modify Table 1014.1 of the Florida Building Code, 2004 edition, to include R2 and R3 occupancies in the maximum occupancy load of 50, and convert R occupancy to R1 and R4 occupancies in the maximum occupancy load of 10. The commission shall also amend Section 1014.1.2 of the Florida Building Code, 2004 edition, to add Exception 3, to read: "In R1 and R2 occupancies, the distance between exits stipulated by Section 1004.1.4 is not applicable to common nonlooped exit access corridors in a building that has corridor doors from the guest room or guest suite or dwelling unit which are arranged so that the exits are located in opposite directions from such doors.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 29, after the semicolon (;) insert: requiring the Florida Building Commission to amend certain provisions of the Florida Building Code relating to fire safety in certain occupancies or exit doors of certain occupancies;

Senator Alexander offered the following amendment which was moved by Senator Bennett and adopted:

Amendment 7 (403624)(with title amendment)—On page 80, between lines 28 and 29, insert:

Section 47. (1) *There is created the Manufactured Housing Regulatory Study Commission. The study commission shall be composed of 11 members who shall be appointed as follows:*

(a) *Four members appointed by the Florida Manufactured Housing Association, one member representing publicly owned manufacturers of manufactured housing, one member representing privately owned manufacturers of manufactured housing, and two members who are retail sellers of manufactured housing, one of whom must also sell residential manufactured buildings approved by the Department of Community Affairs.*

(b) *Two members from the Senate, appointed by the President of the Senate.*

(c) *Two members from the House of Representatives, appointed by the Speaker of the House of Representatives.*

(d) *The secretary of the Department of Community Affairs or the secretary's designee.*

(e) *The executive director of the Department of Highway Safety and Motor Vehicles or the director's designee.*

(f) *The commissioner of the Department of Agriculture and Consumer Services or the commissioner's designee.*

The commission members representing the departments of Community Affairs, Highway Safety and Motor Vehicles, and Agriculture and Consumer Services shall serve as ex officio, nonvoting members of the study commission.

(2) *The study commission shall review the programs regulating manufactured and mobile homes which are currently located at the Department of Highway Safety and Motor Vehicles and must include a review of the following programs and activities:*

(a) *The federal construction and inspection programs.*

(b) *The installation program, including the regulation and inspection functions.*

(c) *The Mobile Home and RV Protection Trust Fund.*

(d) *The licensing of manufacturers, retailers, and installers of manufactured and mobile homes.*

(e) *The titling of manufactured and mobile homes.*

(f) *Dispute resolution.*

During the course of the study, the study commission must review the sources funding the programs to determine if the manufactured and mobile home programs are or can be self-sustaining. The study commission shall also consider the impact that changes in regulation may have on the industry and its consumers.

(3) *The study commission shall be administratively supported by the staff of the transportation committees of the Senate and the House of Representatives.*

(4)(a) *The study commission must hold its initial meeting no later than August 15, 2005, in Tallahassee. Staff to the commission shall schedule and organize the initial meeting. Subsequent meetings of the study commission must be held in Tallahassee according to a schedule developed by the chair.*

(b) *At the initial meeting, the study commission shall elect a chair from one of the elected official members.*

(5) *The study commission must submit a final report setting forth its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives on or before January 1, 2006.*

(6) *Members of the study commission shall serve without compensation, but are entitled to be reimbursed for per diem and travel expenses under section 112.061, Florida Statutes.*

(7) *The study commission terminates after submitting its final report but not later than February 15, 2006.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 29, after the semicolon (;) insert: creating the Manufactured Housing Regulatory Study Commission; providing for membership; providing duties; requiring the commission to file a report with the Governor and the Legislature;

Senator Bennett moved the following amendment:

Amendment 8 (504304)(with title amendment)—On page 80, between lines 28 and 29, insert:

Section 47. Section 791.012, Florida Statutes, is amended to read:

791.012 *Minimum building standards and fireworks safety standards.*—The outdoor display of fireworks in this state is ~~shall be~~ governed by the National Fire Protection Association (NFPA) 1123, Code for Fireworks Display, 1995 Edition, approved by the American National Standards Institute. Any state, county, or municipal law, rule, or ordinance may provide for more stringent regulations for the outdoor display of fireworks, but in no event may any such law, rule, or ordinance provide for less stringent regulations for the outdoor display of fireworks. *Each sales facility exclusively dedicated to the retail sale of consumer fireworks, consumer fireworks sales area in a bulk merchandising retail building, and temporary location for the sale of consumer fireworks must be in accordance with NFPA 1124, 2003 Edition, Chapter 7, and the Fire Prevention Code, 2004 Edition.* The division shall ~~adopt promulgate~~ rules to carry out ~~the provisions of this section.~~ The Code for Fireworks Display ~~does shall~~ not govern the display of any fireworks on private, residential property and ~~does shall~~ not govern the display of those items included under s. 791.01(4)(b) and (c) and authorized for sale thereunder. *In order to ensure uniform safety standards for consumer fireworks and sparklers, and excepting federal law, the legislature has the exclusive power to regulate the sale, use, safety standards, and possession of consumer fireworks and sparklers in this state and a county, municipality, or other unit of local government may not enact an ordinance, rule, regulation, or other law after March 8, 2005, which prohibits or interferes with the safety standards established by state law or the right to purchase, sell, use, or possess consumer fireworks and sparklers in this state; however, this preemption is repealed on July 1, 2006, if legislation to provide for the comprehensive regulation for the sale, possession, storage, display, and safe use of consumer fireworks and sparklers is enacted.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 29, after the semicolon (;) insert: amending s. 791.012, F.S.; establishing fire safety standards for certain sales of consumer fireworks; preempting a county, municipality, or other local government entity from regulating the sale, use, safety standards, or possession of consumer fireworks; repealing the preemption under certain conditions relating to enactment of comprehensive consumer fireworks legislation;

POINT OF ORDER

Senator Lawson raised a point of order that pursuant to Rule 7.1 **Amendment 8** was not germane to the bill.

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

Senator Bennett moved the following amendment which was adopted:

Amendment 9 (801060)(with title amendment)—On page 80, delete line 29 and insert:

Section 47. This act shall take effect July 1, 2005, except for section 1 of this act, which shall take effect July 1, 2006.

And the title is amended as follows:

On page 7, lines 29 and 30, delete those lines and insert: single validation entity; providing effective dates.

MOTION

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

Senator Haridopolos offered the following amendment which was moved by Senator Bennett and adopted:

Amendment 10 (464390)(with title amendment)—On page 80, between lines 28 and 29, insert:

Section 47. Section 514.075, Florida Statutes, is amended to read:

514.075 Public pool service technician; certification.—The department ~~shall may~~ require that a public pool, as defined in s. 514.011, be serviced by a person certified as a pool service technician. To be certified, an individual must demonstrate knowledge of public pools which includes, but is not limited to: pool cleaning; general pool maintenance; source of the water supply; bacteriological, chemical, and physical quality of water; and water purification, testing, treatment, and disinfection procedures. The department ~~shall may~~, by rule, establish the requirement for the certification course and course approval. The department shall deem certified any individual who is certified by a course of national recognition or any person licensed under s. 489.105(3)(j), (k), or (l). ~~This requirement does not apply to a person, or the direct employee of a person, permitted as a public pool operator under s. 514.031.~~

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 29, after the semicolon (;) insert: amending s. 514.075, F.S.; deleting an exemption from service requirements for certain public pool operators; requiring the adoption of rules; requiring a public pool to be serviced by a certified pool service technician;

MOTION

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

Senator Bennett moved the following amendment which was adopted:

Amendment 11 (440444)(with title amendment)—On page 80, between lines 28 and 29, insert:

Section 47. *Modification 569 to the Florida Building Code which was approved by the Florida Building Commission on October 14, 2003, is removed and the provisions from the International Building Code 2003, Section 2304.7(3), are restored to the base code until the base code is revised. Modification 570 to the Florida Building Code which was approved by the Florida Building Commission on October 14, 2003, is removed and the provisions from the International Building Code 2003, Section 2304.7(5), are restored to the base code until the base code is revised.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 29, after the semicolon (;) insert: removing specified provisions from the Florida Building Code; restoring specified provisions that had been removed from the base code; providing for continuation of the restored provisions until the base code is revised;

MOTION

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

Senator Constantine moved the following amendment which was adopted:

Amendment 12 (113728)(with title amendment)—On page 76, between lines 14 and 15, insert:

Section 34. *The Florida Building Commission shall consider how to address the issue of water intrusion and roof-covering-attachment weaknesses experienced in recent hurricanes. Section 553.73, Florida Statutes, notwithstanding, the commission may adopt amendments to the Florida Building Code, 2004 edition, to incorporate consensus-based provisions addressing water intrusion and roof-covering attachment, subject only to the rule-adoption procedures in chapter 120, Florida Statutes.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, line 29, after the first semicolon (;) insert: providing for the Florida Building Commission to adopt amendments to the Florida Building Code relating to water intrusion and roof-covering attachment;

MOTION

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

Senator Bennett moved the following amendment which was adopted:

Amendment 13 (350392)(with title amendment)—On page 79, line 26 through page 80, line 6, delete those lines and insert:

Section 44. Present subsection (19) of section 489.103, Florida Statutes, is amended and redesignated as subsection (20), and new subsections (19) and (21) are added to that section, to read:

489.103 Exemptions.—This part does not apply to:

(19) *A disaster recovery mitigation organization or a not-for-profit organization repairing or replacing a one-family, two-family, or three-family residence that has been impacted by a disaster when such organization:*

(a) *Is using volunteer labor to assist the owner of such residence in mitigating unsafe living conditions at the residence;*

(b) *Is not holding itself out to be a contractor;*

(c) *Obtains all required building permits;*

(d) *Obtains all required building code inspections; and*

(e) *Provides for the supervision of all work by an individual with construction experience.*

(20)(19) *The sale, delivery, assembly, or tie-down of prefabricated portable sheds that are not more than 250 square feet in interior size and are not intended for use as a residence or as living quarters. This exemption may not be construed to interfere with the Florida Building Code or any applicable local technical amendment to the Florida Building Code, local licensure requirements, or other local ordinance provisions.*

(21) *The sale, delivery, assembly, or tie-down of lawn storage buildings and storage buildings not exceeding 400 square feet and bearing the insignia of approval from the Department of Community Affairs showing compliance with the Florida Building Code.*

And the title is amended as follows:

On page 7, lines 18-23, delete those lines and insert: amending s. 489.103, F.S.; exempting a disaster recovery organization or a not-for-profit organization assisting with post-disaster repair or replacement of certain residential structures from part I of ch. 489, F.S., relating to regulation of contractors, under certain circumstances; providing that certain storage buildings whose sale, delivery, assembly, or tie-down are exempt from such part; requiring the

RULING ON POINT OF ORDER

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

Pursuant to Rule 4.19, **CS for CS for CS for CS for SB 442** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

SB 1250—A bill to be entitled An act relating to independent postsecondary education; amending s. 1005.22, F.S.; revising a duty of the Commission for Independent Education relating to rulemaking; amending s. 1005.31, F.S.; providing requirements of independent postsecondary educational institutions licensed by the commission; providing requirements for an investigative process for licensure of applicants; revising provisions relating to applicant status; providing for inspections; creating s. 1005.375, F.S.; specifying acts that constitute violations and providing penalties therefor; amending s. 1005.38, F.S.; providing requirements for investigation of a suspected violation of the chapter or rules; providing for denial of licensure; providing additional grounds for disciplinary actions; providing for a final order to dismiss a complaint or impose specified penalties; providing for imposition of an assessment relating to investigation and prosecution of a case; providing for an emergency suspension or restriction order; creating s. 1005.385, F.S.; requiring the commission to adopt rules relating to issuance of a citation to an institution and violations for which a citation may be issued; specifying requirements for issuance; amending s. 1010.83, F.S.; providing for the inclusion in the Institutional Assessment Trust Fund of fees and fines imposed on institutions; specifying separate accounts; revising uses of funds in the trust fund; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **SB 1250** to **HB 1089**.

Pending further consideration of **SB 1250** as amended, on motion by Senator Wise, by two-thirds vote **HB 1089** was withdrawn from the Committees on Education; Criminal Justice; and Education Appropriations.

On motion by Senator Wise—

HB 1089—A bill to be entitled An act relating to independent postsecondary education; amending s. 1005.31, F.S.; providing requirements of independent postsecondary educational institutions licensed by the Commission for Independent Education; providing requirements for an investigative process for licensure of applicants; revising provisions relating to applicant status; providing for inspections; creating s. 1005.375, F.S.; specifying acts that constitute violations and providing penalties therefor; amending s. 1005.38, F.S.; providing requirements for investigation of a suspected violation of the chapter or rules; providing additional grounds for disciplinary actions; providing for a final order to dismiss a complaint or impose specified penalties; providing for imposition and collection of an assessment relating to investigation and prosecution of a case; providing for an emergency suspension or restriction order; creating s. 1005.385, F.S.; requiring the commission to adopt rules relating to issuance of a citation to an institution and violations for which a citation may be issued; specifying requirements for issuance; amending s. 1010.83, F.S.; providing for the inclusion in the Institutional Assessment Trust Fund of fees and fines imposed on institutions; specifying separate accounts; revising uses of funds in the trust fund; providing an effective date.

—a companion measure, was substituted for **SB 1250** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1089** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise, by two-thirds vote **HB 1091** was withdrawn from the Committees on Education; Criminal Justice; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Wise—

HB 1091—A bill to be entitled An act relating to public records and public meetings exemptions for investigations by the Commission for

Independent Education; amending s. 1005.38, F.S.; creating an exemption from public records requirements for investigatory records, including minutes and findings of an exempt probable cause panel meeting, relating to suspected violations of ch. 1005, F.S., or commission rules; creating an exemption from public meetings requirements for certain portions of meetings of a probable cause panel; providing for limited duration of the exemptions; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **CS for CS for SB 1272** and read the second time by title.

Pursuant to Rule 4.19, **HB 1091** was placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

CS for SB 108—A bill to be entitled An act relating to fire prevention and control; creating s. 633.115, F.S.; creating the Fire and Emergency Incident Information Program in the Division of State Fire Marshal of the Department of Financial Services; providing powers and duties of the program; providing for the adoption of rules; creating a Fire and Emergency Incident Information System Technical Advisory Panel in the division; providing for membership and duties; providing a definition; amending s. 633.171, F.S.; establishing penalties for the unauthorized use of fireworks or pyrotechnic devices in a structure; providing that the penalties do not apply to the manufacture, distribution, or sale of fireworks; amending s. 633.821, F.S.; authorizing the Division of State Fire Marshal to adopt additional national fire standards to ensure safe working conditions for firefighters; directing the division to adopt rules for live fire training and for a training and certification process for live-fire-training instructors; providing the contents of the training rules; requiring the live-fire-training rules to take effect by a specified date; requiring each live-fire-training instructor to be state-certified; directing that all live fire training commenced on and after a certain date, be conducted by a certified live-fire-training instructor; providing an exception; amending s. 932.7055, F.S.; providing that proceeds from the sale of forfeited property seized by the Division of State Fire Marshal in the Department of Financial Services under the Florida Contraband Forfeiture Act be deposited into the Insurance Regulatory Trust Fund and used for specified purposes; providing an effective date.

—was read the second time by title.

An amendment was considered and failed and an amendment was considered and adopted to conform **CS for SB 108** to **HB 69**.

Pending further consideration of **CS for SB 108** as amended, on motion by Senator Constantine, by two-thirds vote **HB 69** was withdrawn from the Committees on Banking and Insurance; Criminal Justice; and General Government Appropriations.

On motion by Senator Constantine—

HB 69—A bill to be entitled An act relating to fire prevention and control; providing a popular name; creating s. 633.115, F.S.; creating the Fire and Emergency Incident Information Reporting Program within the Division of State Fire Marshal; providing program requirements; providing duties of the division relating to the program; creating the Fire and Emergency Incident Information System Technical Advisory Panel within the division; providing for membership and duties of the panel; requiring the division to adopt certain rules; amending s. 633.171, F.S.; providing definitions; providing criminal penalties for initiating a pyrotechnic display in certain structures under certain circumstances; providing exceptions; providing construction; providing application; amending s. 633.821, F.S.; providing additional criteria for certain rules of the Division of State Fire Marshal; requiring the division to adopt rules relating to live fire training; providing requirements; providing for such rules to take effect; requiring state certification as an instructor for certain training after a certain date; providing an exception from application to certain wildland or prescribed live-fire training exercises; amending s. 932.7055, F.S.; providing that proceeds from the sale of certain forfeited property be deposited into the Insurance Regulatory Trust Fund and used for specified purposes; providing an effective date.

—a companion measure, was substituted for **CS for SB 108** as amended and read the second time by title.

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

On motion by Senator Bullard—

CS for SB 2432—A bill to be entitled An act relating to cardrooms; amending s. 849.086, F.S.; revising definitions to include dominoes as an authorized game and to allow games other than card games to be played in cardrooms; authorizing rulemaking relating to poker and dominoes by the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation; providing for supervision of dominoes games at a cardroom; limiting wagering related to authorized games; providing an effective date.

—was read the second time by title.

Senator Bullard moved the following amendment which was adopted:

Amendment 1 (154240)—On page 1, line 16 through page 2, line 10, delete those lines and insert:

Section 1. Paragraphs (a), (c), and (e) of subsection (2), paragraph (a) of subsection (4), paragraph (a) of subsection (6), paragraph (c) of subsection (7), and paragraph (a) of subsection (8) of section 849.086, Florida Statutes, are amended, and present paragraphs (h), (i), (j), and (k) of subsection (2) of that section are redesignated as paragraphs (i), (j), (k), and (l), respectively, and a new paragraph (h) is added to that subsection, to read:

849.086 Cardrooms authorized.—

(2) DEFINITIONS.—As used in this section:

(a) “Authorized game” means a game or series of games of poker or dominoes which are played in a nonbanking manner.

(c) “Cardroom” means a facility where authorized card games are played for money or anything of value and to which the public is invited to participate in such games and charged a fee for participation by the operator of such facility. Authorized games and cardrooms do not constitute casino gaming operations.

(e) “Cardroom distributor” means any business that distributes cardroom paraphernalia such as card tables, betting chips, chip holders, dominoes, dominoes tables, drop boxes, banking supplies, playing cards, card shufflers, and other associated equipment to authorized cardrooms.

(h) “Dominoes” means a game of dominoes typically played with a set of 28 flat rectangular blocks, called bones, marked on one side, which is divided into two equal parts, with from zero to six dots, called pips, in each part. There are larger sets of blocks which contain a correspondingly higher number of pips. The term “dominoes” also refers to the set of blocks used to play the game.

(4) AUTHORITY OF DIVISION.—The Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation shall administer this section and regulate the operation of cardrooms under this section and the rules adopted pursuant thereto, and is hereby authorized to:

(a) Adopt rules, including, but not limited to: the issuance of cardroom and employee licenses for cardroom operations; the operation of a cardroom; the review and approval of the play and wagering in a game or series of games of poker or a game of dominoes; recordkeeping and reporting requirements; and the collection of all fees and taxes imposed by this section.

(6) BUSINESS AND EMPLOYEE OCCUPATIONAL LICENSE REQUIRED; APPLICATION; FEES.—

(a) A person employed or otherwise working in a cardroom as a cardroom manager, floor supervisor, pit boss, dealer, or any other activity related to cardroom operations while the facility is conducting card playing or games of dominoes must hold a valid cardroom employee occupational license issued by the division. Food service, maintenance, and security employees with a current pari-mutuel occupational license and a current background check will not be required to have a cardroom employee occupational license.

Senator Siplin moved the following amendment which was adopted:

Amendment 2 (311392)(with title amendment)—On page 3, between lines 4 and 5, insert:

Section 2. Paragraph (a) of subsection (1) of section 849.161, Florida Statutes, is amended to read:

849.161 Amusement games or machines; when chapter inapplicable.—

(1)(a)1. Nothing contained in this chapter shall be taken or construed as applicable to an arcade amusement center having amusement games or machines which operate by means of the insertion of a coin or other currency and which by application of skill may entitle the person playing or operating the game or machine to receive points or coupons which may be exchanged for merchandise only, excluding cash and alcoholic beverages, provided the cost value of the merchandise or prize awarded in exchange for such points or coupons does not exceed 75 cents on any game played.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 12, after the semicolon (;) insert: amending s. 849.161, F.S.; providing that the chapter does not apply to amusement games or machines which operate by the insertion of a coin or other currency;

Pursuant to Rule 4.19, **CS for SB 2432** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 360** was deferred.

On motion by Senator Dockery—

CS for CS for CS for SB 444—A bill to be entitled An act relating to the development of water supplies; amending s. 373.019, F.S.; defining the terms “alternative water supply,” “capital costs,” and “multijurisdictional water supply entities”; amending s. 373.196, F.S.; encouraging cooperation in the development of water supplies; providing for alternative water supply development; encouraging municipalities, counties, and special districts to create regional water supply authorities; establishing the primary roles of the water management district in alternative water supply development; establishing the primary roles of local governments, regional water supply authorities, special districts, and publicly owned and privately owned water utilities in alternative water supply development; requiring the water management districts to detail the specific allocations to be used for alternative water supply development in their annual budget submission; amending s. 373.1961, F.S.; providing general powers and duties of the water management districts in water production; requiring that the water management districts include the amount needed to implement the water supply development projects in each annual budget; establishing general funding criteria for funding assistance to the state or water management districts; establishing economic incentives for alternative water supply development; creating a funding formula for the distribution of state funds to the water management districts for alternative water supply development; requiring that funding assistance for alternative water supply development be limited to a percentage of the total capital costs of an approved project; establishing a selection process and criteria; providing for cost recovery from the Public Service Commission; amending s. 373.1962, F.S.; clarifying that counties, municipalities, and special districts may execute interlocal agreements to create regional water supply authorities; amending s. 373.223, F.S.; establishing criteria for certain water supply entities to be presumed to have a use consistent with the public interest for requirements for consumptive use permitting; amending s. 373.236, F.S.; providing permits of at least 20 years for development of alternative water supplies under certain conditions; amending s. 373.459, F.S.; requiring that entities receiving state funding for implementation of surface water improvement and management projects provide a 50-percent match of cash or in-kind services; amending s. 373.0361, F.S.; providing for the development of regional water supply plans; providing requirements for the content of each plan; providing for an approval process for the plans; providing for annual updates; provid-

ing for local government use of the plans; providing notification requirements for water management districts concerning findings within the plan; requiring identified entities to select alternative water supply projects and provide periodic status reports; changing the deadline for certain plan updates; amending s. 163.3177, F.S.; requiring a local government to incorporate alternative water supply projects into the comprehensive plan; requiring local governments to identify specific projects needed; providing for cooperative planning; amending s. 163.3180, F.S.; requiring adequate water supplies to serve new development; amending s. 163.3191, F.S.; requiring the evaluation and appraisal report to evaluate the degree to which the local government has implemented the work plan for regional water supply facilities, including development of alternative water supplies necessary to serve existing and new development; amending s. 403.067, F.S.; providing that initial allocation of allowable pollutant loads between point and nonpoint sources may be developed as part of a total maximum daily load; establishing criteria for establishing initial and detailed allocations to attain pollutant reductions; authorizing the Department of Environmental Protection to adopt phased total maximum daily loads that establish incremental total maximum daily loads under certain conditions; requiring the development of basin management action plans; requiring that basin management action plans integrate the appropriate management strategies to achieve the total maximum daily loads; requiring that the plans establish a schedule for implementing management strategies; requiring that a basin management action plan equitably allocate pollutant reductions to individual basins or to each identified point source or category of nonpoint sources; authorizing that plans may provide pollutant load reduction credits to dischargers that have implemented strategies to reduce pollutant loads prior to the development of the basin management action plan; requiring that the plan identify mechanisms by which potential future sources of pollution will be addressed; requiring that the department assure key stakeholder participation in the basin management action planning process; requiring that the department hold at least one public meeting to discuss and receive comments during the planning process; providing notice requirements; requiring that the department adopt all or part of a basin management action plan by secretarial order pursuant to ch. 120, F.S.; requiring that basin management action plans that alter that calculation or initial allocation of a total maximum daily load, the revised calculation, or initial allocation must be adopted by rule; requiring periodic evaluation of basin management action plans; requiring that revisions to plans be made by the department in cooperation with stakeholders; providing for basin plan revisions regarding nonpoint pollutant sources; requiring that adopted basin management action plans be included in subsequent NPDES permits or permit modifications; providing that implementation of a total maximum daily load or basin management action plan for holders of an NPDES municipal separate stormwater sewer system permit may be achieved through the use of best management practices; providing that basin management action plans do not relieve a discharger from the requirement to obtain, renew, or modify an NPDES permit or to abide by other requirements of the permit; requiring that plan management strategies be completed pursuant to the schedule set forth in the basin management action plan and providing that the implementation schedule may extend beyond the term of an NPDES permit; providing that management strategies and pollution reduction requirements in a basin management action plan for a specific pollutant of concern are not subject to a challenge under ch. 120, F.S., at the time they are incorporated, in identical form, into a subsequent NPDES permit or permit modification; requiring timely adoption and implementation of pollutant reduction actions for nonagricultural pollutant sources not subject to NPDES permitting but regulated pursuant to other state, regional, or local regulatory programs; requiring timely implementation of best management practices for nonpoint pollutant source dischargers not subject to permitting at the time a basin management action plan is adopted; providing for presumption of compliance under certain circumstances; providing for enforcement action by the department or a water management district; requiring that a landowner, discharger, or other responsible person that is implementing management strategies specified in an adopted basin management action plan will not be required by permit, enforcement action, or otherwise to implement additional management strategies to reduce pollutant loads; providing that the authority of the department to amend a basin management plan is not limited; requiring that the department verify at representative sites the effectiveness of interim measures, best management practices, and other measures adopted by rule; requiring that the department use its best professional judgment in making initial verifications that best management practices are not effective; requiring notice to the appropriate water management district and the Department of Agriculture and Consumer Services under certain conditions;

establishing a presumption of compliance for implementation of practices initially verified to be effective or verified to be effective at representative sites; limiting the institution of proceedings by the department against the owner of a source of pollution to recover costs or damages associated with the contamination of surface water or groundwater caused by those pollutants; requiring the Department of Agriculture and Consumer Services to institute a reevaluation of best management practices or other measures where water quality problems are detected or predicted during the development or amendment of a basin management action plan; providing for rule revisions; providing the department with rulemaking authority; requiring that a report be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives containing recommendations on rules for pollutant trading prior to the adoption of those rules; requiring that recommendations be developed in cooperation with a technical advisory committee containing experts in pollutant trading and representatives of potentially affected parties; deleting a requirement that no pollutant trading program shall become effective prior to review and ratification by the Legislature; amending ss. 373.4595 and 570.085, F.S.; correcting cross-references; amending s. 403.885, F.S.; revising requirements relating to the department's grant program for water quality improvement and water restoration project grants; eliminating grants for water quality improvement, water management, and drinking water projects; authorizing grants for wastewater management; creating additional criteria for funding storm water grants; requiring local matching funds; providing an exception from matching fund requirements for financially disadvantaged small local governments; creating s. 403.890, F.S.; establishing the Water Protection and Sustainability Program; establishing a funding formula for the distribution of revenues; providing for legislative review; providing an effective date.

—was read the second time by title.

Senator Dockery moved the following amendment which was adopted:

Amendment 1 (425336)—On page 15, line 23, delete “resource” and insert: *supply*

Senator Dockery moved the following amendment:

Amendment 2 (680240)—On page 17, line 30 through page 18 line 4, delete those lines and insert: *equivalent of 100 percent of the state funding provided to the water management district for alternative water supply development. If this goal is not achieved, the water management district shall provide in the budget submittal an explanation of the reasons or constraints that prevent this goal from being met. The Suwannee River Water Management District and the Northwest Florida Water Management District shall not be required to meet the match requirements of this paragraph; however, they shall try to achieve the match requirement to the greatest extent practicable.*

MOTION

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

Senator Dockery moved the following amendment to **Amendment 2** which was adopted:

Amendment 2A (145540)—On page 1, delete line 23 and insert: *goal from being met, an explanation of how the goal will be met in future years, and affirmation of match is required during the budget review process as established under s. 373.536(5). The Suwannee River Water Management*

Amendment 2 as amended was adopted.

Senator Dockery moved the following amendments which were adopted:

Amendment 3 (281748)—On page 24, line 14, after the period (.) insert: *The water management districts or basin boards, may at their discretion, use ad valorem or federal revenues to assist a project applicant in meeting the requirements of this paragraph.*

Amendment 4 (100508)—On page 45, line 6, after the period (.) insert: *If a local government is located within two water management districts, the local government shall adopt its comprehensive plan amendment within 18 months after the later updated regional water supply plan.*

MOTION

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

Senator Dockery moved the following amendments which were adopted:

Amendment 5 (122522)—On page 16, lines 24-26, delete those lines and insert: *maintenance of alternative water supply development projects*;

Amendment 6 (470816)—On page 45, delete line 4 and insert: *government under s. 373.0361(7)(b) consider the appropriate*

Amendment 7 (561504)(with title amendment)—On page 32, between lines 5 and 6, insert:

Section 4. *Paragraph (c) of subsection (4) of section 373.0831, Florida Statutes, is repealed.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, delete line 10 and insert: *Service Commission; repealing paragraph (c) of subsection (4) of s. 373.0831, F.S.; relating to certain alternative water supply development projects; amending s. 373.1962, F.S.;*

Amendment 8 (504188)—On page 23, delete line 10 and insert: *district for the purpose of alternative water supply development*

Amendment 9 (721838)—On page 27, delete line 14 and insert: *assistance from the state or a water management district for an*

Amendment 10 (975974)—On page 45, delete line 7 and insert: *such alternative water supply projects and traditional water*

Amendment 11 (784392)—On page 36, delete line 21 and insert: *reasonable-beneficial uses and related natural systems. During the*

Amendment 12 (650492)—On page 45, lines 11 and 12, delete those lines and insert: *covering at least a 10 year planning period, for building public, private, and*

Amendment 13 (064548)—On page 46, delete line 9 and insert: *consult with the applicable water supplier to determine whether adequate water*

Amendment 14 (550542)—On page 78, lines 1-11, delete those lines and insert: *the total maximum daily load program under s. 403.067, suitable best management practices or other measures used to achieve water quality standards in surface waters and water segments identified pursuant to s. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best management practices and other measures may include cost-share grants, technical assistance, implementation tracking, and conservation leases or other agreements for water quality improvement. The Department of Environmental Protection and the Department of Agriculture and Consumer Services may adopt rules governing the distribution of funds for implementation of capital projects, best management practices, and other measures.*

Pursuant to Rule 4.19, **CS for CS for CS for SB 444** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Dockery—

CS for CS for SB 332—A bill to be entitled An act relating to trust funds; creating s. 403.891, F.S.; creating the Water Protection and Sustainability Trust Fund within the Department of Environmental Protection; providing for sources of funds and purposes; providing for an annual carryforward of funds; providing for future legislative review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 332** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for CS for SB 2498—A bill to be entitled An act relating to warranty associations; amending s. 634.271, F.S.; providing an exemption from penalty provisions for certain service warranties; providing actual damages and costs for violations for which such statutory penalties do not apply; providing retroactive applicability; amending s. 634.401, F.S.; redefining the term “service warranty”; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2498** was placed on the calendar of Bills on Third Reading.

On motion by Senator Smith, by two-thirds vote **HB 319** was withdrawn from the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

On motion by Senator Smith—

HB 319—A bill to be entitled An act relating to the Freedom to Worship Safely Act; providing a popular name; creating s. 775.0861, F.S.; providing definitions; providing for the upgrading of the degree of an offense that involves the use or threat of physical force or violence if the offense is committed on the property of a religious institution while the victim is on the property for the purpose of participating in or attending a religious service; providing for severity ranking of offenses; amending s. 921.0022, F.S.; providing for application of the severity ranking chart of the Criminal Punishment Code; providing applicability; providing an effective date.

—a companion measure, was substituted for **CS for SB 1096** and read the second time by title.

Pursuant to Rule 4.19, **HB 319** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker, by two-thirds vote **HCB 6001 (for HB’s 337, 737)** was withdrawn from the Committees on Domestic Security; Government Efficiency Appropriations; and Ways and Means.

On motion by Senator Baker—

HCB 6001 (for HB’s 337, 737)—A bill to be entitled An act relating to hurricane preparedness; providing an exemption from the sales and use tax for sales of certain tangible personal property for a certain period for certain purposes; authorizing the Department of Revenue to adopt certain rules; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB’s 1462 and 648** and read the second time by title.

Pursuant to Rule 4.19, **HCB 6001 (for HB’s 337, 737)** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell, by two-thirds vote **HB 523** was withdrawn from the Committee on Judiciary.

On motion by Senator Campbell—

HB 523—A bill to be entitled An act relating to evidence; repealing s. 90.602, F.S., relating to testimony of interested persons regarding oral communication with a deceased or mentally incompetent person; amending s. 90.804, F.S.; providing a hearsay exception in specified actions or proceedings for a statement made by a declarant who is unavailable due to death, illness, or infirmity regarding the same subject matter as a statement made by the declarant that was previously offered by an adverse party and admitted; providing an effective date.

—a companion measure, was substituted for **CS for SB 988** and read the second time by title.

Pursuant to Rule 4.19, **HB 523** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 476** and **CS for CS for SB 1964** was deferred.

On motion by Senator Constantine—

SB 112—A bill to be entitled An act relating to hospice facilities; amending s. 553.73, F.S.; including hospice facilities within the purview of the Florida Building Code; amending s. 400.605, F.S.; deleting provisions requiring the Department of Elderly Affairs to adopt physical plant standards for hospice facilities; amending s. 400.601, F.S.; limiting the definition of the term “hospice” to entities exempt from federal tax; creating s. 400.6055, F.S.; requiring that construction standards for hospice facilities be in compliance with the Florida Building Code; requiring the Agency for Health Care Administration to provide technical assistance to the Florida Building Commission to update the Florida Building Code for hospice facilities; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 112** to **HB 189**.

Pending further consideration of **SB 112** as amended, on motion by Senator Constantine, by two-thirds vote **HB 189** was withdrawn from the Committees on Health Care; Community Affairs; and Health and Human Services Appropriations.

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

HB 189—A bill to be entitled An act relating to hospice facilities; amending s. 553.73, F.S.; including hospice facilities within the purview of the Florida Building Code; amending s. 400.605, F.S.; deleting provisions requiring the Department of Elderly Affairs to adopt physical plant standards for hospice facilities; creating s. 400.6051, F.S.; requiring that construction standards for hospice facilities be in compliance with the Florida Building Code; requiring the Agency for Health Care Administration to provide technical assistance to the Florida Building Commission to update the Florida Building Code for hospice facilities; providing an effective date.

—a companion measure, was substituted for **SB 112** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 189** was placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine, by two-thirds vote **HB 567** was withdrawn from the Committees on Community Affairs; and Regulated Industries.

On motion by Senator Constantine—

HB 567—A bill to be entitled An act relating to alternative plans review and inspection; amending s. 553.791, F.S.; clarifying a definition; expanding authorization to use private providers to provide building code inspection services; including fee owner contractors within such authorization; revising notice requirements for using private providers; revising procedures for issuing permits; providing requirements for representatives of private providers; providing for waiver of certain inspection records requirements under certain circumstances; requiring issuance of stop-work orders to be pursuant to law; providing for establishment of a registration system for private providers and authorized representatives of private providers for licensure compliance purposes; preserving authority to issue emergency stop-work orders; revising insurance requirements for private providers; providing a definition; authorizing performance audits by local building code enforcement agencies of private providers; specifying conditions for proceeding with building work; amending s. 468.621, F.S.; revising a ground for taking certain disciplinary actions; providing an effective date.

—a companion measure, was substituted for **CS for SB 1470** and read the second time by title.

Pursuant to Rule 4.19, **HB 567** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 2048** was deferred.

On motion by Senator Bennett, by two-thirds vote **HB 509** was withdrawn from the Committees on Governmental Oversight and Productivity; Community Affairs; Regulated Industries; and General Government Appropriations.

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

HB 509—A bill to be entitled An act relating to prompt payment for construction services; amending s. 218.70, F.S.; providing a popular name; amending s. 218.72, F.S.; redefining terms used in pt. VII of ch. 218, F.S.; amending s. 218.735, F.S.; revising provisions relating to timely payment for purchases of construction services; revising deadlines for payment; providing procedures for project closeout and payment of retainage; providing requirements for local government construction retainage; providing exceptions; creating s. 255.0705, F.S.; providing a popular name; amending s. 255.071, F.S.; revising deadlines for the payment of subcontractors, sub-subcontractors, materialmen, and suppliers on construction contracts for public projects; creating ss. 255.072, 255.073, 255.074, 255.075, 255.076, 255.077, and 255.078, F.S.; providing definitions; providing for timely payment for purchases of construction services by a public entity; providing procedures for calculating payment due dates; authorizing the collection of interest under certain circumstances; providing for an award of court costs and attorney’s fees; providing for project closeout and payment of retainage; providing exceptions; amending s. 255.05, F.S.; providing requirements for certain notices of nonpayment served by a claimant who is not in privity with the contractor; providing limitations on a claimant’s institution of certain actions against a contractor or surety; amending s. 287.0585, F.S.; providing an exemption for contractors making late payment to subcontractors when the contract is subject to the “Prompt Payment Act”; amending s. 95.11, F.S., to conform a cross reference; providing that specified sections of the act do not apply to certain pending contracts and projects; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 632** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 509** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

CS for SB 638—A bill to be entitled An act relating to title insurance; amending s. 624.608, F.S.; redefining the term “title insurance” to include insurance for security interests in personal property; amending s. 627.7711, F.S.; redefining the term “related title services” to include the examination of searches of certain records; redefining the term “primary title services” to include search and examination of certain records; amending s. 627.7845, F.S.; prohibiting a title insurer from issuing a title insurance commitment, endorsement, or policy until there has been an examination of certain records; requiring the title insurer to preserve and retain evidence of certain records; providing that certain policy forms may continue to be sold by property and casualty insurers until the Office of Insurance Regulation approves a title insurance form; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 638** to **HB 75**.

Pending further consideration of **CS for SB 638** as amended, on motion by Senator Wise, by two-thirds vote **HB 75** was withdrawn from the Committees on Banking and Insurance; Judiciary; and Rules and Calendar.

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

HB 75—A bill to be entitled An act relating to title insurance; amending ss. 624.608 and 627.7711, F.S.; revising the definitions of title insurance and related and primary title services; amending s. 627.7845, F.S.; revising requirements for title insurers to issue title insurance; revising requirements for title insurers to preserve and retain certain evidence of searches and examinations; requiring the Office of Insurance Regulation to approve title insurance forms and rates for certain title insurance; providing effective dates.

—a companion measure, was substituted for **CS for SB 638** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 75** was placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

CS for SB 1098—A bill to be entitled An act relating to public-records exemptions; amending s. 39.202, F.S.; creating an exception to the exemption from public-records requirements for all records held by the Department of Children and Family Services concerning reports of child abandonment, abuse, or neglect; amending s. 39.0132, F.S.; creating an exemption from public-records requirements for information obtained by a guardian ad litem in the discharge of his or her official duty; providing an exception to the exemption; providing for review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; amending s. 119.07, F.S.; creating an exemption from public-records requirements for certain identification and location information regarding a current or former guardian ad litem or the spouse and children of the guardian ad litem; providing for review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Senator Smith moved the following amendments which were adopted:

Amendment 1 (610764)—On page 2, lines 8 and 9, delete those lines and insert:

(g) The executive director or equivalent, and his or her designee, of a children's advocacy center that is established and operated under s. 39.3035.

Amendment 2 (582314)—On page 4, lines 15-27, delete those lines and insert:

2. Any information related to the best interests of a child, as determined by a guardian ad litem, which is held by a guardian ad litem, including but not limited to medical, mental health, substance abuse, child care, education, law enforcement, court, social services, and financial records; and any other information maintained by a guardian ad litem which is identified as confidential information under this chapter; is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such confidential and exempt information may not be disclosed to anyone other than the authorized personnel of the court, the department and its designees, correctional probation officers, law enforcement agents, guardians ad litem, and others entitled under this chapter to receive that information, except upon order of the court. This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2010, unless reviewed and saved from repeal through reenactment by the Legislature.

Amendment 3 (551044)—On page 9, lines 15-19, delete those lines and insert: *s. 24(a), Art. I of the State Constitution, if the guardian ad litem provides a written statement that the guardian ad litem has made reasonable efforts to protect such information from being accessible through other means available to the public. This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2010, unless reviewed and saved from repeal through reenactment by the Legislature.*

Pursuant to Rule 4.19, **CS for SB 1098** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos—

CS for SB 1428—A bill to be entitled An act relating to motor vehicle speed competitions; amending s. 316.191, F.S.; defining the term “conviction”; specifying that the section applies to motor vehicles; revising penalties for violation of prohibitions against described motor vehicle speed competitions; providing for impoundment of vehicles used in violation of provisions governing motor vehicle speed competitions; providing for application of the Florida Contraband Forfeiture Act; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1428** to **HB 71**.

Pending further consideration of **CS for SB 1428** as amended, on motion by Senator Haridopolos, by two-thirds vote **HB 71** was withdrawn from the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

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

HB 71—A bill to be entitled An act relating to motor vehicle speed competitions; amending s. 316.191, F.S.; defining the term “conviction”; specifying that the section applies to motor vehicles; revising penalties for violation of prohibitions against described motor vehicle speed competitions; providing for impoundment of vehicles used in violation of motor vehicle speed competition provisions; providing for application of the Florida Contraband Forfeiture Act; providing an effective date.

—a companion measure, was substituted for **CS for SB 1428** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 71** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

CS for SB 1030—A bill to be entitled An act relating to financial responsibility for operation of motor vehicles; amending s. 324.021, F.S.; expanding the definition of “rental company” for purposes of an exclusion from an exemption from application of certain limits of liability provisions to include certain holders of a motor vehicle title or an equity interest in a motor vehicle title under certain circumstances; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Campbell moved the following amendment which was adopted:

Amendment 1 (300530)—On page 2, line 10, after “to” insert: *or to facilitate*

Pursuant to Rule 4.19, **CS for SB 1030** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett, by two-thirds vote **HB 151** was withdrawn from the Committees on Health Care; and Health and Human Services Appropriations.

On motion by Senator Bennett—

HB 151—A bill to be entitled An act relating to the Access to Health Care Act; amending s. 766.1115, F.S.; revising a definition of low-income person to expand a poverty level family income criterion; providing an effective date.

—a companion measure, was substituted for **SB 1032** and read the second time by title.

Pursuant to Rule 4.19, **HB 151** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 2288** and **CS for SB 1180** was deferred.

On motion by Senator Fasano—

CS for CS for SB 594—A bill to be entitled An act relating to health insurance; amending s. 627.419, F.S.; providing for payments to a physician assistant under contracts providing for paying for surgical first assisting benefits or services; including certified surgical first assistants, as defined, within certain benefits or services payment provisions; limiting application; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 594** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano, by two-thirds vote **HB 101** was withdrawn from the Committees on Government Efficiency Appropriations; and Ways and Means.

On motion by Senator Fasano, the rules were waived and—

HB 101—A bill to be entitled An act relating to tax on sales, use, and other transactions; specifying a period during which the sale of books, clothing, and school supplies are exempt from such tax; providing definitions providing exceptions; authorizing the Department of Revenue to adopt rules; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for SB 476** and read the second time by title.

Pursuant to Rule 4.19, **HB 101** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett, by two-thirds vote **HB 989** was withdrawn from the Committees on Environmental Preservation; Community Affairs; General Government Appropriations; and Ways and Means.

On motion by Senator Bennett, the rules were waived and—

HB 989—A bill to be entitled An act relating to public marinas and boat ramps; amending s. 373.118, F.S.; directing the Department of Environmental Protection to adopt rules to authorize local governments to construct and maintain all facilities, including public marinas and boat ramps; exempting certain facilities from development-of-regional-impact review; providing for regulatory criteria; providing for the use of submerged lands; amending s. 403.813, F.S.; revising permit exemption requirements for floating vessel platforms or floating boat lifts; providing an effective date.

—a companion measure, was substituted for **SB 2288** and read the second time by title.

MOTION

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

Senator Bennett moved the following amendment which was adopted:

Amendment 1 (842900)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (12) is added to section 403.814, Florida Statutes, to read:

403.814 General permits; delegation.—

(12) *The department shall adopt rules authorizing a general permit providing regulatory and proprietary authorization to local governments*

for the construction and maintenance of public marina facilities and public boat ramps. Such facilities may preempt no more than 50,000 square feet of sovereign submerged lands and shall be reviewed pursuant to the regulatory criteria in s. 373.414. A public marina facility constructed pursuant to this subsection must obtain Clean Marina Program status within a reasonable time after completion and must maintain such status for the life of the facility. A facility approved pursuant to this subsection is exempt from review as a development of regional impact if the facility complies with the comprehensive plan of the applicable local government. As used in this subsection, the term "public" means the facility or ramp is open to the public on a first-come, first-serve basis with a rental term not to exceed 1 year. A facility or boat ramp constructed pursuant to this subsection may not be sold to a private entity. The state consents to the use of all state lands lying under water which are necessary to accomplish the purposes of this subsection. Fees charged to local governments for preemption of such state lands shall be as set forth in chapter 253 and shall be used to promote boating access in this state.

Section 2. This act shall take effect July 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public marina facilities and boat ramps; amending s. 403.814, F.S.; authorizing the Department of Environmental Protection to allow such facilities or ramps to be constructed and maintained by local governments; providing guidelines and limitations relating to such projects; providing for fees; providing an effective date.

Pursuant to Rule 4.19, **HB 989** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

CS for CS for CS for SB 360—A bill to be entitled An act relating to infrastructure planning and funding; amending s. 163.3164, F.S.; defining the term "financial feasibility"; amending s. 163.3177, F.S.; revising requirements for the capital improvements element of a comprehensive plan; requiring a schedule of capital improvements; providing a deadline for certain amendments; providing an exception; providing for sanctions; requiring incorporation of selected water supply projects in the comprehensive plan; authorizing planning for multijurisdictional water supply facilities; providing requirements for counties and municipalities with respect to the public school facilities element; requiring an interlocal agreement; exempting certain municipalities from such requirements; requiring that the state land planning agency establish a schedule for adopting and updating the public school facilities element; encouraging local governments to include a community vision and an urban service boundary as a component of their comprehensive plans; prescribing taxing authority of local governments doing so; repealing s. 163.31776, F.S., relating to the public educational facilities element; amending s. 163.31777, F.S.; revising the requirements for the public schools interlocal agreement to conform to changes made by the act; requiring the school board to provide certain information to the local government; amending s. 163.3180, F.S.; revising requirements for concurrency; providing for schools to be subject to concurrency requirements; requiring that an adequate water supply be available for new development; revising requirements for transportation facilities; requiring that the Department of Transportation be consulted regarding certain level-of-service standards; revising criteria and providing guidelines for transportation concurrency exception areas; requiring a local government to consider the transportation level-of-service standards of adjacent jurisdictions for certain roads; providing a process to monitor de minimis impacts; revising the requirements for a long-term transportation concurrency management system; providing for a long-term school concurrency management system; requiring that school concurrency be established on less than a districtwide basis within 5 years; providing certain exceptions; authorizing a local government to approve a development order if the developer executes a commitment to mitigate the impacts on public school facilities; providing requirements for such proportionate fair-share mitigation; requiring the adoption of a transportation concurrency management system by ordinances; amending s. 163.3184, F.S.; prescribing authority of local governments to adopt plan amendments after adopting community vision and an urban service boundary; providing for small scale plan amendment review under certain circumstances; providing an exemption; amending s. 163.3191, F.S.; providing additional requirements for the evaluation and assessment of

the comprehensive plan for counties and municipalities that do not have a public schools interlocal agreement; revising requirements for the evaluation and appraisal report; providing time limit for amendments relating to the report; amending s. 212.055, F.S.; revising permissible rates for charter county transit system surtax; revising methods for approving such a surtax; providing for a noncharter county to levy this surtax under certain circumstances; limiting the expenditure of the proceeds to a specified area under certain circumstances; revising methods for approving a local government infrastructure surtax; limiting the expenditure of the proceeds to a specified area under certain circumstances; revising a ceiling on rates of small county surtaxes; revising methods for approving a school capital outlay surtax; amending s. 206.41, F.S.; providing for annual adjustment of the ninth-cent fuel tax and local option fuel tax; amending s. 336.021, F.S.; revising methods for approving such a fuel tax; limiting authority of a county to impose the ninth-cent fuel tax without adopting a community vision; amending s. 336.025, F.S.; limiting authority of a county to impose the local option fuel tax without adopting a community vision; revising methods for approving such a fuel tax; amending s. 339.135, F.S., relating to tentative work programs of the Department of Transportation; conforming provisions to changes made by the act; requiring the Office of Program Policy Analysis and Government Accountability to perform a study of the boundaries of specified state entities; requiring a report to the Legislature; creating s. 163.3247, F.S.; providing a popular name; providing legislative findings and intent; creating the Century Commission for certain purposes; providing for appointment of commission members; providing for terms; providing for meetings and votes of members; requiring members to serve without compensation; providing for per diem and travel expenses; providing powers and duties of the commission; requiring the creation of a joint select committee of the Legislature; providing purposes; requiring the Secretary of Community Affairs to select an executive director of the commission; requiring the Department of Community Affairs to provide staff for the commission; providing for other agency staff support for the commission; creating s. 339.2819, F.S.; creating the Transportation Regional Incentive Program within the Department of Transportation; providing matching funds for projects meeting certain criteria; amending s. 337.107, F.S.; allowing the inclusion of right-of-way services in certain design-build contracts; amending s. 337.11, F.S.; allowing the Department of Transportation to include right-of-way services and design and construction into a single contract; providing an exception; delaying construction activities in certain circumstances; amending s. 337.107, F.S., effective July 1, 2007; eliminating the inclusion of right-of-way services as part of design-build contracts under certain circumstances; amending s. 337.11, F.S., effective July 1, 2007; allowing design and construction phases to be combined for certain projects; deleting an exception; amending s. 380.06, F.S.; providing exceptions; amending s. 1013.33, F.S.; conforming provisions to changes made by the act; amending s. 206.46, F.S.; increasing the threshold for maximum debt service for transfers in the State Transportation Trust Fund; amending s. 339.08, F.S.; providing for expenditure of moneys in the State Transportation Trust Fund; amending s. 339.155, F.S.; providing for the development of regional transportation plans in Regional Transportation Areas; amending s. 339.175, F.S.; making conforming changes to provisions of the act; amending s. 339.55, F.S.; providing for loans for certain projects from the state-funded infrastructure bank within the Department of Transportation; amending s. 1013.64, F.S.; providing for the expenditure of funds in the Public Education Capital Outlay and Debt Service Trust Fund; amending s. 1013.65, F.S.; providing funding for the Classrooms for Kids Program; amending s. 201.15, F.S.; providing for the expenditure of certain funds in the Land Acquisition Trust Fund; providing for appropriations for the 2005-2006 fiscal year on a nonrecurring basis for certain purposes; providing effective dates.

—was read the second time by title.

Senator Dockery moved the following amendment which was adopted:

Amendment 1 (413514)—On page 14, line 9, after the period (.) insert: *If a local government is located within two water management districts, the local government shall adopt its comprehensive plan amendment within 18 months after the later updated regional water supply plan.*

MOTION

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

Senator Bennett moved the following amendments which were adopted:

Amendment 2 (032676)—On page 43, lines 6 and 7, delete those lines and insert: *local government may not deny an application for site plan or final subdivision approval or the functional equivalent for a development or phase of a development on the basis of school concurrency, and if order shall be issued, development impacts shall*

Amendment 3 (531842)(with title amendment)—On page 54, delete line 27 and insert: *subsection does not apply to any amendment within an area of critical state concern, to any amendment that increases residential densities allowable in high-hazard coastal areas as defined in s. 163.3178(2)(h), or to a text change to the goals,*

And the title is amended as follows:

On page 3, delete line 5 and insert: *providing exemptions;* amending s. 163.3191,

Amendment 4 (815266)(with title amendment)—On page 95, lines 15-23, delete those lines

And the title is amended as follows:

On page 5, delete line 19 and insert: *380.06, F.S.; providing an exception;* amending s.

Amendment 5 (872786)—On page 6, delete line 25 and insert: *committed funding sources for the first 3 years, or will be available from committed or planned funding sources for years 4 and 5, of a 5-year capital improvement schedule for financing*

Amendment 6 (341292)—On page 35, line 3; on page 37, line 8; and on page 50, line 22, after “s. 339.64” insert: *, and roadway facilities funded in accordance with s. 339.2819*

Amendment 7 (160130)(with title amendment)—On page 134, between lines 11 and 12, insert:

Section 31. Beginning in fiscal year 2005-2006, the Department of Transportation shall allocate sufficient funds to implement the provisions relating to transportation in this act. The department shall amend the tentative work program for 2005-2006. Before amending the tentative work program, the department shall submit a budget amendment pursuant to section 339.135(7), Florida Statutes. Notwithstanding the provisions of section 216.301(1), Florida Statutes, the funds appropriated from general revenue to the State Transportation Trust Fund in this act shall not revert at the end of fiscal year 2005-2006.

Section 32. The Legislature finds that planning for and adequately funding infrastructure is critically important for the safety and welfare of the residents of Florida. Therefore, the Legislature finds that the provisions of this act fulfill an important state interest.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, line 13, after the semicolon (;) insert: *requiring the Department of Transportation to amend the tentative work program and budget for 2005-2006; prohibits reversion of certain funds; providing a declaration of important state interest;*

MOTION

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

Senator Dockery moved the following amendments which were adopted:

Amendment 8 (335356)—On page 14, lines 14 and 15, delete those lines and insert: *covering at least a 10 year planning period, for building public, private, and*

Amendment 9 (125406)—On page 31, delete line 26 and insert: *consult with the applicable water supplier to determine whether adequate water*

MOTION

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

Senator Bennett moved the following amendments which were adopted:

Amendment 10 (115632)(with title amendment)—On page 93, line 3 through page 94, line 31, delete those lines and insert:

Section 17. Effective July 1, 2007, section 337.107, Florida Statutes, as amended by this act is amended to read:

337.107 Contracts for right-of-way services.—The department may enter into contracts pursuant to s. 287.055 for right-of-way services on transportation corridors and transportation facilities, ~~or the department may include right-of-way services as part of design-build contracts awarded under s. 337.11.~~ Right-of-way services include negotiation and acquisition services, appraisal services, demolition and removal of improvements, and asbestos-abatement services.

Section 18. Paragraph (a) of subsection (7) of section 337.11, Florida Statutes, is amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(7)(a) If the head of the department determines that it is in the best interests of the public, the department may combine the *right-of-way services and design and construction phases of any a building, a major bridge, a limited access facility, or a rail corridor* project into a single contract, *except for a resurfacing or minor bridge project, the right-of-way services and design and construction phases of which may be combined under s. 337.025.* Such contract is referred to as a design-build contract. Design-build contracts may be advertised and awarded notwithstanding the requirements of paragraph (3)(c). However, construction activities may not begin on any portion of such projects until title to the necessary rights-of-way and easements for the construction of that portion of the project has vested in the state or a local governmental entity and all railroad crossing and utility agreements have been executed. Title to rights-of-way vests in the state when the title has been dedicated to the public or acquired by prescription.

Section 19. Effective July 1, 2007, paragraph (a) of subsection (7) of section 337.11, Florida Statutes, as amended by this act, is amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(7)(a) If the head of the department determines that it is in the best interests of the public, the department may combine the ~~right-of-way services and~~ design and construction phases of *a building, a major bridge, a limited access facility, or a rail corridor* any project into a single contract, ~~except for a resurfacing or minor bridge project, the right-of-way services and design and construction phase of which may be combined under s. 337.025.~~ Such contract is referred to as a design-build contract. Design-build contracts may be advertised and awarded notwithstanding the requirements of paragraph (3)(c). However, construction activities may not begin on any portion of such projects for which the department has not yet obtained title to the necessary rights-of-way and easements for the construction of that portion of the project has vested in the state or a local governmental entity and all railroad crossing and utility agreements have been executed. Title to rights-of-way shall be deemed to have vested in the state when the title has been dedicated to the public or acquired by prescription.

And the title is amended as follows:

On page 5, lines 6-18, delete those lines and insert: 337.107, F.S., effective July 1, 2007; eliminating the inclusion of right-of-way services and as part of design-build contracts under certain circumstances; amending s. 337.11, F.S.; allowing the Department of Transportation to include right-of-way services and design and construction into a single

contract; providing an exception; delaying construction activities in certain circumstances; amending s. 337.11, F.S., effective July 1, 2007; deleting language allowing right-of-way services and design and construction phases to be combined for certain projects; deleting an exception; amending s.

Amendment 11 (922812)(with title amendment)—On page 52, line 10 through page 54, line 9, delete those lines and insert:

(16) *It is the intent of the Legislature to provide a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors. The methodology used to calculate proportionate fair-share mitigation under this subsection must ensure that development is assessed in a manner and for the purpose of funding public facilities necessary to accommodate any impacts having a rational nexus to the proposed development when the need to construct new facilities or add to the present system of public facilities is reasonably attributable to the proposed development.*

(a) *By December 1, 2006, each local government shall adopt by ordinance a transportation concurrency management system that shall include a methodology for assessing proportionate fair-share mitigation options. By December 1, 2005, the Department of Transportation shall develop a model transportation concurrency management ordinance with methodologies for assessing proportionate fair-share mitigation options.*

(b)1. *In its concurrency management system, a local government shall, by December 1, 2006, include methodologies that will be applied to calculate proportionate fair-share mitigation to satisfy transportation concurrency requirements when the impacted road segments are specifically identified for funding in the 5-year schedule of capital improvements in the capital improvements element of the local plan or the long-term concurrency management system. If a proportionate fair-share agreement or development order condition reflects mitigation to a road segment or facility which is not on the 5-year schedule of capital improvements at the time of approval, the local government shall reflect such improvement in the 5-year schedule of capital improvements at the next update of the capital improvements element.*

2. *Proportionate fair-share mitigation shall be applied as a credit against impact fees to the extent that all or a portion of the proportionate fair-share mitigation is used to address the same capital infrastructure improvements contemplated by the local government's impact fee ordinance. The credit shall not apply to internal, onsite facilities required by local regulations or to any offsite facilities to the extent such facilities are necessary to provide safe and adequate services to the development. The proportionate fair-share methodology shall be applicable to all development contributing to the need for new or expanded public facilities.*

(c) *Proportionate fair-share mitigation includes, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities and may include public funds as determined by the local government. The fair market value of the proportionate fair-share mitigation may not differ based on the form of mitigation.*

(d) *In order to assist a local government with meeting concurrency requirements, a local government may impose proportionate fair-share mitigation adopted under this subsection on a transportation facility regardless of whether it meets or fails to meet the established levels of service.*

(e) *Nothing in this subsection limits the home rule authority of a local government to enter into a public-private partnership or funding agreement to provide or govern the provision of essential infrastructure deemed necessary by the local government payable from available taxes, fees, special assessments or developer contributions.*

(f) *Mitigation for development impacts to facilities on the Strategic Intermodal System made pursuant to this subsection requires the concurrence of the Department of Transportation.*

And the title is amended as follows:

On page 2, lines 27-30, delete those lines and insert: providing for the adoption of a transportation concurrency management system by ordinance; providing requirements for proportionate fair-share mitigation; amending s. 163.3184,

Amendment 12 (054290)—On page 63, line 9; and on page 131, line 16, after “Program” insert: *, authorized by Title 49, U.S.C. 5309 and*

Amendment 13 (614720)—On page 8, line 29 through page 10, line 2, delete those lines and insert:

(b)1. The capital improvements element shall be reviewed on an annual basis and modified as necessary in accordance with s. 163.3187 or s. 163.3189 *in order to maintain a financially feasible 5-year schedule of capital improvements, except that* Corrections, updates, and modifications concerning costs; revenue sources; or acceptance of facilities pursuant to dedications which are consistent with the plan; ~~or the date of construction of any facility enumerated in the capital improvements element~~ may be accomplished by ordinance and shall not be deemed to be amendments to the local comprehensive plan. *A copy of the ordinance shall be transmitted to the state land planning agency. An amendment to the comprehensive plan is required to update the schedule on an annual basis or to eliminate, defer, or delay the construction for any facility listed in the 5-year schedule. All public facilities shall be consistent with the capital improvements element. Amendments to implement this section must be adopted and transmitted no later than December 1, 2007. Thereafter, a local government may not amend its future land use map, except for plan amendments to meet new requirements under this part and emergency amendments pursuant to s. 163.3187(1)(a), after December 1, 2007, and every year thereafter, unless and until the local government has adopted the annual update and it has been transmitted to the state land planning agency.*

2. *Capital improvements element amendments adopted after the effective date of this act shall require only a single public hearing before the governing board which shall be an adoption hearing as described in s. 163.3184(7). Such amendments are not subject to the requirements of s. 163.3184(3)-(6).*

Amendment 14 (753096)(with title amendment)—On page 17, line 19 through page 19, line 3, delete those lines and insert:

6. By January 1, 2004, any county having a population greater than 100,000, and the municipalities and special districts within that county, shall submit a report to the Department of Community Affairs which:

a. Identifies all existing or proposed interlocal service-delivery agreements regarding the following: education; sanitary sewer; public safety; solid waste; drainage; potable water; parks and recreation; and transportation facilities.

b. Identifies any deficits or duplication in the provision of services within its jurisdiction, whether capital or operational. Upon request, the Department of Community Affairs shall provide technical assistance to the local governments in identifying deficits or duplication.

7. Within 6 months after submission of the report, the Department of Community Affairs shall, through the appropriate regional planning council, coordinate a meeting of all local governments within the regional planning area to discuss the reports and potential strategies to remedy any identified deficiencies or duplications.

8. Each local government shall update its intergovernmental coordination element based upon the findings in the report submitted pursuant to subparagraph 6. The report may be used as supporting data and analysis for the intergovernmental coordination element.

9. ~~By February 1, 2003, Representatives of municipalities, counties, and special districts shall provide to the Legislature recommended statutory changes for annexation, including any changes that address the delivery of local government services in areas planned for annexation.~~

(12) A public school facilities element adopted to implement a school concurrency program shall meet the requirements of this subsection. *Each county and each municipality within the county, unless exempt or subject to a waiver, must adopt a public school facilities element that is consistent with those adopted by the other local governments within the county and enter the interlocal agreement pursuant to s. 163.31777.*

(a) *The state land planning agency may provide a waiver to a county and to the municipalities within the county if the capacity rate for all schools within the school district is no greater than 100 percent and the projected 5-year capital outlay full-time equivalent student growth rate is less than 10 percent. The state land planning agency may allow for a*

single school to exceed the 100-percent limitation if it can be demonstrated that the capacity rate for that single school is not greater than 105 percent. In making this determination, the state land planning agency shall consider the following criteria:

1. *Whether the exceedance is due to temporary circumstances;*
2. *Whether the projected 5-year capital outlay full time equivalent student growth rate for the school district is approaching the 10-percent threshold;*
3. *Whether one or more additional schools within the school district are at or approaching the 100-percent threshold; and*
4. *The adequacy of the data and analysis submitted to support the waiver request.*

(b) *A municipality in a nonexempt*

And the title is amended as follows:

On page 1, line 17, after the semicolon (;) insert: *providing for a waiver under certain circumstances;*

Amendment 15 (325828)—On page 132, line 7; and on page 133, line 28, after the period (.) insert:

If required, new facilities constructed under the Classroom for Kids Program must meet the requirements of s. 1013.372.

THE PRESIDENT PRESIDING

Pursuant to Rule 4.19, **CS for CS for CS for SB 360** 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—

MATTERS ON RECONSIDERATION

The Senate resumed consideration of—

CS for SB 2646—A bill to be entitled An act relating to lobbying; amending s. 11.045, F.S., relating to the requirements that legislative lobbyists register and report as required by legislative rule; defining the term “compensation”; requiring each registrant who is a designated lobbyist to identify the industry group classification that describes the principal; requiring that each registrant designate the general and specific areas of the principal’s legislative interest; requiring the disclosure of all compensation provided or owed to a legislative lobbyist; requiring lobbying activity reports to include the name and address of each person to whom a lobbying expenditure was made, the amount, date, and purpose of the expenditure, and the name and title of the person for whom the expenditure was made; requiring that expenditures made as open invitations be so designated; requiring that each legislative lobbyist report the areas of the principal’s legislative interest which were lobbied during the reporting period; requiring a report of the amount of time spent on each category; requiring detailed written descriptions of specific issues lobbied; requiring the Division of Legislative Information Services to aggregate certain compensation and expenditure information; revising the period for filing reporting statements; requiring that a lobbyist and principal preserve certain records for a specified period; providing for inspection of such records by a representative of the Legislature; providing for audits by the Auditor General; providing for enforcement of the right of inspection by writ; authorizing legislative committees to investigate persons engaged in legislative or executive lobbying; requiring that lobbying-activity reports be electronically filed; creating s. 11.0455, F.S.; defining the term “electronic filing system”; providing requirements for lobbyists filing reports with the Division of Legislative Information Services by means of the division’s electronic filing system; providing that such reports are considered to be under oath; providing requirements for the electronic filing system; providing for the Legislature to adopt rules to administer the electronic filing system; requiring alternate filing procedures; requiring the issuance of electronic receipts; requiring that the division provide for public access to the data that is filed via the Internet; amending s. 11.45, F.S.; requiring that the Auditor General conduct random audits of the activity reports

filed by legislative and executive lobbyists; granting the Auditor General independent authority to audit the accounts and records of any principal or lobbyist with respect to compliance with the compensation-reporting requirements; requiring that the audit reports be forwarded to the Legislature; amending s. 112.3215, F.S., relating to the requirements that executive branch and Constitution Revision Commission lobbyists register and report; defining the term “compensation”; requiring each lobbyist who is a designated lobbyist to identify the industry group classification that describes the principal; requiring that each lobbyist designate the general and specific areas of the principal’s legislative interest; requiring the disclosure of all compensation provided or owed to a lobbyist; requiring lobbying activity reports to include the name and address of each person to whom a lobbying expenditure was made, the amount, date, and purpose of the expenditure and the name, title, and agency of the person for whom the expenditure was made; requiring that each lobbyist report the areas of the principal’s lobbying interest which were lobbied during the reporting period; requiring a report of the amount of time spent on each category; requiring detailed written descriptions of specific issues lobbied; requiring the Commission on Ethics to aggregate certain compensation and expenditure information; revising the period for filing reporting statements; requiring that a lobbyist and principal preserve certain records for a specified period; providing for inspection of such records by a representative of the commission; providing for audits by the Auditor General; providing for enforcement of the right of inspection by writ; requiring that lobbying-activity reports be electronically filed; creating s. 112.32155, F.S.; defining the term “electronic filing system”; providing requirements for lobbyists filing reports with the Florida Commission on Ethics by means of the electronic filing system; providing that such reports are considered to be under oath; providing requirements for the electronic filing system; providing for the commission to adopt rules to administer the electronic filing system; requiring alternate filing procedures; requiring the issuance of electronic receipts; requiring that the commission provide for public access to the data that is filed via the Internet; specifying the initial reporting period that is subject to the requirements of the act; providing effective dates.

—which was previously considered this day.

Senator Sebesta moved the following amendment:

Amendment 1 (510622)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 11.045, Florida Statutes, is amended to read:

11.045 Lobbyists; registration and reporting; exemptions; penalties.—

(1) As used in this section, unless the context otherwise requires:

(a) “Committee” means the committee of each house charged by the presiding officer with responsibility for ethical conduct of lobbyists.

(b) “Compensation” means a payment, distribution, loan, advance, reimbursement, deposit, salary, fee, retainer, or anything of value provided or owed to a lobbying firm, directly or indirectly, by a principal.

(c)(b) “Division” means the Division of Legislative Information Services within the Office of Legislative Services.

(d)(e) “Expenditure” means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying.

(e)(d) “Legislative action” means introduction, sponsorship, testimony, debate, voting, or any other official action on any measure, resolution, amendment, nomination, appointment, or report of, or any matter which may be the subject of action by, either house of the Legislature or any committee thereof.

(f)(e) “Lobbying” means influencing or attempting to influence legislative action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature. *Food and beverages paid for or provided, directly or indirectly, by a lobbyist or principal to, or for the benefit of, a member or employee of the Legislature is deemed an attempt to obtain the goodwill of the member or employee unless the lobbyist or principal is the member’s or employee’s parent, spouse, child, or sibling.*

(g) “Lobbying firm” means any business entity, including an individual contract lobbyist, that receives or becomes entitled to receive any compensation for the purpose of lobbying, where any partner, owner, officer, or employee of the business entity is a lobbyist.

(h)(f) “Lobbyist” means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity.

(i)(g) “Principal” means the person, firm, corporation, or other entity which has employed or retained a lobbyist, *including a lobbying firm that subcontracts work.*

(2) Each house of the Legislature shall provide by rule, or may provide by a joint rule adopted by both houses, for the registration of lobbyists who lobby the Legislature. The rule may provide for the payment of a registration fee. The rule may provide for exemptions from registration or registration fees. The rule shall provide that:

(a) Registration is required for each principal represented.

(b) Registration shall include a statement signed by the principal or principal’s representative that the registrant is authorized to represent the principal. *The principal shall also designate the most recent North American Industry Classification System numerical code and corresponding index entry that most accurately describes the principal’s main business on the statement authorizing the principal’s designated lobbyist.*

(c) A registrant shall promptly send a written statement to the division canceling the registration for a principal upon termination of the lobbyist’s representation of that principal. Notwithstanding this requirement, the division may remove the name of a registrant from the list of registered lobbyists if the principal notifies the office that a person is no longer authorized to represent that principal.

(d) Every registrant shall be required to state the extent of any direct business association or partnership with any current member of the Legislature.

(e)1. Each lobbyist and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate lobbying expenditures. Any documents and records retained pursuant to this section may be inspected under reasonable circumstances by any authorized representative of the Legislature. The right of inspection may be enforced *in circuit court by appropriate writ issued by any court of competent jurisdiction.*

2. *Each lobbying firm and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate compensation. Any documents and records retained pursuant to this section may be subpoenaed for audit by the Auditor General pursuant to s. 11.45 and such subpoena may be enforced in circuit court.*

(f) All registrations shall be open to the public.

(g) Any person who is exempt from registration under the rule shall not be considered a lobbyist for any purpose.

(3) Each house of the Legislature shall provide by rule the following reporting requirements:

(a) Statements shall be filed by all registered lobbyists *four times* per year, which must disclose all lobbying expenditures by the lobbyist and the principal and the source of funds for such expenditures. All expenditures made by the lobbyist and the principal for the purpose of lobbying must be reported. Reporting of expenditures shall be made on an accrual basis. The report of such expenditures must identify whether the expenditure was made directly by the lobbyist, directly by the principal, initiated or expended by the lobbyist and paid for by the principal, or initiated or expended by the principal and paid for by the lobbyist. The principal is responsible for the accuracy of the expenditures reported as lobbying expenditures made by the principal. The lobbyist is responsible for the accuracy of the expenditures reported as lobbying expenditures made by the lobbyist. Expenditures made must be reported *in the aggregate in either the category “food and beverages”*

or "novelty items." by the category of the expenditure, including, but not limited to, the categories of food and beverages, entertainment, research, communication, media advertising, publications, travel, and lodging. For each expenditure that comprises part of the aggregate total reported in the "food and beverages" category, the report must also include the full name and address of each person to whom the expenditure was made; the date of the expenditure; and, the name and title of the member or employee of the Legislature for whom the expenditure was made. Lobbying expenditures do not include a lobbyist's or principal's salary, office expenses, and personal expenses for lodging, meals, and travel.

(b) If a principal is represented by two or more lobbyists, the first lobbyist who registers to represent that principal shall be the designated lobbyist. The designated lobbyist's expenditure report shall include all lobbying expenditures made directly by the principal and those expenditures of the designated lobbyist on behalf of that principal as required by paragraph (a). All other lobbyists registered to represent that principal shall file a report pursuant to paragraph (a). The report of lobbying expenditures by the principal shall be made pursuant to the requirements of paragraph (a). The principal is responsible for the accuracy of figures reported by the designated lobbyist as lobbying expenditures made directly by the principal. The designated lobbyist is responsible for the accuracy of the figures reported as lobbying expenditures made by that lobbyist. Each lobbyist shall file an expenditure report for each period during any portion of which he or she was registered, and each principal shall ensure that an expenditure report is filed for each period during any portion of which the principal was represented by a registered lobbyist.

(c)1. Each lobbyist, including a designated lobbyist, shall identify on the activity report all general areas of the principal's legislative interest that were lobbied during the reporting period.

2. For each general area of legislative interest designated, the lobbyist shall provide a detailed written description of all specific issues lobbied within the general area.

(d)1. Each lobbying firm shall file a compensation statement with the division for each calendar quarter during any portion of which one or more of the firm's lobbyists were registered to represent a principal. The report shall include the:

a. Full name, business address, and telephone number of the lobbying firm;

b. Name of each of the firm's lobbyists; and,

c. Total compensation provided or owed to the lobbying firm from all principals for the reporting period, reported in one of the following categories: \$0; less than \$10,000; \$10,000 to \$49,999; \$50,000 to \$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to \$999,999; \$1 million or more.

2. For each principal represented by one or more of the firm's lobbyists, the compensation report shall also include the:

a. Full name, business address, and telephone number of the principal;

b. Total compensation provided or owed to the lobbying firm for the reporting period, reported in one of the following categories: \$0; less than \$2,000; \$2,000 to \$4,999; \$5,000 to \$9,999; \$10,000 to \$24,999; \$25,000 or more;

c. Cumulative year-to-date compensation provided or owed to the lobbying firm, reported in one of the following categories: \$0; less than \$5,000; \$5,000 to \$9,999; \$10,000 to \$24,999; \$25,000 to \$49,999; \$50,000 to \$99,999; \$100,000 or more. If the category "\$100,000 or more" is selected, the specific dollar amount of cumulative compensation must be reported, rounded up or down to the nearest \$1,000; and,

d. If the lobbying firm is reporting compensation resulting from a subcontracting agreement with another lobbying firm, the full name and business address of the principal originating the lobbying work.

3. The senior partner, officer, or owner of the lobbying firm shall certify to the veracity and completeness of the information submitted pursuant to this paragraph.

(e) For each reporting period the division shall aggregate the expenditures reported by all of the lobbyists for a principal represented by more than one lobbyist. Further, the division shall aggregate figures that provide a cumulative total of expenditures reported as spent by and on behalf of each principal for the calendar year. For each principal represented by more than one lobbying firm, the division shall also aggregate the reporting-period and calendar-year compensation reported as provided or owed by the principal.

(f) The compensation and expenditure reporting statements shall be filed no later than 45 days after the end of each the reporting period. The four reporting periods are: The first report shall include the expenditures for the period from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31, respectively June 30. The second report shall disclose expenditures for the period from July 1 through December 31. The statements shall be rendered in the identical form provided by the respective houses and shall be open to public inspection. Reporting statements may be filed by electronic means, when feasible.

(g) Reports shall be filed not later than 5 p.m. of the report due date. However, any report that is postmarked by the United States Postal Service no later than midnight of the due date shall be deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, shall be proof of mailing in a timely manner.

(h) Each house of the Legislature shall provide by rule, or both houses may provide by joint rule, a procedure by which a lobbying firm or lobbyist who fails to timely file a report shall be notified and assessed fines. The rule shall provide for the following:

1. Upon determining that the report is late, the person designated to review the timeliness of reports shall immediately notify the lobbying firm or lobbyist as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be \$50 per day per report for each late day, not to exceed \$5,000 per report.

2. Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

a. When a report is actually received by the lobbyist registration and reporting office.

b. When the report is postmarked.

c. When the certificate of mailing is dated.

d. When the receipt from an established courier company is dated.

3. Such fine shall be paid within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, unless appeal is made to the division. The moneys shall be deposited into the Legislative Lobbyist Registration Trust Fund.

4. A fine shall not be assessed against a lobbying firm or lobbyist the first time any reports for which the lobbying firm or lobbyist is responsible are not timely filed. However, to receive the one-time fine waiver, all reports for which the lobbying firm or lobbyist is responsible must be filed within 30 days after notice that any reports have not been timely filed is transmitted by the Lobbyist Registration Office. A fine shall be assessed for any subsequent late-filed reports.

5. Any lobbying firm or lobbyist may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the General Counsel of the Office of Legislative Services, who shall recommend to the President of the Senate and the Speaker of the House of Representatives, or their respective designees, that the fine be waived in whole or in part for good cause shown. The President of the Senate and the Speaker of the House of Representatives, or their respective designees, may concur in the recommendation and waive the fine in whole or in part. Any such request shall be made within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office. In such case, the lobbying firm or lobbyist shall, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to request a hearing.

6. A lobbyist, ~~a lobbyist's legal representative~~, or the principal of a lobbyist may request that the filing of an expenditure report be waived upon good cause shown, based on unusual circumstances. *A lobbying firm may request that the filing of a compensation report be waived upon good cause shown, based on unusual circumstances.* The request must be filed with the General Counsel of the Office of Legislative Services, who shall make a recommendation concerning the waiver request to the President of the Senate and the Speaker of the House of Representatives. The President of the Senate and the Speaker of the House of Representatives may grant or deny the request.

7. The registration of a lobbyist who fails to timely pay a fine is automatically suspended until the fine is paid or waived. *All lobbyist registrations for lobbyists who are partners, owners, officers, or employees of a lobbying firm that fails to timely pay a fine are automatically suspended until the fine is paid or waived; the division shall promptly notify all affected principals of any suspension or reinstatement.*

8.7. The person designated to review the timeliness of reports shall notify the director of the division of the failure of a *lobbying firm or lobbyist* to file a report after notice or of the failure of a *lobbying firm or lobbyist* to pay the fine imposed.

(4)(a) *Notwithstanding s. 112.3148, s. 112.3149, or any other provision of law to the contrary, no lobbyist or principal shall make, directly or indirectly, and no member or employee of the Legislature shall knowingly accept, directly or indirectly, any lobbying expenditure, except for:*

1. *Food and beverages:*
 - a. *Consumed at a single sitting or meal;*
 - b. *Paid for solely by lobbyists or principals who are present for the duration of the sitting or meal;*
 - c. *Where the actual value attributable to members and employees of the Legislature is determinable;*
 - d. *Provided that the actual gross value attributable to a member or employee of the Legislature from all lobbyists and principals paying for the food and beverages, including any value attributable pursuant to paragraph (b), does not exceed \$100.*

2. *Novelty items having an individual retail value of \$25 or less provided to all members of the Senate or House of Representatives during any regular or special session, or provided during any week during which the Senate or House has scheduled committee meetings. Such novelty items may also be distributed to the staff of either or both houses, subject to the same timing constraints.*

(b) *The value of any food and beverages provided to a spouse or child of a member or employee of the Legislature shall be attributed to the member or employee, as appropriate.*

(c) *No principal shall provide compensation for lobbying to any individual or business entity that is not a lobbying firm.*

(5)(4) Each house of the Legislature shall provide by rule a procedure by which a person, when in doubt about the applicability and interpretation of this section in a particular context, may submit in writing the facts for an advisory opinion to the committee of either house and may appear in person before the committee. The rule shall provide a procedure by which:

(a) The committee shall render advisory opinions to any person who seeks advice as to whether the facts in a particular case would constitute a violation of this section.

(b) The committee shall make sufficient deletions to prevent disclosing the identity of persons in the decisions or opinions.

(c) All advisory opinions of the committee shall be numbered, dated, and open to public inspection.

(6)(~~5~~) Each house of the Legislature shall *provide by rule for keeping* ~~keep~~ all advisory opinions of the committees relating to *lobbying firms, lobbyists, and lobbying activities,* ~~as well as~~ *The rule shall also provide that each house keep* a current list of registered lobbyists and their respective reports required under this section, *along with reports re-*

quired of lobbying firms under this section, all of which shall be open for public inspection.

(7)(~~6~~) *Each house of the Legislature shall provide by rule that the committee of either house shall investigate any lobbying firm or lobbyist person engaged in legislative lobbying upon receipt of a sworn complaint alleging a violation of this section, s. 112.3148, or s. 112.3149 by such person; also, the rule shall provide that the committee of either house investigate any lobbying firm upon receipt of compensation-reporting audit information indicating a possible violation other than a late-filed report.* Such proceedings shall be conducted pursuant to the rules of the respective houses. If the committee finds that there has been a violation of this section, s. 112.3148, or s. 112.3149, it shall report its findings to the President of the Senate or the Speaker of the House of Representatives, as appropriate, together with a recommended penalty, to include a fine of not more than \$5,000, reprimand, censure, probation, or prohibition from lobbying for a period of time not to exceed 24 months. Upon the receipt of such report, the President of the Senate or the Speaker of the House of Representatives shall cause the committee report and recommendations to be brought before the respective house and a final determination shall be made by a majority of said house.

(8)(~~7~~) Any person required to be registered or to provide information pursuant to this section or pursuant to rules established in conformity with this section who knowingly fails to disclose any material fact required by this section or by rules established in conformity with this section, or who knowingly provides false information on any report required by this section or by rules established in conformity with this section, commits a noncriminal infraction, punishable by a fine not to exceed \$5,000. Such penalty shall be in addition to any other penalty assessed by a house of the Legislature pursuant to subsection (7)(~~6~~).

(9)(~~8~~) There is hereby created the Legislative Lobbyist Registration Trust Fund, to be used for the purpose of funding any office established for the administration of the registration of lobbyist lobbying the Legislature, including the payment of salaries and other expenses, and for the purpose of paying the expenses incurred by the Legislature in providing services to lobbyists. The trust fund is not subject to the service charge to general revenue provisions of chapter 215. Fees collected pursuant to rules established in accordance with subsection (2) shall be deposited into the Legislative Lobbyist Registration Trust Fund.

Section 2. Effective April 1, 2006, subsection (3) of section 11.045, as amended by this act, is amended to read:

11.045 Lobbyists; registration and reporting; exemptions; penalties.—

(3) Each house of the Legislature shall provide by rule the following reporting requirements:

(a) Statements shall be filed by all registered lobbyists four times per year, which must disclose all lobbying expenditures by the lobbyist and the principal and the source of funds for such expenditures. All expenditures made by the lobbyist and the principal for the purpose of lobbying must be reported. Reporting of expenditures shall be made on an accrual basis. The report of such expenditures must identify whether the expenditure was made directly by the lobbyist, directly by the principal, initiated or expended by the lobbyist and paid for by the principal, or initiated or expended by the principal and paid for by the lobbyist. The principal is responsible for the accuracy of the expenditures reported as lobbying expenditures made by the principal. The lobbyist is responsible for the accuracy of the expenditures reported as lobbying expenditures made by the lobbyist. Expenditures made must be reported in the aggregate in either the category of "food and beverages" or "novelty items." For each expenditure that comprises part of the aggregate total reported in the "food and beverages" category, the report must also include the full name and address of each person to whom the expenditure was made; the date of the expenditure; and, the name and title of the member or employee of the Legislature for whom the expenditure was made. Lobbying expenditures do not include a lobbyist's or principal's salary, office expenses, and personal expenses for lodging, meals, and travel.

(b) If a principal is represented by two or more lobbyists, the first lobbyist who registers to represent that principal shall be the designated lobbyist. The designated lobbyist's expenditure report shall include all lobbying expenditures made directly by the principal and those expenditures of the designated lobbyist on behalf of that principal as required

by paragraph (a). All other lobbyists registered to represent that principal shall file a report pursuant to paragraph (a). The report of lobbying expenditures by the principal shall be made pursuant to the requirements of paragraph (a). The principal is responsible for the accuracy of figures reported by the designated lobbyist as lobbying expenditures made directly by the principal. The designated lobbyist is responsible for the accuracy of the figures reported as lobbying expenditures made by that lobbyist. Each lobbyist shall file an expenditure report for each period during any portion of which he or she was registered, and each principal shall ensure that an expenditure report is filed for each period during any portion of which the principal was represented by a registered lobbyist.

(c)1. Each lobbyist, including a designated lobbyist, shall identify on the activity report all general areas of the principal's legislative interest that were lobbied during the reporting period.

2. For each general area of legislative interest designated, the lobbyist shall provide a detailed written description of all specific issues lobbied within the general area.

(d)1. Each lobbying firm shall file a compensation statement with the division for each calendar quarter during any portion of which one or more of the firm's lobbyists were registered to represent a principal. The report shall include the:

a. Full name, business address, and telephone number of the lobbying firm;

b. Name of each of the firm's lobbyists; and,

c. Total compensation provided or owed to the lobbying firm from all principals for the reporting period, reported in one of the following categories: \$0; less than \$10,000; \$10,000 to \$49,999; \$50,000 to \$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to \$999,999; \$1 million or more.

2. For each principal represented by one or more of the firm's lobbyists, the compensation report shall also include the:

a. Full name, business address, and telephone number of the principal;

b. Total compensation provided or owed to the lobbying firm for the reporting period, reported in one of the following categories: \$0; less than \$2,000; \$2,000 to \$4,999; \$5,000 to \$9,999; \$10,000 to \$24,999; \$25,000 or more;

c. Cumulative year-to-date compensation provided or owed to the lobbying firm, reported in one of the following categories: \$0; less than \$5,000; \$5,000 to \$9,999; \$10,000 to \$24,999; \$25,000 to \$49,999; \$50,000 to \$99,999; \$100,000 or more. If the category "\$100,000 or more" is selected, the specific dollar amount of cumulative compensation must be reported, rounded up or down to the nearest \$1,000; and,

d. If the lobbying firm is reporting compensation resulting from a subcontracting agreement with another lobbying firm, the full name and business address of the principal originating the lobbying work.

3. The senior partner, officer, or owner of the lobbying firm shall certify to the veracity and completeness of the information submitted pursuant to this paragraph.

(e) For each reporting period the division shall aggregate the expenditures reported by all of the lobbyists for a principal represented by more than one lobbyist. Further, the division shall aggregate figures that provide a cumulative total of expenditures reported as spent by and on behalf of each principal for the calendar year. For each principal represented by more than one lobbying firm, the division shall also aggregate the reporting-period and calendar-year compensation reported as provided or owed by the principal.

(f) The compensation and expenditure reporting statements shall be filed no later than 45 days after the end of each reporting period. The four reporting periods are from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31, respectively. The statements shall be rendered in the identical form provided by the respective houses and shall be open to public inspection. Reporting statements ~~must~~ *may* be filed by electronic means ~~as provided in s. 11.0455, when feasible.~~

~~(g) Reports shall be filed not later than 5 p.m. of the report due date. However, any report that is postmarked by the United States Postal Service no later than midnight of the due date shall be deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, shall be proof of mailing in a timely manner.~~

(g)(h) Each house of the Legislature shall provide by rule, or both houses may provide by joint rule, a procedure by which a lobbying firm or lobbyist who fails to timely file a report shall be notified and assessed fines. The rule shall provide for the following:

1. Upon determining that the report is late, the person designated to review the timeliness of reports shall immediately notify the lobbying firm or lobbyist as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be \$50 per day per report for each late day, not to exceed \$5,000 per report.

2. Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

a. When a report is actually received by the lobbyist registration and reporting office.

b. ~~When the electronic receipt issued pursuant to s. 11.0455 is dated. When the report is postmarked.~~

~~c. When the certificate of mailing is dated.~~

~~d. When the receipt from an established courier company is dated.~~

3. Such fine shall be paid within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, unless appeal is made to the division. The moneys shall be deposited into the Legislative Lobbyist Registration Trust Fund.

4. A fine shall not be assessed against a lobbying firm or lobbyist the first time any reports for which the lobbying firm or lobbyist is responsible are not timely filed. However, to receive the one-time fine waiver, all reports for which the lobbying firm or lobbyist is responsible must be filed within 30 days after notice that any reports have not been timely filed is transmitted by the Lobbyist Registration Office. A fine shall be assessed for any subsequent late-filed reports.

5. Any lobbying firm or lobbyist may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the General Counsel of the Office of Legislative Services, who shall recommend to the President of the Senate and the Speaker of the House of Representatives, or their respective designees, that the fine be waived in whole or in part for good cause shown. The President of the Senate and the Speaker of the House of Representatives, or their respective designees, may concur in the recommendation and waive the fine in whole or in part. Any such request shall be made within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office. In such case, the lobbying firm or lobbyist shall, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to request a hearing.

6. A lobbyist or the principal of a lobbyist may request that the filing of an expenditure report be waived upon good cause shown, based on unusual circumstances. A lobbying firm may request that the filing of a compensation report be waived upon good cause shown, based on unusual circumstances. The request must be filed with the General Counsel of the Office of Legislative Services, who shall make a recommendation concerning the waiver request to the President of the Senate and the Speaker of the House of Representatives. The President of the Senate and the Speaker of the House of Representatives may grant or deny the request.

7. The registration of a lobbyist who fails to timely pay a fine is automatically suspended until the fine is paid or waived. All lobbyist registrations for lobbyists who are partners, owners, officers, or employees of a lobbying firm that fails to timely pay a fine are automatically suspended until the fine is paid or waived.

8. The person designated to review the timeliness of reports shall notify the director of the division of the failure of a lobbying firm or

lobbyist to file a report after notice or of the failure of a lobbying firm or lobbyist to pay the fine imposed.

Section 3. Effective April 1, 2006, section 11.0455, Florida Statutes, is created to read:

11.0455 Electronic filing of compensation and expenditure reports.—

(1) *As used in this section, the term “electronic filing system” means an Internet system for recording and reporting lobbying compensation, expenditures, and other required information by reporting period.*

(2) *Each lobbying firm or lobbyist who is required to file reports with the Division of Legislative Information Services pursuant to s. 11.045 must file such reports with the division by means of the division’s electronic filing system.*

(3) *A report filed pursuant to this section must be completed and filed through the electronic filing system not later than 11:59 p.m. of the day designated in s. 11.045. A report not filed by 11:59 p.m. of the day designated is a late-filed report and is subject to the penalties under s. 11.045(3).*

(4) *Each report filed pursuant to this section is considered to be certified as accurate and complete by the lobbyist, the lobbying firm, or the designated lobbyist and principal, whichever is applicable, and such persons are subject to the provisions of s. 11.045(7) and s. 11.045(8). Persons given a secure sign-on to the electronic filing system are responsible for protecting it from disclosure and are responsible for all filings using such credentials, unless they have notified the division that their credentials have been compromised.*

(5) *The electronic filing system developed by the division must:*

(a) *Be based on access by means of the Internet.*

(b) *Be accessible by anyone with Internet access using standard web-browsing software.*

(c) *Provide for direct entry of compensation-report and expenditure-report information as well as upload of such information from software authorized by the division.*

(d) *Provide a method that prevents unauthorized access to electronic filing system functions.*

(6) *Each house of the Legislature shall provide by rule, or may provide by a joint rule adopted by both houses, procedures to implement and administer this section, including, but not limited to:*

(a) *Alternate filing procedures in case the division’s electronic filing system is not operable.*

(b) *The issuance of an electronic receipt to the person submitting the report indicating and verifying the date and time that the report was filed.*

(7) *Each house of the Legislature shall provide by rule that the division make all the data filed available on the Internet in an easily understood and accessible format. The Internet website shall also include, but not be limited to, the names and business addresses of lobbyists, lobbying firms, and principals, the affiliations between lobbyists and principals, and the North American Industry Classification System code and corresponding index entry identified by each principal pursuant to s. 11.045(2).*

Section 4. Effective April 1, 2007, subsection (2) of section 11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(2) *DUTIES.—The Auditor General shall:*

(a) *Conduct audits of records and perform related duties as prescribed by law, concurrent resolution of the Legislature, or as directed by the Legislative Auditing Committee.*

(b) *Annually conduct a financial audit of state government.*

(c) *Annually conduct financial audits of all universities and district boards of trustees of community colleges.*

(d) *Annually conduct financial audits of the accounts and records of all district school boards in counties with populations of fewer than 150,000, according to the most recent federal decennial statewide census.*

(e) *Annually conduct an audit of the Wireless Emergency Telephone System Fund as described in s. 365.173.*

(f) *Annually conduct audits of the accounts and records of the Florida School for the Deaf and the Blind.*

(g) *At least every 2 years, conduct operational audits of the accounts and records of state agencies and universities. In connection with these audits, the Auditor General shall give appropriate consideration to reports issued by state agencies’ inspectors general or universities’ inspectors general and the resolution of findings therein.*

(h) *At least every 2 years, conduct a performance audit of the local government financial reporting system, which, for the purpose of this chapter, means any statutory provisions related to local government financial reporting. The purpose of such an audit is to determine the accuracy, efficiency, and effectiveness of the reporting system in achieving its goals and to make recommendations to the local governments, the Governor, and the Legislature as to how the reporting system can be improved and how program costs can be reduced. The Auditor General shall determine the scope of such audits. The local government financial reporting system should provide for the timely, accurate, uniform, and cost-effective accumulation of financial and other information that can be used by the members of the Legislature and other appropriate officials to accomplish the following goals:*

1. *Enhance citizen participation in local government;*
2. *Improve the financial condition of local governments;*
3. *Provide essential government services in an efficient and effective manner; and*
4. *Improve decisionmaking on the part of the Legislature, state agencies, and local government officials on matters relating to local government.*

(i) *Once every 3 years, conduct performance audits of the Department of Revenue’s administration of the ad valorem tax laws as described in s. 195.096.*

(j) *Once every 3 years, conduct financial audits of the accounts and records of all district school boards in counties with populations of 125,000 or more, according to the most recent federal decennial statewide census.*

(k) *Once every 3 years, review a sample of each state agency’s internal audit reports to determine compliance with current Standards for the Professional Practice of Internal Auditing or, if appropriate, government auditing standards.*

(l) *Conduct audits of local governmental entities when determined to be necessary by the Auditor General, when directed by the Legislative Auditing Committee, or when otherwise required by law. No later than 18 months after the release of the audit report, the Auditor General shall perform such appropriate followup procedures as he or she deems necessary to determine the audited entity’s progress in addressing the findings and recommendations contained within the Auditor General’s previous report. The Auditor General shall provide a copy of his or her determination to each member of the audited entity’s governing body and to the Legislative Auditing Committee.*

(m) *Annually conduct audits of all quarterly compensation reports for the previous calendar year filed pursuant to s. 11.045 and s. 11.0455, or s. 112.3215 and s. 112.32155, respectively, for a random sample of 5 percent of all legislative lobbying firms and 5 percent of all executive branch lobbying firms.*

1. *The audit shall be limited to determining compliance with the lobbying compensation reporting requirements of s. 11.045 or s. 112.3215, whichever is applicable, except that the audit scope may not include the timeliness of the filing.*

2. *The random selection of lobbying firms to be audited shall be done in a manner pursuant to which the identity of any particular lobbying*

firm selected for audit is unknown to the Auditor General or the Auditor General's staff prior to selection.

3. *The Auditor General shall adopt guidelines which govern random audits and field investigations conducted pursuant to this paragraph. The guidelines shall ensure that similarly situated compensation reports are audited in a uniform manner. The guidelines shall also be formulated to accomplish the following purposes:*

a. The audits should encourage compliance and detect violations of the legislative and executive lobbying compensation reporting requirements in s. 11.045 and s. 112.3215;

b. The audits should be conducted with maximum efficiency in a cost-effective manner; and

c. The audits should be as unobtrusive as possible consistent with the foregoing purposes.

In adopting the guidelines, the Auditor General shall consider relevant guidelines and standards of the American Institute of Certified Public Accountants to the extent such guidelines and standards are applicable and consistent with the purposes set forth in this subparagraph.

4. *The Auditor General shall forward all legislative lobbying final audit reports to the legislative committees designated in s. 11.045, and shall forward all executive lobbying final audit reports to the Florida Commission on Ethics.*

The Auditor General shall perform his or her duties independently but under the general policies established by the Legislative Auditing Committee. This subsection does not limit the Auditor General's discretionary authority to conduct other audits or engagements of governmental entities as authorized in subsection (3).

Section 5. Effective April 1, 2006, subsection (3) of section 11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(3) **AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.**—The Auditor General may, pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee, conduct audits or other engagements as determined appropriate by the Auditor General of:

(a) The accounts and records of any governmental entity created or established by law.

(b) The information technology programs, activities, functions, or systems of any governmental entity created or established by law.

(c) The accounts and records of any charter school created or established by law.

(d) The accounts and records of any direct-support organization or citizen support organization created or established by law. The Auditor General is authorized to require and receive any records from the direct-support organization or citizen support organization, or from its independent auditor.

(e) The public records associated with any appropriation made by the Legislature to a nongovernmental agency, corporation, or person. All records of a nongovernmental agency, corporation, or person with respect to the receipt and expenditure of such an appropriation shall be public records and shall be treated in the same manner as other public records are under general law.

(f) State financial assistance provided to any nonstate entity as defined by s. 215.97.

(g) The Tobacco Settlement Financing Corporation created pursuant to s. 215.56005.

(h) Any purchases of federal surplus lands for use as sites for correctional facilities as described in s. 253.037.

(i) Enterprise Florida, Inc., including any of its boards, advisory committees, or similar groups created by Enterprise Florida, Inc., and programs. The audit report may not reveal the identity of any person who

has anonymously made a donation to Enterprise Florida, Inc., pursuant to this paragraph. The identity of a donor or prospective donor to Enterprise Florida, Inc., who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report.

(j) The Florida Development Finance Corporation or the capital development board or the programs or entities created by the board. The audit or report may not reveal the identity of any person who has anonymously made a donation to the board pursuant to this paragraph. The identity of a donor or prospective donor to the board who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report.

(k) The records pertaining to the use of funds from voluntary contributions on a motor vehicle registration application or on a driver's license application authorized pursuant to ss. 320.023 and 322.081.

(l) The records pertaining to the use of funds from the sale of specialty license plates described in chapter 320.

(m) The transportation corporations under contract with the Department of Transportation that are acting on behalf of the state to secure and obtain rights-of-way for urgently needed transportation systems and to assist in the planning and design of such systems pursuant to ss. 339.401-339.421.

(n) The acquisitions and divestitures related to the Florida Communities Trust Program created pursuant to chapter 380.

(o) The Florida Water Pollution Control Financing Corporation created pursuant to s. 403.1837.

(p) The Florida Partnership for School Readiness created pursuant to s. 411.01.

(q) The Florida Special Disability Trust Fund Financing Corporation created pursuant to s. 440.49.

(r) Workforce Florida, Inc., or the programs or entities created by Workforce Florida, Inc., created pursuant to s. 445.004.

(s) The corporation defined in s. 455.32 that is under contract with the Department of Business and Professional Regulation to provide administrative, investigative, examination, licensing, and prosecutorial support services in accordance with the provisions of s. 455.32 and the practice act of the relevant profession.

(t) The Florida Engineers Management Corporation created pursuant to chapter 471.

(u) The Investment Fraud Restoration Financing Corporation created pursuant to chapter 517.

(v) The books and records of any permitholder that conducts race meetings or jai alai exhibitions under chapter 550.

(w) The corporation defined in part II of chapter 946, known as the Prison Rehabilitative Industries and Diversified Enterprises, Inc., or PRIDE Enterprises.

(x) The Florida Virtual School pursuant to s. 1002.37.

(y) *The accounts and records of any principal, lobbying firm, or lobbyist relating to compliance with the compensation-reporting provisions of s. 11.045 or s. 112.3215, whichever is applicable, except that the audit scope may not include the timeliness of the filing. Any audit conducted pursuant to this paragraph shall be done in accordance with the guidelines for random audits established pursuant to subparagraph (2)(m)4. The Auditor General shall forward all legislative lobbying final audit reports to the legislative committees designated in s. 11.045, and shall forward all executive and Constitution Revision Commission lobbying final audit reports to the Florida Commission on Ethics.*

Section 6. Section 112.3215, Florida Statutes, is amended to read:

112.3215 *Lobbying Lobbyists* before the executive branch or the Constitution Revision Commission; registration and reporting; investigation by commission.—

(1) For the purposes of this section:

(a) “Agency” means the Governor, Governor and Cabinet, or any department, division, bureau, board, commission, or authority of the executive branch. In addition, “agency” shall mean the Constitution Revision Commission as provided by s. 2, Art. XI of the State Constitution.

(b) “Compensation” means a payment, distribution, loan, advance, reimbursement, deposit, salary, fee, retainer, or anything of value provided or owed to a lobbying firm, directly or indirectly, by a principal.

(c)(b) “Expenditure” means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying.

(d)(e) “Fund” means the Executive Branch Lobby Registration Trust Fund.

(e)1.(d) “Lobbies” means seeking, on behalf of another person, to influence an agency with respect to a decision of the agency in the area of policy or procurement or an attempt to obtain the goodwill of an agency official or employee. “Lobbies” also means influencing or attempting to influence, on behalf of another, the Constitution Revision Commission’s action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Constitution Revision Commission.

2. *Food and beverages paid for or provided, directly or indirectly, by a lobbyist or principal to, or for the benefit of, an agency official or employee or a member or employee of the Constitution Revision Commission is deemed an attempt to obtain such person’s goodwill unless the lobbyist or principal is the person’s parent, spouse, child, or sibling.*

(f) “Lobbying firm” means a business entity, including an individual contract lobbyist, that receives or becomes entitled to receive any compensation for the purpose of lobbying, where any partner, owner, officer, or employee of the business entity is a lobbyist.

(g)(e) “Lobbyist” means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. “Lobbyist” does not include a person who is:

1. An attorney, or any person, who represents a client in a judicial proceeding or in a formal administrative proceeding conducted pursuant to chapter 120 or any other formal hearing before an agency, board, commission, or authority of this state.

2. An employee of an agency or of a legislative or judicial branch entity acting in the normal course of his or her duties.

3. A confidential informant who is providing, or wishes to provide, confidential information to be used for law enforcement purposes.

4. A person who lobbies to procure a contract pursuant to chapter 287 which contract is less than the threshold for CATEGORY ONE as provided in s. 287.017(1)(a).

(h)(f) “Principal” means the person, firm, corporation, or other entity which has employed or retained a lobbyist, including a lobbying firm that subcontracts work.

(2) The Executive Branch Lobby Registration Trust Fund is hereby created within the commission to be used for the purpose of funding any office established to administer the registration of lobbyists lobbying an agency, including the payment of salaries and other expenses. The trust fund is not subject to the service charge to General Revenue provisions of chapter 215. All annual registration fees collected pursuant to this section shall be deposited into such fund.

(3) A person may not lobby an agency until such person has registered as a lobbyist with the commission. Such registration shall be due

upon initially being retained to lobby and is renewable on a calendar year basis thereafter. Upon registration the person shall provide a statement signed by the principal or principal’s representative that the registrant is authorized to represent the principal. *The principal shall also designate the most recent North American Industry Classification System numerical code and corresponding index entry that most accurately describes the principal’s main business on the statement authorizing the principal’s designated lobbyist.* The registration shall require each the lobbyist to disclose, under oath, the following information:

(a) Name and business address;

(b) The name and business address of each principal represented;

(c) His or her area of interest;

(d) The agencies before which he or she will appear; and

(e) The existence of any direct or indirect business association, partnership, or financial relationship with any employee of an agency with which he or she lobbies, or intends to lobby, as disclosed in the registration.

(4) The annual lobbyist registration fee shall be set by the commission by rule, not to exceed \$40 for each principal represented.

(5)(a) A registered lobbyist must also submit to the commission, *quarterly biannually*, a signed expenditure report summarizing all lobbying expenditures by the lobbyist and the principal for each *3-month 6-month* period during any portion of which the lobbyist is registered. All expenditures made by the lobbyist and the principal for the purpose of lobbying must be reported. Reporting of expenditures shall be on an accrual basis. The report of such expenditures must identify whether the expenditure was made directly by the lobbyist, directly by the principal, initiated or expended by the lobbyist and paid for by the principal, or initiated or expended by the principal and paid for by the lobbyist. The principal is responsible for the accuracy of the expenditures reported as lobbying expenditures made by the principal. The lobbyist is responsible for the accuracy of the expenditures reported as lobbying expenditures made by the lobbyist. Expenditures made must be reported in the aggregate in either the category “food and beverages” or “novelty items.” ~~by the category of the expenditure, including, but not limited to, the categories of food and beverages, entertainment, research, communication, media advertising, publications, travel, and lodging.~~ For each expenditure that comprises part of the aggregate total reported in the “food and beverages” category, the report must also include the full name and address of each person to whom the expenditure was made; the date of the expenditure; and, the name, title, and agency of the official, member, or employee for whom the expenditure was made. Lobby expenditures do not include a lobbyist’s or principal’s salary, office expenses, and personal expenses for lodging, meals, and travel.

(b) A principal who is represented by two or more lobbyists shall designate one lobbyist whose expenditure report shall include all lobbying expenditures made directly by the principal and those expenditures of the designated lobbyist on behalf of that principal as required by paragraph (a). All other lobbyists registered to represent that principal shall file a report pursuant to paragraph (a). The report of lobbying expenditures by the principal shall be made pursuant to the requirements of paragraph (a). The principal is responsible for the accuracy of figures reported by the designated lobbyist as lobbying expenditures made directly by the principal. The designated lobbyist is responsible for the accuracy of the figures reported as lobbying expenditures made by that lobbyist.

(c)1. *Each lobbyist, including a designated lobbyist, shall identify on the activity report all general areas of the principal’s lobbying interest that were lobbied during the reporting period.*

2. *For each general area of lobbying interest designated, the lobbyist shall provide a detailed written description of all specific issues lobbied within the general area.*

(d)1. *Each lobbying firm shall file a compensation statement with the commission for each calendar quarter during any portion of which one or more of the firm’s lobbyists were registered to represent a principal. The report shall include the:*

a. *Full name, business address, and telephone number of the lobbying firm;*

b. Name of each of the firm's lobbyists; and,

c. Total compensation provided or owed to the lobbying firm from all principals for the reporting period, reported in one of the following categories: \$0; less than \$10,000; \$10,000 to \$49,999; \$50,000 to \$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to \$999,999; \$1 million or more.

2. For each principal represented by one or more of the firm's lobbyists, the compensation report shall also include the:

a. Full name, business address, and telephone number of the principal;

b. Total compensation provided or owed to the lobbying firm for the reporting period, reported in one of the following categories: \$0; less than \$2,000; \$2,000 to \$4,999; \$5,000 to \$9,999; \$10,000 to \$24,999; \$25,000 or more;

c. Cumulative year-to-date compensation provided or owed to the lobbying firm, reported in one of the following categories: \$0; less than \$5,000; \$5,000 to \$9,999; \$10,000 to \$24,999; \$25,000 to \$49,999; \$50,000 to \$99,999; \$100,000 or more. If the category "\$100,000 or more" is selected, the specific dollar amount of cumulative compensation must be reported, rounded up or down to the nearest \$1,000; and,

d. If the lobbying firm is reporting compensation resulting from a subcontracting agreement with another lobbying firm, the full name and business address of the principal originating the lobbying work.

3. The senior partner, officer, or owner of the lobbying firm shall certify to the veracity and completeness of the information submitted pursuant to this paragraph.

(e)(e) For each reporting period the commission shall aggregate the expenditures of all lobbyists for a principal represented by more than one lobbyist. Further, the commission shall aggregate figures that provide a cumulative total of expenditures reported as spent by and on behalf of each principal for the calendar year. For each principal represented by more than one lobbying firm, the commission shall also aggregate the reporting-period and calendar-year compensation reported as provided or owed by the principal.

(f)(d) The compensation and expenditure reporting statements shall be filed no later than 45 days after the end of each reporting period, and shall include the expenditures for the period. The four reporting periods are from January 1 through March 31, June 30, April 1 through June 30, and July 1 through September 30, and October 1 through December 31, respectively.

(g)(e) Reports shall be filed not later than 5 p.m. of the report due date. However, any report that is postmarked by the United States Postal Service no later than midnight of the due date shall be deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, shall be proof of mailing in a timely manner.

(h)(f) The commission shall provide by rule a procedure by which a lobbying firm or lobbyist who fails to timely file a report shall be notified and assessed fines. The rule shall provide for the following:

1. Upon determining that the report is late, the person designated to review the timeliness of reports shall immediately notify the lobbying firm or lobbyist as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be \$50 per day per report for each late day up to a maximum of \$5,000 per late report.

2. Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

a. When a report is actually received by the lobbyist registration and reporting office.

b. When the report is postmarked.

c. When the certificate of mailing is dated.

d. When the receipt from an established courier company is dated.

3. Such fine shall be paid within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, unless appeal is made to the commission. The moneys shall be deposited into the Executive Branch Lobby Registration Trust Fund.

4. A fine shall not be assessed against a lobbying firm or lobbyist the first time any reports for which the lobbying firm or lobbyist is responsible are not timely filed. However, to receive the one-time fine waiver, all reports for which the lobbying firm or lobbyist is responsible must be filed within 30 days after the notice that any reports have not been timely filed is transmitted by the Lobbyist Registration Office. A fine shall be assessed for any subsequent late-filed reports.

5. Any lobbying firm or lobbyist may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the commission, which shall have the authority to waive the fine in whole or in part for good cause shown. Any such request shall be made within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office. In such case, the lobbying firm or lobbyist shall, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to bring the matter before the commission.

6. The person designated to review the timeliness of reports shall notify the commission of the failure of a lobbying firm or lobbyist to file a report after notice or of the failure of a lobbying firm or lobbyist to pay the fine imposed.

7. Notwithstanding any provision of chapter 120, any fine imposed under this subsection that is not waived by final order of the commission and that remains unpaid more than 60 days after the notice of payment due or more than 60 days after the commission renders a final order on the lobbying firm's or lobbyist's appeal shall be collected by the Department of Financial Services as a claim, debt, or other obligation owed to the state, and the department may assign the collection of such fine to a collection agent as provided in s. 17.20.

(i)(g) The commission shall adopt a rule which allows reporting statements to be filed by electronic means, when feasible.

(j)(h) Each lobbyist and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate lobbying expenditures. Any documents and records retained pursuant to this section may be inspected under reasonable circumstances by any authorized representative of the commission. The right of inspection may be enforced in circuit court by appropriate writ issued by any court of competent jurisdiction.

2. Each lobbying firm and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate compensation. Any documents and records retained pursuant to this section may be subpoenaed for audit by the Auditor General pursuant to s. 11.45 and such subpoena may be enforced in circuit court.

(6)(a) Notwithstanding s. 112.3148, s. 112.3149, or any other provision of law to the contrary, no lobbyist or principal shall make, directly or indirectly, and no agency official, member, or employee shall knowingly accept, directly or indirectly, any lobbying expenditure, except for:

1. Food and beverages:

a. Consumed at a single sitting or meal;

b. Paid for solely by lobbyists or principals who are present for the duration of the sitting or meal;

c. Where the actual value attributable to officials, members, and employees of the agency or commission is determinable;

d. Provided that the actual gross value attributable to an agency official, member, or employee from all lobbyists and principals paying for the food and beverages, including any value attributable pursuant to paragraph (b), does not exceed \$100.

(b) *The value of any food and beverages provided to a spouse or child of an agency official, member, or employee shall be attributed to such official, member, or employee.*

(c) *No principal shall provide compensation for lobbying to any individual or business entity that is not a lobbying firm.*

(7)(6) A lobbyist shall promptly send a written statement to the commission canceling the registration for a principal upon termination of the lobbyist's representation of that principal. Notwithstanding this requirement, the commission may remove the name of a lobbyist from the list of registered lobbyists if the principal notifies the office that a person is no longer authorized to represent that principal. Each lobbyist is responsible for filing an expenditure report for each period during any portion of which he or she was registered, and each principal is responsible for seeing that an expenditure report is filed for each period during any portion of which the principal was represented by a registered lobbyist.

(8)(a)(7) The commission shall investigate every sworn complaint that is filed with it alleging that a person covered by this section has failed to register, has failed to submit a compensation or an expenditure report, or has knowingly submitted false information in any report or registration required in this section.

(b) All proceedings, the complaint, and other records relating to the investigation are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and any meetings held pursuant to an investigation are exempt from the provisions of s. 286.011(1) and s. 24(b), Art. I of the State Constitution either until the alleged violator requests in writing that such investigation and associated records and meetings be made public or until the commission determines, based on the investigation, whether probable cause exists to believe that a violation has occurred.

(c) *The commission shall investigate any lobbying firm upon receipt of compensation-reporting audit information indicating a possible violation other than a late-filed report.*

(9)(8) If the commission finds no probable cause to believe that a violation of this section occurred, it shall dismiss the complaint, whereupon the complaint, together with a written statement of the findings of the investigation and a summary of the facts, shall become a matter of public record, and the commission shall send a copy of the complaint, findings, and summary to the complainant and the alleged violator. *If, after investigating compensation-reporting audit information, the commission finds no probable cause to believe that a violation of this section occurred, a written statement of the findings of the investigation and a summary of the facts shall become a matter of public record, and the commission shall send a copy of the findings and summary to the alleged violator.* If the commission finds probable cause to believe that a violation occurred, it shall report the results of its investigation to the Governor and Cabinet and send a copy of the report to the alleged violator by certified mail. Such notification and all documents made or received in the disposition of the complaint or the compensation-reporting audit information shall then become public records. Upon request submitted to the Governor and Cabinet in writing, any person whom the commission finds probable cause to believe has violated any provision of this section shall be entitled to a public hearing. Such person shall be deemed to have waived the right to a public hearing if the request is not received within 14 days following the mailing of the probable cause notification. However, the Governor and Cabinet may on its own motion require a public hearing and may conduct such further investigation as it deems necessary.

(10)(9) If the Governor and Cabinet finds that a violation occurred, it may reprimand the violator, censure the violator, or prohibit the violator from lobbying all agencies for a period not to exceed 2 years. *If the violator is a lobbying firm, the Governor and Cabinet may also assess a fine of not more than \$5,000 to be deposited in the Executive Branch Lobby Registration Trust Fund.*

(11)(10) Any person, when in doubt about the applicability and interpretation of this section to himself or herself in a particular context, may submit in writing the facts of the situation to the commission with a request for an advisory opinion to establish the standard of duty. An advisory opinion shall be rendered by the commission and, until amended or revoked, shall be binding on the conduct of the person who

sought the opinion, unless material facts were omitted or misstated in the request.

(12)(11) Agencies shall be diligent to ascertain whether persons required to register pursuant to this section have complied. An agency may not knowingly permit a person who is not registered pursuant to this section to lobby the agency.

(13)(12) Upon discovery of violations of this section an agency or any person may file a sworn complaint with the commission.

(14)(13) The commission shall adopt rules to administer this section, which shall prescribe forms for registration, compensation, and expenditure reports, procedures for registration, and procedures that will prevent disclosure of information that is confidential as provided in this section.

Section 7. Effective April 1, 2006, subsection (5) of section 112.3215, Florida Statutes, as amended by this act, is amended to read:

112.3215 Lobbying before the executive branch or the Constitution Revision Commission; registration and reporting; investigation by commission.—

(5)(a) A registered lobbyist must also submit to the commission, quarterly, a signed expenditure report summarizing all lobbying expenditures by the lobbyist and the principal for each 3-month period during any portion of which the lobbyist is registered. All expenditures made by the lobbyist and the principal for the purpose of lobbying must be reported. Reporting of expenditures shall be on an accrual basis. The report of such expenditures must identify whether the expenditure was made directly by the lobbyist, directly by the principal, initiated or expended by the lobbyist and paid for by the principal, or initiated or expended by the principal and paid for by the lobbyist. The principal is responsible for the accuracy of the expenditures reported as lobbying expenditures made by the principal. The lobbyist is responsible for the accuracy of the expenditures reported as lobbying expenditures made by the lobbyist. Expenditures made must be reported in the aggregate in either the category "food and beverages" or "novelty items." For each expenditure that comprises part of the aggregate total reported in the "food and beverages" category, the report must also include the full name and address of each person to whom the expenditure was made; the date of the expenditure; and, the name, title, and agency of the official, member, or employee for whom the expenditure was made. Lobby expenditures do not include a lobbyist's or principal's salary, office expenses, and personal expenses for lodging, meals, and travel.

(b) A principal who is represented by two or more lobbyists shall designate one lobbyist whose expenditure report shall include all lobbying expenditures made directly by the principal and those expenditures of the designated lobbyist on behalf of that principal as required by paragraph (a). All other lobbyists registered to represent that principal shall file a report pursuant to paragraph (a). The report of lobbying expenditures by the principal shall be made pursuant to the requirements of paragraph (a). The principal is responsible for the accuracy of figures reported by the designated lobbyist as lobbying expenditures made directly by the principal. The designated lobbyist is responsible for the accuracy of the figures reported as lobbying expenditures made by that lobbyist.

(c)1. Each lobbyist, including a designated lobbyist, shall identify on the activity report all general areas of the principal's legislative interest that were lobbied during the reporting period.

2. For each general area of legislative interest designated, the lobbyist shall provide a detailed written description of all specific issues lobbied within the general area.

(d)1. Each lobbying firm shall file a compensation statement with the commission for each calendar quarter during any portion of which one or more of the firm's lobbyists were registered to represent a principal. The report shall include the:

- a. Full name, business address, and telephone number of the lobbying firm;
- b. Name of each of the firm's lobbyists; and,
- c. Total compensation provided or owed to the lobbying firm from all principals for the reporting period, reported in one of the following cate-

gories: \$0; less than \$10,000; \$10,000 to \$49,999; \$50,000 to \$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to \$999,999; \$1 million or more.

2. For each principal represented by one or more of the firm's lobbyists, the compensation report shall also include the:

a. Full name, business address, and telephone number of the principal;

b. Total compensation provided or owed to the lobbying firm for the reporting period, reported in one of the following categories: \$0; less than \$2,000; \$2,000 to \$4,999; \$5,000 to \$9,999; \$10,000 to \$24,999; \$25,000 or more;

c. Cumulative year-to-date compensation provided or owed to the lobbying firm, reported in one of the following categories: \$0; less than \$5,000; \$5,000 to \$9,999; \$10,000 to \$24,999; \$25,000 to \$49,999; \$50,000 to \$99,999; \$100,000 or more. If the category "\$100,000 or more" is selected, the specific dollar amount of cumulative compensation must be reported, rounded up or down to the nearest \$1,000; and,

d. If the lobbying firm is reporting compensation resulting from a subcontracting agreement with another lobbying firm, the full name and business address of the principal originating the lobbying work.

3. The senior partner, officer, or owner of the lobbying firm shall certify to the veracity and completeness of the information submitted pursuant to this paragraph.

(e) For each reporting period the commission shall aggregate the expenditures of all lobbyists for a principal represented by more than one lobbyist. Further, the commission shall aggregate figures that provide a cumulative total of expenditures reported as spent by and on behalf of each principal for the calendar year. For each principal represented by more than one lobbying firm, the division shall also aggregate the reporting-period and calendar-year compensation reported as provided or owed by the principal.

(f) The compensation and expenditure reporting statements shall be filed no later than 45 days after the end of each reporting period. The four reporting periods are from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31, respectively. *Reporting statements must be filed by electronic means as provided in s. 112.32155.*

~~(g) Reports shall be filed not later than 5 p.m. of the report due date. However, any report that is postmarked by the United States Postal Service no later than midnight of the due date shall be deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, shall be proof of mailing in a timely manner.~~

~~(g)(h)~~ The commission shall provide by rule a procedure by which a lobbying firm or lobbyist who fails to timely file a report shall be notified and assessed fines. The rule shall provide for the following:

1. Upon determining that the report is late, the person designated to review the timeliness of reports shall immediately notify the lobbying firm or lobbyist as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be \$50 per day per report for each late day up to a maximum of \$5,000 per late report.

2. Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

a. When a report is actually received by the lobbyist registration and reporting office.

b. ~~When the electronic receipt issued pursuant to s. 112.32155 is dated. When the report is postmarked.~~

~~e. When the certificate of mailing is dated.~~

~~d. When the receipt from an established courier company is dated.~~

3. Such fine shall be paid within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, unless appeal is

made to the commission. The moneys shall be deposited into the Executive Branch Lobby Registration Trust Fund.

4. A fine shall not be assessed against a lobbying firm or lobbyist the first time any reports for which the lobbying firm or lobbyist is responsible are not timely filed. However, to receive the one-time fine waiver, all reports for which the lobbying firm or lobbyist is responsible must be filed within 30 days after the notice that any reports have not been timely filed is transmitted by the Lobbyist Registration Office. A fine shall be assessed for any subsequent late-filed reports.

5. Any lobbying firm or lobbyist may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the commission, which shall have the authority to waive the fine in whole or in part for good cause shown. Any such request shall be made within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office. In such case, the lobbying firm or lobbyist shall, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to bring the matter before the commission.

6. The person designated to review the timeliness of reports shall notify the commission of the failure of a lobbying firm or lobbyist to file a report after notice or of the failure of a lobbying firm or lobbyist to pay the fine imposed.

7. Notwithstanding any provision of chapter 120, any fine imposed under this subsection that is not waived by final order of the commission and that remains unpaid more than 60 days after the notice of payment due or more than 60 days after the commission renders a final order on the lobbying firm's or lobbyist's appeal shall be collected by the Department of Financial Services as a claim, debt, or other obligation owed to the state, and the department may assign the collection of such fine to a collection agent as provided in s. 17.20.

~~(i) The commission shall adopt a rule which allows reporting statements to be filed by electronic means, when feasible.~~

~~(h)1.(j)~~ Each lobbyist and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate lobbying expenditures. Any documents and records retained pursuant to this section may be inspected under reasonable circumstances by any authorized representative of the commission. The right of inspection may be enforced in circuit court.

2. Each lobbying firm and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate compensation. Any documents and records retained pursuant to this section may be subpoenaed for audit by the Auditor General pursuant to s. 11.45 and such subpoena may be enforced in circuit court.

Section 8. Effective April 1, 2006, section 112.32155, Florida Statutes, is created to read:

112.32155 Electronic filing of compensation and expenditure reports.—

(1) As used in this section, the term "electronic filing system" means an Internet system for recording and reporting lobbying compensation, expenditures, and other required information by reporting period.

(2) Each lobbying firm or lobbyist who is required to file reports with the Commission on Ethics pursuant to s. 112.3215 must file such reports with the commission by means of the electronic filing system.

(3) A report filed pursuant to this section must be completed and filed through the electronic filing system not later than 11:59 p.m. of the day designated in s. 112.3215. A report not filed by 11:59 p.m. of the day designated is a late-filed report and is subject to the penalties under s. 112.3215(5).

(4) Each report filed pursuant to this section is considered to be certified as accurate and complete by the lobbyist, the lobbying firm, or the designated lobbyist and principal, whichever is applicable. Persons given a secure sign-on to the electronic filing system are responsible for protecting it from disclosure and are responsible for all filings using such cre-

dentials, unless they have notified the division that their credentials have been compromised.

- (5) *The electronic filing system must:*
- (a) *Be based on access by means of the Internet.*
- (b) *Be accessible by anyone with Internet access using standard web-browsing software.*
- (c) *Provide for direct entry of compensation-report and expenditure-report information as well as upload of such information from software authorized by the commission.*
- (d) *Provide a method that prevents unauthorized access to electronic filing system functions.*
- (6) *The commission shall provide by rule procedures to implement and administer this section, including, but not limited to:*
- (a) *Alternate filing procedures in case the electronic filing system is not operable.*
- (b) *The issuance of an electronic receipt to the person submitting the report indicating and verifying the date and time that the report was filed.*
- (7) *The commission shall make all the data filed available on the Internet in an easily understood and accessible format. The Internet web site shall also include, but not be limited to, the names and business addresses of lobbyists, lobbying firms, and principals, affiliations between lobbyists and principals, and the North American Industry Classification code and corresponding index entry identified by each principal pursuant to s. 112.3215(3).*

Section 9. *The first compensation and expenditure reports subject to the amended reporting requirements in this act must be filed by May 15, 2006, and encompass the reporting period from January 1, 2006, through March 31, 2006.*

Section 10. Except as otherwise provided, this act shall take effect January 1, 2006.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to lobbying; amending s. 11.045, F.S., relating to the requirements that legislative lobbyists register and report as required by legislative rule; defining the terms "compensation" and "lobbying firm"; amending definitions for the terms "lobbying" and "principal"; requiring each principal upon the registration of the principal's designated lobbyist to identify the principal's main business; requiring each lobbying firm and principal to maintain certain records and documents for a specified period; specifying judicial jurisdiction for enforcing the right to inspect certain documents and records; modifying the aggregate reporting categories on lobbying expenditure reporting forms; requiring lobbying expenditure reporting forms to include the name and address of each person to whom an expenditure for food and beverages was made, date of the expenditure, and the name and title of the legislator or employee for whom the expenditure was made; requiring each lobbyist to report the general areas of the principal's legislative interest and specific issues lobbied; requiring each lobbying firm to file quarterly compensation reports; requiring each lobbying firm to report certain compensation information in dollar categories and specific dollar amounts; requiring certain lobbying firms to report the name and address of the principal originating lobbying work; providing for certification of compensation reports; requiring the Division of Legislative Information Services to aggregate certain compensation information; revising the period for filing compensation and expenditure reporting statements; prescribing procedures for determining late-filing fines for compensation reports; prescribing fines and penalties for compensation-reporting violations; providing exceptions; prohibiting lobbying expenditures, except for certain food and beverages and novelty items; prohibiting principals from providing lobbying compensation to any individual or business entity other than a lobbying firm; providing for the Legislature to adopt rules to maintain and make publicly available all advisory opinions and reports relating to lobbying firms, to conform; providing for the Legislature to adopt rules authorizing legislative committees to investigate certain person and entities engaged in legislative lobbying;

requiring compensation and expenditure reports to be filed electronically; creating s. 11.0455, F.S.; defining the term "electronic filing system"; providing requirements for lobbyists and lobbying firms filing reports with the Division of Legislative Information Services by means of the division's electronic filing system; providing that such reports are considered to be certified as accurate and complete; providing requirements for the electronic filing system; providing for the Legislature to adopt rules to administer the electronic filing system; requiring alternate filing procedures; requiring the issuance of electronic receipts; requiring that the division provide for public access to certain data; amending s. 11.45, F.S.; requiring that the Auditor General conduct random audits of the compensation reports filed by legislative and executive lobbyists; prescribing conditions for the random selection; directing the Auditor General to adopt audit and field investigation guidelines; granting the Auditor General independent authority to audit the accounts and records of any principal or lobbyist with respect to compliance with the compensation-reporting requirements; requiring that legislative lobbying audit reports be forwarded to the Legislature and executive lobbying audit reports be sent to the Florida Commission on Ethics; amending s. 112.3215, F.S., relating to the requirements that executive branch and Constitution Revision Commission lobbyists register and report as required; defining the terms "compensation" and "lobbying firm"; amending definitions for the terms "lobbies" and "principal"; requiring each principal upon the registration of the principal's designated lobbyist to identify the principal's main business; modifying the aggregate reporting categories on lobbying expenditure reporting forms; requiring lobbying expenditure reporting forms to include the name and address of each person to whom an expenditure for food and beverages was made, date of the expenditure, and the name and title of the agency official, member, or employee for whom the expenditure was made; requiring each lobbyist to report the general areas of the principal's lobbying interest and specific issues lobbied; requiring each lobbying firm to file quarterly compensation reports; requiring each lobbying firm to report certain compensation information in dollar categories and specific dollar amounts; requiring certain lobbying firms to report the name and address of the principal originating lobbying work; providing for certification of compensation reports; requiring the Florida Commission on Ethics to aggregate certain compensation information; revising the period for filing compensation and expenditure reporting statements; authorizing the commission to adopt procedural rules for determining late-filing fines for compensation reports; prescribing fines and penalties for compensation-reporting violations; providing exceptions; requiring each lobbying firm and principal to maintain certain records and documents for a specified period; specifying judicial jurisdiction for enforcing the right of inspection; prohibiting lobbying expenditures, except for certain food and beverages and novelty items; prohibiting principals from providing lobbying compensation to any individual or business entity other than a lobbying firm; providing for the commission to investigate certain lobbying firms for compensation-reporting violations; providing procedures for disposing of compensation-reporting investigations and proceedings; providing penalties; providing for public access to certain records; authorizing the commission to adopt administration rules and forms relating to compensation reporting; requiring compensation and expenditure reports to be filed electronically; creating s. 112.32155, F.S.; defining the term "electronic filing system"; providing requirements for lobbyists and lobbying firms filing reports with the Florida Commission on Ethics by means of the electronic filing system; providing that such reports are considered to be certified as accurate and complete; providing requirements for the electronic filing system; providing for the commission to adopt rules to administer the electronic filing system; requiring alternate filing procedures; requiring the issuance of electronic receipts; requiring that the commission provide for public access to certain data; specifying the initial reporting period that is subject to the requirements of the act; providing an effective date.

WHEREAS, restoring the public's trust in government is a top priority of the Florida Legislature, and

WHEREAS, it is a fundamental right for people to redress their government for grievances, and,

WHEREAS, in many cases, lobbyists assist people in the exercise of this fundamental right, and,

WHEREAS, lobbyists can add value to the system by introducing informed perspectives and alternative points of view, and,

WHEREAS, despite the value added by such lobbyists, the public's confidence has been shaken by a perceived culture of improper influence

promulgated in Tallahassee and elsewhere in the State by lobbyists representing powerful special interests, and,

WHEREAS, that public perception is grounded in lobbyist advocacy that is cloaked in secrecy and conducted out of the sunshine, and,

WHEREAS, Floridians have a right to know what the Legislature and executive agencies are doing and with whom, so that they can gauge the influence and the role of special interests in the development and implementation of public policy, and,

WHEREAS, the Florida Legislature believes that fuller, fairer, and more open disclosure will help restore the public trust in government,

WHEREAS, the Florida Legislature has fashioned a narrowly-tailored system for furthering the State's compelling governmental interest in regulating lobbying before the Florida Legislature and administrative agencies, employing the least intrusive means available, NOW, THEREFORE,

Senators Fasano and Villalobos offered the following amendment to **Amendment 1** which was moved by Senator Fasano and adopted by two-thirds vote:

Amendment 1A (854180)(with title amendment)—On page 4, between lines 16 and 17, insert:

(h) *No person convicted of a felony shall register as a lobbyist pursuant to this subsection, until the person:*

1. *Has been released from incarceration and any postconviction supervision, and has paid all court costs and court-ordered restitution;*
2. *Has had his or her civil rights restored; and,*
3. *Has been authorized by affirmative vote of each house of the Legislature to register as a lobbyist.*

And the title is amended as follows:

On page 52, between lines 1 and 2, insert: *conditionally prohibiting convicted felons from registering as a legislative lobbyist;*

Senator Villalobos moved the following amendments to **Amendment 1** which were adopted by two-thirds vote:

Amendment 1B (591308)—On page 7, lines 3-13; and on page 35, lines 15-25, delete those lines and insert:

b. *Total compensation provided or owed to the lobbying firm for the reporting period, reported in one of the following categories: \$0; less than \$5,000; \$5,000 to \$9,999; \$10,000 to \$14,999; \$15,000 to \$19,999; \$20,000 to \$24,999; \$25,000 to \$29,999; \$30,000 to \$34,999; \$35,000 to \$39,999; \$40,000 to \$44,999; \$45,000 or more. If the category "\$45,000 or more" is selected, the specific dollar amount of compensation must be reported, rounded up or down to the nearest \$1,000;*

c. *Cumulative year-to-date compensation provided or owed to the lobbying firm, reported in one of the following categories: \$0; less than \$5,000; \$5,000 to \$9,999; \$10,000 to \$24,999; \$25,000 to \$49,999; \$50,000 to \$99,000; \$100,000 or more; and,*

Amendment 1C (094244)—On page 16, line 25 through page 17, line 4; and on page 45, lines 17-27, delete those lines and insert:

b. *Total compensation provided or owed to the lobbying firm for the reporting period, reported in one of the following categories: \$0; less than \$5,000; \$5,000 to \$9,999; \$10,000 to \$14,999; \$15,000 to \$19,999; \$20,000 to \$24,999; \$25,000 to \$29,999; \$30,000 to \$34,999; \$35,000 to \$39,999; \$40,000 to \$44,999; \$45,000 or more. If the category "\$45,000 or more" is selected, the specific dollar amount of compensation must be reported, rounded up or down to the nearest \$1,000;*

c. *Cumulative year-to-date compensation provided or owed to the lobbying firm, reported in one of the following categories: \$0; less than \$5,000; \$5,000 to \$9,999; \$10,000 to \$24,999; \$25,000 to \$49,999; \$50,000 to \$99,000; \$100,000 or more; and*

Amendment 1D (280404)—On page 24, line 31; and on page 25, line 1, delete "*5 percent*" and insert: *3 percent*

Senators Fasano and Villalobos offered the following amendment to **Amendment 1** which was moved by Senator Fasano and adopted by two-thirds vote:

Amendment 1E (564844)(with title amendment)—On page 32, line 13, after the period (.) insert:

No person convicted of a felony shall register as a lobbyist pursuant to this subsection, until the person: has been released from incarceration and any postconviction supervision, and has paid all court costs and court-ordered restitution; has had his or her civil rights restored; and, has been authorized by majority vote of the Governor and Cabinet to register as a lobbyist.

And the title is amended as follows:

On page 54, delete line 15 and insert: terms "lobbies" and "principal"; conditionally prohibiting convicted felons from registering as an executive branch lobbyist; requiring each

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

On motion by Senator Sebesta, further consideration of **CS for SB 2646** as amended was deferred.

SPECIAL ORDER CALENDAR, continued

On motion by Senator Campbell—

CS for SB 1180—A bill to be entitled An act relating to the Board of Medicine; amending s. 458.307, F.S.; revising membership requirements; providing for expiration of terms of current members, appointment of new members to staggered terms, and appointment and terms of successors; amending s. 458.311, F.S.; providing for an externship; amending ss. 458.331 and 459.015, F.S.; providing for membership on certain probable cause panels; providing an effective date.

—was read the second time by title.

Senator Campbell moved the following amendments which were adopted:

Amendment 1 (023852)(with title amendment)—On page 2, lines 12-22, delete those lines and insert: *member of the board must be 60 years of age or older. The requirements of this subsection shall be a continuing condition of membership on the board. Any member who ceases to meet the requirements of this subsection shall be removed from the board, and a qualified new member shall be appointed to fill the vacancy for the remainder of that member's term.*

(3) *As the terms of the members expire, the Governor shall appoint successors for terms of 4 years, and such members shall serve until their successors are appointed.*

Section 2. *The requirements of section 458.307, Florida Statutes, as amended by this act, shall not be construed to end the term of any member of the Board of Medicine holding that appointment on the effective date of this act, but the requirements of section 458.307, Florida Statutes, as amended by this act, shall apply to any appointment made after the effective date of this act to a term that expires on or after November 1, 2005.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: *providing for applicability;*

Amendment 2 (374710)—On page 3, line 30; and on page 4, line 19, after "*Assistants*" insert: *unless a physician assistant is not available*

Amendment 3 (930206)—In title, on page 1, delete line 2 and insert: *An act relating to medical regulatory boards;*

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 4 (180120)(with title amendment)—On page 3, line 18 through page 4, line 6, delete those lines and insert:

Section 3. Subsection (2) of section 458.331, Florida Statutes, is amended, and subsections (11) and (12) are added to that section, to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). *A probable cause panel considering disciplinary action against a physician assistant pursuant to s. 456.073 shall include a licensed physician assistant designated by the Council on Physician Assistants.* In determining what action is appropriate, the board must first consider what sanctions are necessary to protect the public or to compensate the patient. Only after those sanctions have been imposed may the disciplining authority consider and include in the order requirements designed to rehabilitate the physician. All costs associated with compliance with orders issued under this subsection are the obligation of the physician.

(11) *Notwithstanding any law to the contrary, a practitioner licensed under this chapter has as a defense to an alleged violation, by the preponderance of the evidence, that the practitioner relied in good faith on the representations made to the practitioner by a drug manufacturer or its representatives and that the practitioner had no intent to violate the law.*

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: providing that a practitioner licensed in ch. 458, F.S., may use as a defense that the practitioner relied in good faith on the representations made to the practitioner by a drug manufacturer and that the practitioner had no intent to violate the law;

Amendment 5 (632916)(with title amendment)—On page 3, line 18 through page 4, line 6, delete those lines and insert:

Section 3. Subsection (2) of section 458.331, Florida Statutes, is amended, and subsection (11) is added to that section, to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). *A probable cause panel considering disciplinary action against a physician assistant pursuant to s. 456.073 shall include a licensed physician assistant designated by the Council on Physician Assistants.* In determining what action is appropriate, the board must first consider what sanctions are necessary to protect the public or to compensate the patient. Only after those sanctions have been imposed may the disciplining authority consider and include in the order requirements designed to rehabilitate the physician. All costs associated with compliance with orders issued under this subsection are the obligation of the physician.

(11) *If the department learns that a drug, as defined under s. 499.003(17), which has not been approved by the United States Food and Drug Administration for human use, has been sold to identified health care providers in this state and licensed under this chapter, the department shall immediately notify the providers by certified mail of the status of the drug as an unapproved product. The department shall also post the information on its website to advise other providers and consumers of the unapproved status of the drug.*

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: requiring the Department of Health to notify health care providers if the department learns that a drug that has not been approved by the United States Food

and Drug Administration for human use has been sold to identified health care providers in this state;

Pursuant to Rule 4.19, CS for SB 1180 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—

MATTERS ON RECONSIDERATION

The Senate resumed consideration of—

CS for SB 2646—A bill to be entitled An act relating to lobbying; amending s. 11.045, F.S., relating to the requirements that legislative lobbyists register and report as required by legislative rule; defining the term “compensation”; requiring each registrant who is a designated lobbyist to identify the industry group classification that describes the principal; requiring that each registrant designate the general and specific areas of the principal’s legislative interest; requiring the disclosure of all compensation provided or owed to a legislative lobbyist; requiring lobbying activity reports to include the name and address of each person to whom a lobbying expenditure was made, the amount, date, and purpose of the expenditure, and the name and title of the person for whom the expenditure was made; requiring that expenditures made as open invitations be so designated; requiring that each legislative lobbyist report the areas of the principal’s legislative interest which were lobbied during the reporting period; requiring a report of the amount of time spent on each category; requiring detailed written descriptions of specific issues lobbied; requiring the Division of Legislative Information Services to aggregate certain compensation and expenditure information; revising the period for filing reporting statements; requiring that a lobbyist and principal preserve certain records for a specified period; providing for inspection of such records by a representative of the Legislature; providing for audits by the Auditor General; providing for enforcement of the right of inspection by writ; authorizing legislative committees to investigate persons engaged in legislative or executive lobbying; requiring that lobbying-activity reports be electronically filed; creating s. 11.0455, F.S.; defining the term “electronic filing system”; providing requirements for lobbyists filing reports with the Division of Legislative Information Services by means of the division’s electronic filing system; providing that such reports are considered to be under oath; providing requirements for the electronic filing system; providing for the Legislature to adopt rules to administer the electronic filing system; requiring alternate filing procedures; requiring the issuance of electronic receipts; requiring that the division provide for public access to the data that is filed via the Internet; amending s. 11.45, F.S.; requiring that the Auditor General conduct random audits of the activity reports filed by legislative and executive lobbyists; granting the Auditor General independent authority to audit the accounts and records of any principal or lobbyist with respect to compliance with the compensation-reporting requirements; requiring that the audit reports be forwarded to the Legislature; amending s. 112.3215, F.S., relating to the requirements that executive branch and Constitution Revision Commission lobbyists register and report; defining the term “compensation”; requiring each lobbyist who is a designated lobbyist to identify the industry group classification that describes the principal; requiring that each lobbyist designate the general and specific areas of the principal’s legislative interest; requiring the disclosure of all compensation provided or owed to a lobbyist; requiring lobbying activity reports to include the name and address of each person to whom a lobbying expenditure was made, the amount, date, and purpose of the expenditure and the name, title, and agency of the person for whom the expenditure was made; requiring that each lobbyist report the areas of the principal’s lobbying interest which were lobbied during the reporting period; requiring a report of the amount of time spent on each category; requiring detailed written descriptions of specific issues lobbied; requiring the Commission on Ethics to aggregate certain compensation and expenditure information; revising the period for filing reporting statements; requiring that a lobbyist and principal preserve certain records for a specified period; providing for inspection of such records by a representative of the commission; providing for audits by the Auditor General; providing for enforcement of the right of inspection by writ; requiring that lobbying-activity reports be electronically filed; creating s. 112.32155, F.S.; defining the term “electronic filing system”; providing requirements for lobbyists filing reports with the Florida Commission on Ethics by means of the electronic filing system;

providing that such reports are considered to be under oath; providing requirements for the electronic filing system; providing for the commission to adopt rules to administer the electronic filing system; requiring alternate filing procedures; requiring the issuance of electronic receipts; requiring that the commission provide for public access to the data that is filed via the Internet; specifying the initial reporting period that is subject to the requirements of the act; providing effective dates.

—which was previously considered and amended this day.

RECONSIDERATION OF AMENDMENT

On motion by Senator Sebesta, the Senate reconsidered the vote by which **Amendment 1 (510622)** as amended was adopted.

MOTION

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

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

Amendment 1F (114152)—On page 51, line 10, following “2006” insert: , except that the provisions relating to the prohibition of legislative and executive lobbying by felons shall take effect March 15, 2006

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

On motion by Senator Sebesta, **CS for SB 2646** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Posey
Alexander	Garcia	Pruitt
Argenziano	Geller	Rich
Aronberg	Haridopolos	Saunders
Atwater	Hill	Sebesta
Baker	Jones	Siplin
Bennett	King	Smith
Campbell	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise
Diaz de la Portilla	Miller	
Dockery	Peaden	

Nays—1

Bullard

Votes Recorded:

May 5, 2005: Yea—Carlton

The Senate resumed consideration of—

CS for SB 2644—A bill to be entitled An act relating to public records and open meetings; amending s. 11.0431, F.S.; creating an exemption from public-records requirements for user identification and passwords held by the Division of Legislative Information Services pursuant to s. 11.0455, F.S.; creating a temporary exemption from public-records requirements for reports and files stored in the electronic filing system pursuant to s. 11.0455, F.S.; creating s. 112.32156, F.S.; creating an exemption from public-records requirements for user identifications and passwords held by the Commission on Ethics pursuant to s. 112.32155, F.S.; creating a temporary exemption from public-records requirements for reports and files stored in the electronic system pursuant to s. 112.32155, F.S.; providing for future legislative review and repeal under the Open Government Sunset Review Act; amending s. 112.3215, F.S.; creating a temporary exemption from public-records and open-meetings requirements for records relating to the compensation-reporting audit and investigation of possible lobbying compensation reporting violations and for meetings held pursuant to an investigation or at which a compensating-reporting audit is discussed; providing for future legislative review and repeal under the Open Government Sunset Review Act;

providing findings of public necessity; providing a contingent effective date.

—which was previously considered this day.

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

Amendment 1 (530158)—Delete everything after the enacting clause and insert:

Section 1. Paragraphs (j) and (k) are added to subsection (2) of section 11.0431, Florida Statutes, to read:

11.0431 Legislative records; intent of legislation; exemption from public disclosure.—

(2) The following public records are exempt from inspection and copying:

(j) All user identifications and passwords held by the Division of Legislative Information Services pursuant to s. 11.0455.

(k) All draft lobbying compensation and expenditure reports and files stored in the electronic filing system pursuant to s. 11.0455, until such time as the report has been submitted as filed.

Section 2. Section 112.32156, Florida Statutes, is created to read:

112.32156 *Electronic filing of compensation and expenditure reports; confidentiality of information and draft reports.—All user identifications and passwords held by the commission pursuant to s. 112.32155 are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. All draft reports and files stored in the electronic filing system pursuant to s. 112.32155 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the report has been submitted as a filed report. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2010, unless reviewed and saved from repeal through reenactment by the Legislature.*

Section 3. Paragraph (d) is added to subsection (7) of section 112.3215, Florida Statutes, to read:

112.3215 *Lobbying Lobbyists before the executive branch or the Constitution Revision Commission; registration and reporting; investigation by commission.—*

(7)

(d) *Records relating to the compensation-reporting audit or an investigation pursuant to this section or s. 112.32155 are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and any meetings held pursuant to an investigation or at which a compensation-reporting audit is discussed are exempt from s. 286.011(1) and s. 24(b), Art. I of the State Constitution either until the alleged violator requests in writing that such investigation and associated records and meetings be made public or until the commission determines, based on the investigation, whether probable cause exists to believe that a violation has occurred. This paragraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2010, unless reviewed and saved from repeal through reenactment by the Legislature.*

Section 4. (1) *The Legislature finds that it is a public necessity to exempt from public-records requirements all user identifications and passwords held by the Division of Legislative Information Services pursuant to section 11.0455, Florida Statutes, and by the Commission on Ethics pursuant to section 112.32155, Florida Statutes, as created in Senate Bill 2646 or similar legislation. The public-records exemption is necessary to ensure accountability for the filing of false or inaccurate information. Under current law, the lobbyist, or the designated lobbyist and principal, must certify and bear responsibility for the correctness of each expenditure report filed with the Division of Legislative Information Services and the Commission on Ethics under pain of penalty or fine. The law uses the physical signatures of such individuals on the paper reports as evidence of attestation to the veracity of the report. Electronic reporting eliminates the evidentiary advantages of hard-copy signatures by persons submitting reports, so the provisions of law creating the electronic filing*

system, provide for the issuance of secure “sign-on” information to the individuals designated, and provides that such individuals are responsible for all filing using such “sign-on” credentials unless they have notified the division or commission, whichever is applicable, that their credentials have been compromised. Without a public-records exemption for this information, there would be no accountability for lobbying compensation and expenditure reporting.

(2) In addition, the public-records exemption is necessary to protect against the unwarranted submission of false or erroneous lobbying compensation and expenditure data. Limiting access to the electronic filing system will prevent unauthorized users from changing or submitting false or inaccurate information that could be damaging to the reporting persons and result in fines and penalties being levied against the persons accountable by statute for the veracity of the information.

(3) The Legislature also finds that it is a public necessity to exempt from public-records requirements draft reports and files entered into the electronic filing system by persons subject to the electronic-reporting requirements until a final report is due pursuant to law. The public-records exemption for draft reports and files will allow all lobbying firms, principals, lobbyists, and lobbying firms to update reports and subject the reports to internal verifications to check for errors prior to submission. Also, the public-records exemption will provide each principal the opportunity to review and verify the expenditure report of his or her designated lobbyist, especially lobbying expenditures made directly by the principal for which the principal is responsible. Principals are deemed to certify to the accuracy of such expenditures submitted by operation of law pursuant to section 11.0455 or section 112.32155, Florida Statutes, whichever is applicable.

(4) The Legislature also finds that this public-records exemption will accelerate the public’s access to expenditure information compared with current law, which allows for the filing of paper reports by mail on the designated due date and may result in both mailing and data-entry delays in processing the information to the Internet. Lobbying compensation information is not currently reported at all.

(5) Finally, the Legislature finds that it is a public necessity to exempt from public-records and open-meetings requirements records relating to the compensation-reporting audit and investigation of violations of the executive lobbying compensation reporting laws, and meetings held pursuant to an investigation or at which a compensation-reporting audit is discussed or at which such records are discussed, until the alleged violator requests in writing that such associated records and materials be made public or the Commission on Ethics has made a probable cause determination. The release to the public of records and investigative information in connection with possible violations before the Commission makes a probable cause determination may have an adverse effect upon the person who is the subject of the investigation. Also, making such records and information available to the public could hamper the Commission’s ongoing investigation, and its ability to gather pertinent documents and information crucial to making a probable cause determination. Further, the exemption is of limited scope so that the alleged violator’s rights are protected while, at the same time, preserving the public’s right to ultimately obtain the information.

Section 5. This act shall take effect on the same date that Senate Bill 2646 or similar legislation takes effect, creating section 11.0455 and section 112.32155, Florida Statutes, to provide for electronic filing of lobbying compensation and expenditure reports, and amending section 112.3215, Florida Statutes, to provide for the investigation of possible lobbying compensation reporting violations, if such legislation is enacted in the same legislative session or an extension thereof and becomes law.

On motion by Senator Sebesta, **CS for SB 2644** as amended was passed by the required constitutional two-thirds vote of the members present, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Bennett	Diaz de la Portilla
Alexander	Bullard	Dockery
Argenziano	Campbell	Fasano
Aronberg	Clary	Garcia
Atwater	Constantine	Geller
Baker	Crist	Haridopolos

Hill	Miller	Siplin
Jones	Peaden	Smith
King	Posey	Villalobos
Klein	Pruitt	Webster
Lawson	Rich	Wilson
Lynn	Saunders	Wise
Margolis	Sebesta	

Nays—None

Votes Recorded:

May 5, 2005: Yea—Carlton

SPECIAL ORDER CALENDAR, continued

On motion by Senator Webster—

CS for CS for SB 1964—A bill to be entitled An act relating to compensation for wrongfully incarcerated persons; creating s. 961.01, F.S.; providing a short title; creating s. 961.02, F.S.; defining the term “wrongfully incarcerated person”; requiring courts to determine whether certain persons are wrongfully incarcerated persons; authorizing petitions to the court for a determination of wrongful conviction; creating s. 961.03, F.S.; authorizing compensation for certain wrongfully incarcerated persons; providing exceptions and limitations; creating s. 961.04, F.S.; providing procedures to apply to the Attorney General for compensation; providing for presuit negotiation of compensation; authorizing lawsuits against the state for determination of compensation; providing for recovery of certain fees and costs; providing for determination of such fees and costs; limiting total compensation; providing for the manner of payment of compensation; providing restrictions on use of compensation; providing timeframes for applying for compensation; creating s. 961.05, F.S.; providing rulemaking authority; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Webster moved the following amendment which was adopted:

Amendment 1 (055420)—On page 4, delete line 11 and insert: *incarcerated person to the compensation and reimbursement of expenses authorized in subsection (1)*

SENATOR VILLALOBOS PRESIDING

THE PRESIDENT PRESIDING

MOTION

On motion by Senator Argenziano, the rules were waived and time of recess was extended until completion of **CS for CS for SB 1964, HB 1471, CS for CS for SB 428**, motions and announcements.

Pursuant to Rule 4.19, **CS for CS for SB 1964** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

HB 1471—A bill to be entitled An act relating to the petition process; providing a popular name; amending s. 99.097, F.S.; providing for certain petitions to be verified by a certain method; requiring certain provisions to be satisfied before a signature on a petition may be counted; prohibiting compensation to any paid petition circulator in certain circumstances; providing the procedure to contest and resolve the alleged improper verification of certain signatures; amending s. 100.371, F.S.; revising requirements for placement of constitutional amendments proposed by initiative on the ballot for the general election; revising and providing rulemaking authority; providing limitations on the contents of a petition form; establishing compliance criteria for petition forms; providing an elector’s right to mail or deliver the form to an address

provided for that purpose; providing notices that must be contained in each petition form; revising the duties of supervisors of elections; revising requirements relating to the Financial Impact Estimating Conference and financial impact statements; creating s. 100.372, F.S.; providing for the regulation of initiative petition circulators; providing definitions; providing qualification requirements; providing requirements for the practice of paid petition circulation; amending ss. 101.161, and 101.62, F.S.; correcting cross references; amending s. 104.012, F.S.; providing criminal penalties for specified offenses involving voter registration applications; amending s. 104.185, F.S.; revising and providing violations involving petitions and providing penalties therefor; amending s. 104.42, F.S.; revising provisions relating to unlawful registrations, petitions, and voting and the investigation of such matters; requiring documentation and reporting thereof to the Florida Elections Commission within a specified time period; providing for the validity of certain petition signatures gathered before the effective date of the act; requiring previously approved petition forms to be resubmitted for approval in accordance with the requirements of the act; providing severability; providing an effective date.

—which was previously considered this day.

Senator Alexander moved the following amendment:

Amendment 1 (030784)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *This act may be cited as the “Petition Fraud and Voter Protection Act.”*

Section 2. Subsections (1), (3), and (4) of section 99.097, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

99.097 Verification of signatures on petitions.—

(1) As determined by each supervisor, based upon local conditions, the verification of signatures ~~checking of names~~ on petitions may be based on the most inexpensive and administratively feasible of either of the following methods of verification:

(a) A name-by-name, signature-by-signature check of the number of ~~valid~~ ~~authorized~~ signatures on the petitions; or

(b) A check of a random sample, as provided by the Department of State, of names and signatures on the petitions. The sample must be such that a determination can be made as to whether or not the required number of *valid* signatures ~~has~~ ~~have~~ been obtained with a reliability of at least 99.5 percent. Rules and guidelines for this method of petition verification shall be promulgated by the Department of State, which may include a requirement that petitions bear an additional number of names and signatures, not to exceed 15 percent of the names and signatures otherwise required. If the petitions do not meet such criteria, then the use of the verification method described in this paragraph shall not be available to supervisors.

Notwithstanding any other provision of law, petitions to secure ballot placement for an issue, and petition revocations directed pursuant to s. 100.371(7), must be verified by the method provided in paragraph (a).

(3)(a) A *signature name* on a petition, in a name that ~~which name~~ is not in substantially the same form as a name on the voter registration books, shall be counted as a valid signature if, after comparing the signature on the petition with the signature of the alleged signer as shown on the registration books, the supervisor determines that the person signing the petition and the person who registered to vote are one and the same. In any situation in which this code requires the form of the petition to be prescribed by the division, no signature shall be counted toward the number of signatures required unless it is on a petition form prescribed by the division. *A signature on a petition may not be counted toward the number of valid signatures required for ballot placement unless all relevant provisions of this code have been satisfied.*

(b) If a voter signs a petition and lists an address other than the legal residence where the voter is registered, the supervisor shall treat the signature as if the voter had listed the address where the voter is registered.

(4)(a) The supervisor shall be paid in advance the sum of 10 cents for each signature checked or the actual cost of checking such signature,

whichever is less, by the candidate or, in the case of a petition to have an issue placed on the ballot, by the person or organization submitting the petition. However, if a candidate, person, or organization seeking to have an issue placed upon the ballot cannot pay such charges without imposing an undue burden on personal resources or upon the resources otherwise available to such candidate, person, or organization, such candidate, person, or organization shall, upon written certification of such inability given under oath to the supervisor, be entitled to have the signatures verified at no charge. In the event a candidate, person, or organization submitting a petition to have an issue placed upon the ballot is entitled to have the signatures verified at no charge, the supervisor of elections of each county in which the signatures are verified at no charge shall submit the total number of such signatures checked in the county to the Chief Financial Officer no later than December 1 of the general election year, and the Chief Financial Officer shall cause such supervisor of elections to be reimbursed from the General Revenue Fund in an amount equal to 10 cents for each *signature name* checked or the actual cost of checking such signatures, whichever is less. In no event shall such reimbursement of costs be deemed or applied as extra compensation for the supervisor. Petitions shall be retained by the supervisors for a period of 1 year following the election for which the petitions were circulated.

(b) *A person or organization submitting a petition to secure ballot placement for an issue which has filed a certification of undue burden may not provide compensation to any paid petition circulator, as defined in s. 100.372, unless the person or organization first pays all supervisors for each signature checked or reimburses the General Revenue Fund for such costs. If a person or organization subject to this paragraph provides compensation to a paid petition circulator before the date the person or organization pays all supervisors for each signature checked or reimburses the General Revenue Fund for such costs, no signature on a petition circulated by the petition circulator before that date may be counted toward the number of valid signatures required for ballot placement until the person or organization pays all supervisors for each signature checked or reimburses the General Revenue Fund for such costs.*

(6)(a) *The alleged improper verification of a signature on a petition to secure ballot placement for an issue pursuant to this code may be contested in the circuit court by a political committee or by an elector. The contestant shall file a complaint setting forth the basis of the contest, together with the fees prescribed in chapter 28, with the clerk of the circuit court in the county in which the petition is certified or in Leon County if the complaint is directed to petitions certified in more than one county.*

(b) *If the contestant demonstrates by a preponderance of the evidence that one or more petitions were improperly verified, the signatures appearing on such petitions may not be counted toward the number of valid signatures required for ballot placement. If an action brought under this subsection is resolved after the Secretary of State has issued a certificate of ballot position for the issue, but the contestant demonstrates that the person or organization submitting the petition had obtained verification of an insufficient number of valid and verified signatures to qualify for ballot placement, the issue shall be removed from the ballot or, if such action is impractical, any votes cast for or against the issue may not be counted and shall be invalidated.*

(c) *An action under this subsection must be commenced no later than 90 days after the Secretary of State issues a certificate of ballot position for the issue.*

Section 3. Section 100.371, Florida Statutes, as amended by section 9 of chapter 2002-281, Laws of Florida, is amended to read:

100.371 Initiatives; procedure for placement on ballot.—

(1) Constitutional amendments proposed by initiative shall be placed on the ballot for the general election *providing that an initiative petition is filed with the Secretary of State by February 1 of the year in which the general election is to be held occurring in excess of 90 days from the certification of ballot position by the Secretary of State.*

(2) *Certification of ballot position* ~~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 *petitions bearing the* signatures of electors have been submitted to and verified by the supervisors. Every signature shall be dated *by the elector* when made. *Signatures are* ~~and shall~~ be valid for

a period of 4 years following such date, provided all other requirements of law are ~~satisfied~~ ~~complied with~~.

(3) The sponsor of an initiative amendment shall, prior to obtaining any signatures, register as a political committee pursuant to s. 106.03 and submit the text of the proposed amendment to the Secretary of State, with the form on which the signatures will be affixed, and shall obtain the approval of the Secretary of State of such form. The ~~division~~ ~~Secretary of State~~ shall adopt rules pursuant to s. 120.54 prescribing the style and requirements of such form. Upon filing with the Secretary of State, the text of the proposed amendment and all forms filed in connection with this section must, upon request, be made available in alternative formats.

The contents of a petition form shall be limited to those items required by statute or rule. A petition form shall be deemed a political advertisement as defined in s. 106.011 and, as such, must comply with all relevant requirements of chapter 106.

(4) The supervisor of elections shall record the date each petition form was received by the supervisor and the date the signature on the form was verified as valid. The supervisor shall verify that the signature on a petition form is valid only if the form complies with all of the following:

(a) The form must contain the original signature of the purported elector;

(b) The purported elector must accurately record on the form the date on which he or she signed the form;

(c) The form must accurately set forth the purported elector's name, street address, county, voter registration number or date of birth;

(d) The purported elector must be, at the time he or she signs the form, a duly qualified and registered elector authorized to vote in the county in which his or her signature is submitted;

(e) The date the elector signed the form, as recorded by the elector, must be no more than 30 days from the date the form was received by the supervisor of elections;

(f) The elector must accurately record on the form whether the elector signed the form in the presence of a petition circulator, as defined in s. 100.372(1); and

(g) If the elector signed the petition form in the presence of a petition circulator, the petition form must comply with the requirements of s. 100.372.

(5) An elector has the right to submit his or her signed form to the sponsor of the initiative amendment, by mail or otherwise, at an address listed on the form for this purpose.

(6) Each form must contain the following notices at the top of the form in bold type and in a 16-point or larger font, immediately following the title "Constitutional Amendment Petition Form":

RIGHT TO MAIL IN.—You have the right to take this petition home and study the issue before signing. If you choose to sign the petition, you may return it to the sponsors of the amendment at the following address:_____.

NATURE OF AMENDMENT.—The merits of the proposed change to the Florida Constitution appearing below have not been officially reviewed by any court or agency of state government.

(7) An elector's signature on a petition form may be revoked by submitting to the supervisor a signed petition revocation form adopted by rule for this purpose by the division. The sponsor of an initiative amendment shall provide to any elector submitting his or her signature on a petition form a revocation form for that initiative. The revocation form must contain the address of the Secretary of State to permit the elector to submit the revocation form via United States mail. The petition revocation form shall be filed with the Secretary of State no later than January 1 preceding the next general election or, if the initiative amendment is not certified for ballot position in that election, no later than the January 1 preceding the next successive general election. The division shall promptly process the revocation form under procedures adopted by rule for this purpose by the division.

(8)(4) The sponsor shall submit signed and dated forms to the appropriate supervisor of elections for verification as to the number of registered electors whose valid signatures appear thereon. The supervisor shall promptly verify the signatures upon payment of the fee required by s. 99.097. Upon completion of verification, the supervisor shall execute a certificate indicating the total number of signatures checked, the number of signatures verified as valid and as being of registered electors, *the number of signatures validly revoked pursuant to subsection (7)*, and the distribution of such signatures by congressional district. This certificate shall be immediately transmitted to the Secretary of State. The supervisor shall retain the ~~signed signature forms and revocation forms~~ for at least 1 year following the election in which the issue appeared on the ballot or until the Division of Elections notifies the supervisors of elections that the committee which circulated the petition is no longer seeking to obtain ballot position.

(9)(5) The Secretary of State shall determine from the verification certificates received from supervisors of elections the total number of verified valid signatures and the distribution of such signatures by congressional districts. Upon a determination that the requisite number and distribution of valid signatures have been obtained, the secretary shall issue a certificate of ballot position for that proposed amendment and shall assign a designating number pursuant to s. 101.161. A petition shall be deemed to be filed with the Secretary of State upon the date of the receipt by the secretary of a certificate or certificates from supervisors of elections indicating the petition has been signed by the constitutionally required number of electors.

(10)(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~~, the Financial Impact Estimating Conference shall complete an analysis and financial 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 ballot must include a statement, as prescribed by rule of the Department of State, to the effect that the financial impact statement is required under the State Constitution and the Florida Statutes and should not be construed as an endorsement by the state of the proposed revision or amendment to the State Constitution.* The Financial Impact Estimating Conference shall submit the financial impact statement to the Attorney General and Secretary of State.

(b)1. The Financial Impact 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. All meetings of the Financial Impact Estimating Conference shall be open to the public as provided in chapter 286.

2. The Financial Impact Estimating Conference is established to review, analyze, and estimate the financial impact of amendments to or revisions of the State Constitution proposed by initiative. The Financial Impact Estimating Conference shall consist of four principals: one person from the Executive Office of the Governor; the coordinator of the Office of Economic and Demographic Research, or his or her designee; one person from the professional staff of the Senate; and one person from the professional staff of the House of Representatives. Each principal shall have appropriate fiscal expertise in the subject matter of the initiative. A Financial Impact Estimating Conference may be appointed for each initiative.

3. Principals of the Financial Impact Estimating Conference shall reach a consensus or majority concurrence on a clear and unambiguous financial impact statement, no more than 75 words in length, and immediately submit the statement to the Attorney General. Nothing in this subsection prohibits the Financial Impact Estimating Conference from setting forth a range of potential impacts in the financial impact statement. Any financial impact statement that a court finds not to be in accordance with this section shall be remanded solely to the Financial Impact Estimating Conference for redrafting. The Financial Impact Estimating Conference shall redraft the financial impact statement within 15 days.

4. If the members of the Financial Impact Estimating Conference are unable to agree on the statement required by this subsection, or if the Supreme Court has rejected the initial submission by the Financial

Impact Estimating Conference and no redraft has been approved by the Supreme Court by April 1 of the year in which the general election is to be held 5 p.m. on the 75th day before the election, the following statement shall appear on the ballot pursuant to s. 101.161(1): "The financial impact of this measure, if any, cannot be reasonably determined at this time."

(c) The financial impact statement must be separately contained and be set forth after the ballot summary as required in s. 101.161(1).

(d)1. Any financial impact statement that the Supreme Court finds not to be in accordance with this subsection shall be remanded solely to the Financial Impact Estimating Conference for redrafting, provided the court's advisory opinion is rendered by April 1 of the year in which the general election is to be held at least 75 days before the election at which the question of ratifying the amendment will be presented. The Financial Impact Estimating Conference shall prepare and adopt a revised financial impact statement no later than 5 p.m. on the 15th day after the date of the court's opinion.

2. If, by 5 p.m. on April 1 of the year in which the general election is to be held the 75th day before the election, the Supreme Court has not issued an advisory opinion on the initial financial impact statement prepared by the Financial Impact Estimating Conference for an initiative amendment that otherwise meets the legal requirements for ballot placement, the financial impact statement shall be deemed approved for placement on the ballot.

3. In addition to the financial impact statement required by this subsection, the Financial Impact 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. If 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 additional detailed information that includes the assumptions that were made to develop the financial impacts, workpapers, and any other information deemed relevant by the Financial Impact Estimating Conference.

4. 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 the main office of the supervisor of elections upon request.

5. The Secretary of State and the Office of Economic and Demographic Research shall make available on the Internet each initiative financial information statement in its entirety. In addition, each supervisor of elections whose office has a website shall post the summary from each initiative financial information statement on the website. Each supervisor shall include the Internet addresses for the information statements on the Secretary of State's and the Office of Economic and Demographic Research's websites in the publication or mailing required by s. 101.20.

(11)(7) The Department of State may adopt rules in accordance with s. 120.54 to carry out this section the provisions of subsections (1)-(6).

Section 4. Section 100.372, Florida Statutes, is created to read:

100.372 Regulation of initiative petition circulators.—

(1) For purposes of this section, a:

(a) "Petition circulator" is any person who, in the context of a direct face-to-face conversation, presents to another person for his or her possible signature a petition form or petition revocation form regarding ballot placement for an initiative.

(b) "Paid petition circulator" is a petition circulator who receives any compensation as either a direct or indirect consequence of the activities described in paragraph (a).

(2) At the time a petition circulator presents to any person for his or her possible signature a petition form or petition revocation form regarding ballot placement for an initiative, the petition circulator must:

(a) Be at least 18 years of age;

(b) Be eligible to register to vote in this or any other state or territory of the United States; and

(c) Not be a convicted felon ineligible to register or vote under s. 97.041(2)(b).

(3) A paid petition circulator shall, when engaged in the activities described in paragraph (1)(a), wear a prominent badge, in a form and manner prescribed by rule by the division, identifying him or her as a "PAID PETITION CIRCULATOR."

(4) In addition to any other practice or action permissible under law, an owner, lessee, or other person lawfully exercising control over private property may:

(a) Uniformly prohibit petition circulators from operating on the property and prohibit persons from engaging in other activities supporting or opposing an initiative; or

(b) Permit such conduct on the property subject to time, place, and manner restrictions that are reasonable and uniformly applied.

(5) Prior to being presented to a possible elector for signature, a petition form or petition revocation form regarding ballot placement for an initiative must set forth the following information in a format and manner prescribed by rule by the division:

(a) The name of any organization or entity with which the petition circulator is affiliated and on behalf of which the petition circulator is presenting forms to electors for possible signature.

(b) The name of the sponsor of the initiative if different from the entity with which the petition circulator is affiliated.

(c) A statement directing those seeking information about initiative sponsors and their contributors to the internet address of the appropriate division website; and

(d) A statement disclosing whether the petition circulator is a paid petition circulator, and, if so, the amount or rate of compensation and the name and address of the person or entity paying the compensation to the paid petition circulator.

(6)(a) A paid petition circulator shall attach to each signed petition form, petition revocation form, or group of such forms obtained by the paid petition circulator a signed and dated declaration under penalty of perjury executed by the paid petition circulator, in a form prescribed by rule by the division. If the declaration pertains to a group of forms, the forms shall be consecutively numbered on their face by the paid petition circulator and the declaration shall refer to the forms by number.

(b) The declaration shall include the paid petition circulator's printed name; the street address at which he or she resides, including county; the petition circulator's date of birth; the petition circulator's Florida voter registration number and county of registration, if applicable, or an identification number from a valid government-issued photo identification card along with information identifying the issuer; and the date he or she signed the declaration.

(c) The declaration shall attest that the paid petition circulator has read and understands the laws governing the circulation of petition and petition revocation forms regarding ballot placement for an initiative; that he or she satisfied the requirements of s. 100.372(2) at the time the attached form or forms were circulated and signed by the listed electors; that he or she circulated the attached form or forms; that each signature thereon was affixed in the circulator's presence; that each signature thereon is the signature of the person whose name it purports to be; that to the best of the circulator's knowledge and belief each of the persons signing the form or forms was, at the time of signing, a registered elector; that the circulator has not provided or received, and will not in the future provide or receive, compensation that is based, directly or indirectly, upon the number of signatures obtained on petitions or petition revocation forms; and that he or she has not paid or will not in the future pay, and that he or she believes that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix his or her signature to the form.

(d) A signature on a petition form or petition revocation form regarding ballot placement for an initiative to which a declaration required by this subsection is not attached is invalid, may not be verified by the supervisor of elections, and may not be counted toward the number of valid signatures required for ballot placement.

(7) Each paid petition circulator shall provide to the sponsor of the initiative amendment for which he or she is circulating petitions a copy of a valid and current government-issued photo identification card that accurately indicates the address at which the paid petition circulator resides. The sponsor of the initiative shall maintain the copies of these identification cards in its files and shall make them available for inspection by the division, a supervisor of elections, or any law enforcement agency. If a sponsor fails to maintain such a copy with respect to a particular paid petition circulator, all petitions obtained by that paid petition circulator prior to the date the sponsor produces the required copy of the identification card are invalid, may not be verified by the supervisor of elections, and may not be counted toward the number of valid signatures required for ballot placement.

(8) A signature on a petition form or petition revocation form regarding ballot placement for an initiative which does not fully comply with the applicable provisions of this chapter, or which was obtained in violation of the applicable provisions of this code, is invalid and may not be verified by a supervisor of elections and may not be counted toward the number of valid signatures required for ballot placement.

Section 5. 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, for every amendment proposed by initiative, the ballot shall include, following the ballot summary, a separate financial impact statement concerning the measure prepared by the Financial Impact Estimating Conference in accordance with s. 100.371(10) ~~or 100.371(6)~~. 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.

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

(3)(a) The ballot for the general election in the year 2000 must contain a statement allowing voters to determine whether circuit or county court judges will be selected by merit selection and retention as provided in s. 10, Art. V of the State Constitution. The ballot in each circuit must contain the statement in paragraph (c). The ballot in each county must contain the statement in paragraph (e).

(b) For any general election in which the Secretary of State, for any circuit, or the supervisor of elections, for any county, has certified the ballot position for an initiative to change the method of selection of judges, the ballot for any circuit must contain the statement in paragraph (c) or paragraph (d) and the ballot for any county must contain the statement in paragraph (e) or paragraph (f).

(c) In any circuit where the initiative is to change the selection of circuit court judges to selection by merit selection and retention, the ballot shall state: “Shall the method of selecting circuit court judges in the (number of the circuit) judicial circuit be changed from election by a vote of the people to selection by the judicial nominating commission and appointment by the Governor with subsequent terms determined by a retention vote of the people?” This statement must be followed by the word “yes” and also by the word “no.”

(d) In any circuit where the initiative is to change the selection of circuit court judges to election by the voters, the ballot shall state: “Shall the method of selecting circuit court judges in the (number of the circuit) judicial circuit be changed from selection by the judicial nominating commission and appointment by the Governor with subsequent terms determined by a retention vote of the people to election by a vote of the people?” This statement must be followed by the word “yes” and also by the word “no.”

(e) In any county where the initiative is to change the selection of county court judges to merit selection and retention, the ballot shall state: “Shall the method of selecting county court judges in (name of county) be changed from election by a vote of the people to selection by the judicial nominating commission and appointment by the Governor with subsequent terms determined by a retention vote of the people?” This statement must be followed by the word “yes” and also by the word “no.”

(f) In any county where the initiative is to change the selection of county court judges to election by the voters, the ballot shall state: “Shall the method of selecting county court judges in (name of the county) be changed from selection by the judicial nominating commission and appointment by the Governor with subsequent terms determined by a retention vote of the people to election by a vote of the people?” This statement must be followed by the word “yes” and also by the word “no.”

Section 6. 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. 99.063(4) and 100.371(10) ~~100.371(6)~~, 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 7. Section 104.012, Florida Statutes, is amended to read:

104.012 Consideration for registration; interference with registration; soliciting registrations for compensation; alteration of registration application; failing to submit registration application.—

(1) Any person who gives anything of value that is redeemable in cash to any person in consideration for his or her becoming a registered voter commits a felony of the third degree, punishable as provided in s.

775.082, s. 775.083, or s. 775.084. This section shall not be interpreted, however, to exclude such services as transportation to the place of registration or baby-sitting in connection with the absence of an elector from home for registering.

(2) A person who by bribery, menace, threat, or other corruption, directly or indirectly, influences, deceives, or deters or attempts to influence, deceive, or deter any person in the free exercise of that person's right to register to vote at any time, upon the first conviction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and, upon any subsequent conviction, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person may not solicit or pay another person to solicit voter registrations for compensation that is based upon the number of registrations obtained. A person who violates the provisions of this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) A person who alters the voter registration application of any other person, without the other person's knowledge and consent, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) Any person who obtains an executed voter registration application from another person and who willfully fails to submit this application to the appropriate supervisor of elections within 10 days commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 8. Section 104.185, Florida Statutes, is amended to read:

~~104.185 Violations involving petitions; knowingly signing more than one; signing another person's name or a fictitious name.—~~

(1) A person who knowingly signs a petition or petitions to secure ballot position for a candidate, a minor political party, or an issue more than one time commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083 and, upon any subsequent conviction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) A person who signs another person's name or a fictitious name to any petition to secure ballot position for a candidate, a minor political party, or an issue, or to a petition revocation form, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083 and, upon any subsequent conviction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person who willfully swears or affirms falsely to any oath or affirmation, or willfully procures another person to swear or affirm falsely to an oath or affirmation, in connection with or arising out of the petitioning process commits a misdemeanor of the first degree, punishable as provided in s. 775.082, or s. 775.083 and, upon any subsequent conviction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) A person who willfully submits any false information on a petition or petition revocation form commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083 and, upon any subsequent conviction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) A person who directly or indirectly gives or promises anything of value to any other person to induce that other person to sign a petition or petition revocation form commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083 and, upon any subsequent conviction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.085.

(6) A person who, by bribery, menace, threat, or other corruption, directly or indirectly influences, deceives, or deters, or attempts to influence, deceive, or deter, any person in the free exercise of that person's right to sign a petition or petition revocation form, upon the first conviction commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083 and, upon any subsequent conviction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(7) A person may not provide or receive compensation that is based, directly or indirectly, upon the number of signatures obtained on petitions or petition revocation forms. A person who violates this subsection commits a misdemeanor of the first degree punishable as provided in s. 775.082 or s. 775.083 and, upon any subsequent conviction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8) A person who alters the petition or petition revocation form signed by any other person without the other person's knowledge and consent commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083 and, upon any subsequent conviction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(9) A person perpetrating, or attempting to perpetrate or aid in the perpetration of, any fraud in connection with obtaining the signature of electors on petition or petition revocation forms commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083 and, upon any subsequent conviction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(10) In addition to any other penalty provided for by law, if a paid petition circulator, as defined in s. 100.372(1), violates any provision of this section, the commission may, pursuant to s. 106.265, impose a civil penalty in the form of a fine not to exceed \$1,000 per violation on such paid petition circulator.

Section 9. Section 104.42, Florida Statutes, is amended to read:

~~104.42 Unlawful registrations, petitions, fraudulent registration and illegal voting; investigation.—~~

(1) The supervisor of elections is authorized to investigate unlawful fraudulent registrations, petitions, and illegal voting and to report his or her findings to the local state attorney, the Florida Department of Law Enforcement, and the Florida Elections Commission.

(2) The board of county commissioners in any county may appropriate funds to the supervisor of elections for the purpose of investigating unlawful fraudulent registrations, petitions, and illegal voting.

(3) The supervisor of elections shall document and report suspected unlawful registrations, petitions, and voting to the Florida Elections Commission within 10 days after acquiring reasonable suspicion concerning the lawfulness of the registrations, petitions, and voting.

Section 10. Any signature gathered on an authorized form for an initiative petition which has been submitted for verification prior to the effective date of this act may be verified and counted, if otherwise valid. However, any petition form that is submitted for verification on or after the effective date of this act shall be verified and counted only if it complies with this act. Any initiative petition form approved by the Secretary of State prior to the effective date of this act is invalidated, and a new petition form must be resubmitted to the Secretary of State for approval in accordance with the requirements of this act prior to obtaining elector signatures.

Section 11. 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 declared severable.

Section 12. This act shall take effect August 1, 2005.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the petition process; providing a short title; amending s. 99.097, F.S.; revising requirements for verification of signatures on petitions; prescribing limits on use of paid petition circulators; providing procedures to contest alleged improper signature verification; amending s. 100.371, F.S.; revising procedures for placing an initiative on the ballot; providing requirements for information to be contained on petitions; providing procedure for revocation of a petition signature; requiring a statement on the ballot regarding the financial impact statement; creating s. 100.372, F.S.; providing regulation for initiative petition circulators and their activities; amending s. 101.161, F.S.; conform-

ing a cross-reference; amending s. 101.62, F.S.; conforming a cross-reference; amending s. 104.012, F.S.; providing criminal penalties for specified offenses involving voter registration applications; amending s. 104.185, F.S.; proscribing specified actions involving petitions and providing or increasing criminal penalties therefor; amending s. 104.42, F.S.; prescribing duties of supervisors of elections with respect to unlawful registrations, petitions, and voting; providing for verifying and counting signatures submitted for verification before the effective date of the act; requiring resubmission and reapproval of petition forms; providing severability; providing an effective date.

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

Amendment 1A (503502)—On page 16, lines 22-24, delete those lines and insert: *attached is invalid. The signature on a petition form or petition revocation form may not be verified by the supervisor of elections, and may not be counted toward the number of valid signatures required for ballot placement, until the declaration required by this subsection is attached. The supervisor of elections shall notify the organization described in paragraph (5)(a) and shall hold the forms for 30 days after the notification to provide the organization with an opportunity to attach the required declaration; but in no event shall the supervisor hold the forms beyond the filing deadlines established in the code.*

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **HB 1471** as amended was 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

On motion by Senator Rich, by two-thirds vote **HB 17** was withdrawn from the Committees on Children and Families; Health Care; and Health and Human Services Appropriations.

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

HB 17—A bill to be entitled An act relating to developmental disabilities; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration, in coordination with the Agency for Persons with Disabilities, to develop a model waiver program to serve children with specified disorders; requiring the Agency for Health Care Administration to seek federal waiver approval and implement the approved waiver subject to availability of funds and certain limitations; authorizing rules; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 428** and by two-thirds vote read the second time by title. On motion by Senator Rich, by two-thirds vote **HB 17** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Votes Recorded:

May 5, 2005: Yea—Carlton

MOTIONS

On motion by Senator Pruitt, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Tuesday, May 3.

On motion by Senator Pruitt, a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Tuesday, May 3.

On motion by Senator Pruitt, the rules were waived to allow the Chair of the Committee on Rules and Calendar each day to reorder bills on Third Reading and Special Order Calendar.

On motion by Senator Pruitt, the rules were waived and the Secretary was directed to certify bills to the House at the direction of the President for the remainder of the session.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Pruitt, the rules were waived and the Select Committee on Medicaid Reform was granted permission to meet this day 15 minutes after recess for up to two hours.

On motion by Senator Pruitt, the rules were waived and the Special Order Subcommittee of the Committee on Rules and Calendar was granted permission to meet 15 minutes after announcement.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Pruitt, by two-thirds vote **CS for SB 664, SB 1252, CS for SB 1704, CS for SB 1724 and SB 2614** were withdrawn from the Committee on Education Appropriations; **CS for CS for CS for SB 304, CS for CS for CS for SB 858, CS for SB 1780, CS for CS for SB 1912 and CS for CS for SB 2502** were withdrawn from the Committee on General Government Appropriations; **SB 1450, CS for CS for SB 1456 and SB 2572** were withdrawn from the Committee on Health and Human Services Appropriations; **CS for SB 1726** was withdrawn from the Committee on Justice Appropriations; **SB 342, CS for CS for CS for SB 454, CS for CS for SB 698 and CS for CS for SB's 1944 and 2008** were withdrawn from the Committee on Rules and Calendar; **CS for CS for SB 330** was withdrawn from the Committee on Ways and Means; and **CS for SCR 2024** was withdrawn from the Committees on Judiciary; Transportation and Economic Development Appropriations; Ways and Means; and Rules and Calendar.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Monday, May 2, 2005: **CS for SJR 4, CS for SJR 6, CS for SJR 2200, CS for CS for SB 1996, CS for SB 1082, CS for CS for SB 2494, CS for SB 2050, CS for SB 1270, SB 1250, CS for CS for SB 1272, CS for SB 108, CS for SB 2432, CS for CS for CS for SB 360, CS for CS for CS for SB 444, CS for CS for SB 332, CS for CS for SB 2498, CS for SB 1096, CS for CS for SB's 1462 and 648, CS for CS for CS for CS for SB 442, CS for SB 988, CS for SB 476, CS for CS for SB 1964, SB 112, CS for SB 1470, CS for CS for CS for SB 2048, CS for CS for SB 632, CS for SB 638, CS for SB 1098, CS for SB 1428, CS for SB 1030, SB 1032, SB 2288, CS for SB 1180, CS for CS for SB 594**

Respectfully submitted,
Ken Pruitt, Chair

The Committee on Education Appropriations recommends a committee substitute for the following: **CS for SB 2480**

The bill with committee substitute attached was placed on the calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Education Appropriations; Education; and Senators Lynn, Haridopolos, Baker, Sebesta, Peaden and Bennett—

CS for CS for SB 2480—A bill to be entitled An act relating to education; amending s. 1001.03, F.S., relating to the powers of the State Board of Education; requiring the State Board of Education to periodically review the Sunshine State Standards; creating s. 1001.215, F.S.; creating the Just Read, Florida! Office within the Department of Education; providing duties of the office; amending s. 1001.42, F.S., relating to powers and duties of a district school board; revising the requirements for school improvement plans; creating s. 1002.385, F.S.; creating the Reading Compact Scholarships Program; providing scholarships to attend a public or private school to students who have scored at Level 1 on the reading portion of the Florida Comprehensive Assessment Test for 3 consecutive years; providing an opportunity for screening to identify reading disabilities; providing scholarship eligibility requirements; specifying scholarship obligations for participating public and private schools and parents and students; providing for scholarship funding and payment; directing the Department of Education and the Commissioner of Education to administer the scholarship program; limiting the liability of the state; providing rulemaking authority; creating s. 1002.421, F.S.; prescribing requirements of private schools participating in state school choice scholarship programs; requiring compliance with requirements relating to notice, student enrollment and attendance verification, fiscal soundness, academic assessment, and criminal-background checks and to applicable state and local health, safety, and welfare laws, codes, and rules; providing grounds for ineligibility to participate in certain scholarship programs; providing rulemaking authority to the State Board of Education; creating s. 1002.423, F.S.; prescribing obligations of the Department of Education for education scholarship programs; requiring the department to identify certain assessments; requiring the department to select a private research organization to which private schools report student scores; providing reporting requirements; amending s. 1003.03, F.S.; revising dates for implementation of class size maximums; creating s. 1003.035, F.S.; providing for the contingent application of the section upon the adoption of an amendment to the State Constitution; prescribing district average class size limitations for grades prekindergarten through 3, grades 4 through 8, and grades 9 through 12; requiring the Department of Education to annually calculate class size measures based on a specified student-membership survey; providing implementation options; providing for accountability and for transfer of funds in certain circumstances; providing for the department redrawing attendance zones in certain circumstances; amending s. 1003.05, F.S.; relating to military families; limiting certain enrollment opportunities; creating s. 1003.413, F.S.; requiring school districts to adopt certain reading policies in high schools; requiring that certain high schools offer specific support services for students scoring at Level 1 on the FCAT reading test; creating a high school task force; providing membership; providing reporting requirements; amending s. 1003.415, F.S., relating to the Middle School Grades Reform Act; revising legislative intent; deleting obsolete references; creating s. 1003.4155, F.S.; establishing a grading system for middle schools; creating s. 1003.4156, F.S.; establishing general requirements for promotion from middle school; requiring the successful completion of 12 academic credits in certain courses; requiring an intensive reading course under certain circumstances; defining a middle school academic credit for purposes of the section; requiring district school boards to adopt policies for alternatives to obtain credits; amending s. 1003.42, F.S., relating to required instruction; revising and increasing the requirements for studying U.S. history and free enterprise; providing rulemaking authority to the State Board of Education; amending s. 1003.52, F.S.; requiring the Department of Education to develop procedures for reporting performance and participation data of students in juvenile justice education programs; amending s. 1003.57, F.S.; providing guidelines for determining the residency of a student who receives instruction as an exceptional student with a disability; requiring the student's placing authority or parent to pay the cost of such instruction, facilities, and services; providing responsibilities of the Department of Education; providing responsibilities of residential facilities that educate exceptional students with disabilities; providing applicability; creating s. 1003.575, F.S.; requiring the Department of Education to devise an individual education plan form for use in developing and implementing individual education plans for exceptional students; requiring school districts to use the form; amending

s. 1003.58, F.S.; conforming a cross-reference; amending s. 1004.04, F.S.; requiring the Council for Education Policy Research and Improvement to review and report on the effectiveness of the graduates of state-approved teacher preparation programs and alternative certification programs; creating s. 1004.64, F.S.; establishing the Florida Center for Reading Research; specifying duties of the center; amending s. 1008.22, F.S., relating to student assessment; expressing legislative intent; identifying grade levels for state assessment administration; eliminating obsolete references; requiring certain reports; amending s. 1008.25, F.S., relating to public school student progression; eliminating obsolete references; directing the Department of Education to establish a uniform format for reporting student progression information; requiring certain reports; amending s. 1008.31, F.S., relating to education accountability; expressing legislative intent relating to performance measures established by the Board of Governors with respect to the state universities; eliminating certain performance-based funding requirements; providing guiding principles for the accountability system; revising the goals of the accountability system; requiring certain reports; providing rulemaking authority to the State Board of Education; amending s. 1008.33, F.S., relating to the authority to enforce public school improvement; authorizing transfer of certain teachers to low-performing schools; amending s. 1008.34, F.S., relating to the school grading system; requiring all schools to receive a school grade except certain alternative schools; requiring that achievement scores and learning gains be calculated in alternative schools that provide certain services; requiring that student test scores be calculated in the alternative school in which the student is enrolled and in the school previously attended by the student; providing exceptions; requiring the Department of Education to develop a school report card; creating s. 1008.341, F.S.; requiring school improvement ratings for alternative schools; providing definitions; requiring that the Commissioner of Education prepare an annual report; specifying the data to be used in determining school improvement ratings; requiring the department to identify student learning gains annually; requiring that a school report card be delivered to parents; requiring the State Board of Education to adopt rules; amending s. 1008.36, F.S., relating to the Florida School Recognition Program; providing that certain feeder schools are eligible to participate in the program; providing a definition; requiring certain feeder schools to be subject to the Opportunity Scholarship Program, as defined in s. 1002.38, F.S.; providing for the disposition of school recognition funds; defining eligibility for the receipt of school recognition funds; amending s. 1011.62, F.S., relating to funds for the operation of schools; providing for additional funding for students enrolled in education programs for juveniles; providing a methodology to calculate full-time equivalent student membership of the Florida Virtual School; creating a research-based reading-instruction allocation for students in kindergarten through grade 12; providing for the use of the funds; providing for fund disbursement; amending ss. 1011.685, and 1011.71, F.S., to conform; creating s. 1011.6855, F.S.; providing for the contingent application of the section upon the adoption of an amendment to the State Constitution; establishing an operating categorical fund; providing a minimum instructional personnel salary; requiring the use of certain funds for class size reduction; amending s. 1012.21, F.S., relating to the duties of the Department of Education; requiring the department to annually post school district collective bargaining agreements on-line; amending s. 1012.22, F.S., relating to public school personnel; requiring school boards to adopt differentiated-pay policies for school administrators and instructional personnel; specifying factors to be included in differentiated-pay policies; providing for the withholding of funds for failure to comply; creating s. 1012.2305, F.S.; expressing legislative intent regarding minimum instructional personnel pay; providing for contingent application of the section upon the adoption of an amendment to the State Constitution; establishing minimum pay for certain instructional personnel; creating s. 1012.2315, F.S.; establishing legislative findings; expressing legislative intent; providing criteria for the assignment of teachers to certain schools; authorizing certain salary incentives; limiting certain collective bargaining provisions relating to assignment of teachers at certain schools; amending s. 1012.72, F.S., relating to the Dale Hickam Excellent Teaching Program; requiring that the Department of Education administer the Dale Hickam Excellent Teaching Program Trust Fund; requiring the Council for Education Policy Research and Improvement to evaluate the benefits and effectiveness of the program; creating s. 1012.986, F.S.; establishing a statewide system for the professional development of school leaders; providing a short title; providing program purposes and legislative intent; requiring the Department of Education to annually determine criteria for school leadership designations based on certain factors; requiring certain program components; providing for a program delivery system; providing rulemaking authority to the State Board of Education; amending s.

1013.512, F.S.; requiring the release of funds remaining in reserve relating to school district land acquisition and facilities operations; specifying when a Land Acquisition and Facilities Advisory Board shall be disbanded; approving a transfer of an endowment from the Appleton Cultural Center, Inc., to the Central Florida Community College Foundation; providing restrictions on the management of the endowment; releasing the foundation from certain trust agreement and statutory requirements; repealing s. 1012.987, F.S., relating to education leadership development; repealing s. 1012.231, F.S., relating to the BEST Florida Teaching Salary career ladder program; providing for severability; providing contingent effective dates.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed HB 189; has passed as amended HB 17, HB 71, HB 75, HB 135, HB 207, HB 209, HB 263, HB 481, HB 509, HB 955, HB 1267, HB 1325, HB 1377, HB 1513, HB 1649, HB 1715, HB 1743, HB 1745, HB 1839, HB 1925, HB 1931, HB 1937; has passed by the required constitutional two-thirds vote of the members voting HB 1801 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative McInvale and others—

HB 189—A bill to be entitled An act relating to hospice facilities; amending s. 553.73, F.S.; including hospice facilities within the purview of the Florida Building Code; amending s. 400.605, F.S.; deleting provisions requiring the Department of Elderly Affairs to adopt physical plant standards for hospice facilities; creating s. 400.6051, F.S.; requiring that construction standards for hospice facilities be in compliance with the Florida Building Code; requiring the Agency for Health Care Administration to provide technical assistance to the Florida Building Commission to update the Florida Building Code for hospice facilities; providing an effective date.

—was referred to the Committees on Health Care; Community Affairs; and Health and Human Services Appropriations.

By Representative Kravitz and others—

HB 17—A bill to be entitled An act relating to developmental disabilities; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration, in coordination with the Agency for Persons with Disabilities, to develop a model waiver program to serve children with specified disorders; requiring the Agency for Health Care Administration to seek federal waiver approval and implement the approved waiver subject to availability of funds and certain limitations; authorizing rules; providing an appropriation; providing an effective date.

—was referred to the Committees on Children and Families; Health Care; and Health and Human Services Appropriations.

By Representative Quinones and others—

HB 71—A bill to be entitled An act relating to motor vehicle speed competitions; amending s. 316.191, F.S.; defining the term “conviction”; specifying that the section applies to motor vehicles; revising penalties for violation of prohibitions against described motor vehicle speed competitions; providing for impoundment of vehicles used in violation of motor vehicle speed competition provisions; providing for application of the Florida Contraband Forfeiture Act; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

By Representative Mahon and others—

HB 75—A bill to be entitled An act relating to title insurance; amending ss. 624.608 and 627.7711, F.S.; revising the definitions of title insurance and related and primary title services; amending s. 627.7845, F.S.; revising requirements for title insurers to issue title insurance; revising requirements for title insurers to preserve and retain certain evidence of searches and examinations; requiring the Office of Insurance Regulation to approve title insurance forms and rates for certain title insurance; providing effective dates.

—was referred to the Committees on Banking and Insurance; Judiciary; and Rules and Calendar.

By Representative Stansel and others—

HB 135—A bill to be entitled An act relating to liability of providers of streetlights; creating s. 768.1382, F.S.; providing definitions; including certain security or area lights within the definition of the term “streetlight”; limiting liability of a streetlight provider for injury or death or property damage affected or caused by a malfunctioning streetlight; providing procedures for notice and repair of malfunctioning streetlights as a condition for limited liability; providing that noncompliance with such procedures does not create a presumption of negligence; limiting liability of a public utility or electric utility that discontinues service to a streetlight under certain circumstances; limiting liability of a public utility or electric utility for the design, layout, quantity, or placement of streetlights or level of illumination resulting from the proper operation of a streetlight or series of streetlights; prohibiting certain findings of fault of an entity not a party to litigation; providing for conflict, effect, and application; providing an effective date.

—was referred to the Committees on Judiciary; Communications and Public Utilities; and Rules and Calendar.

By Representative Benson and others—

HB 207—A bill to be entitled An act relating to criminal acts committed during a state of emergency; amending s. 810.02, F.S.; providing enhanced penalties for specified burglaries that are committed during a state of emergency; providing that a person arrested for committing a burglary during a state of emergency may not be released until that person appears before a magistrate at a first-appearance hearing; directing that a felony burglary committed during a state of emergency be reclassified one level above the current ranking of the offense committed; amending s. 812.014, F.S.; providing enhanced penalties for the theft of certain property stolen during a state of emergency; directing that a felony theft committed during a state of emergency be reclassified one level above the current ranking of the offense committed; providing an effective date.

—was referred to the Committees on Criminal Justice; Domestic Security; and Justice Appropriations.

By Representative Barreiro and others—

HB 209—A bill to be entitled An act relating to administration of medication to public school students; creating s. 1006.0625, F.S.; defining the term “psychotropic medication”; prohibiting a recipient of state funds from requiring a student to be prescribed or administered psychotropic medication as a condition of receipt of educational services financed by state funds; providing requirements for administration; requiring notification to parents prior to evaluation of certain students for classification or placement as an exceptional student; providing an effective date.

—was referred to the Committees on Education; and Health Care.

By Representative Kyle and others—

HB 263—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges in specified judicial

circuits; amending s. 34.022, F.S.; increasing the number of judges in specified county courts; providing that the act does not preclude the Governor from simultaneously notifying any judicial nominating commission of any vacancies created in this act, whether or not the vacancies may be filled on the same date; providing effective dates.

—was referred to the Committees on Judiciary; Justice Appropriations; and Ways and Means.

By Representative Waters and others—

HB 481—A bill to be entitled An act relating to unlawful use of personal identification information; amending s. 817.568, F.S.; including other information within the definition of the term “personal identification information”; defining the term “counterfeit or fictitious personal identification information”; revising criminal penalties relating to the offense of fraudulently using, or possessing with intent to fraudulently use, personal identification information; providing minimum mandatory terms of imprisonment; creating the offenses of willfully and fraudulently using, or possessing with intent to fraudulently use, personal identification information concerning a deceased individual; providing criminal penalties; providing for minimum mandatory terms of imprisonment; creating the offense of willfully and fraudulently creating or using, or possessing with intent to fraudulently use, counterfeit or fictitious personal identification information; providing criminal penalties; providing for reclassification of offenses under certain circumstances; providing for reduction or suspension of sentences under certain circumstances; creating s. 817.5681, F.S.; requiring business persons maintaining computerized data that includes personal information to provide notice of breaches of system security under certain circumstances; providing requirements; providing for administrative fines; providing exceptions and limitations; authorizing delays of such disclosures under certain circumstances; providing definitions; providing for alternative notice methods; specifying conditions of compliance for persons maintaining certain alternative notification procedures; specifying conditions under which notification is not required; providing requirements for documentation and maintenance of documentation; providing an administrative fine for failing to document certain failures to comply; providing for application of administrative sanctions to certain persons under certain circumstances; authorizing the Department of Legal Affairs to institute proceedings to assess and collect fines; requiring notification of consumer reporting agencies of breaches of system security under certain circumstances; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; and Judiciary.

By Representative Reagan and others—

HB 509—A bill to be entitled An act relating to prompt payment for construction services; amending s. 218.70, F.S.; providing a popular name; amending s. 218.72, F.S.; redefining terms used in pt. VII of ch. 218, F.S.; amending s. 218.735, F.S.; revising provisions relating to timely payment for purchases of construction services; revising deadlines for payment; providing procedures for project closeout and payment of retainage; providing requirements for local government construction retainage; providing exceptions; creating s. 255.0705, F.S.; providing a popular name; amending s. 255.071, F.S.; revising deadlines for the payment of subcontractors, sub-subcontractors, materialmen, and suppliers on construction contracts for public projects; creating ss. 255.072, 255.073, 255.074, 255.075, 255.076, 255.077, and 255.078, F.S.; providing definitions; providing for timely payment for purchases of construction services by a public entity; providing procedures for calculating payment due dates; authorizing the collection of interest under certain circumstances; providing for an award of court costs and attorney’s fees; providing for project closeout and payment of retainage; providing exceptions; amending s. 255.05, F.S.; providing requirements for certain notices of nonpayment served by a claimant who is not in privity with the contractor; providing limitations on a claimant’s institution of certain actions against a contractor or surety; amending s. 287.0585, F.S.; providing an exemption for contractors making late payment to subcontractors when the contract is subject to the “Prompt Payment Act”; amending s. 95.11, F.S., to conform a cross reference; providing

that specified sections of the act do not apply to certain pending contracts and projects; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Community Affairs; Regulated Industries; and General Government Appropriations.

By Representative Berfield and others—

HB 955—A bill to be entitled An act relating to waterfront property; amending s. 163.3177, F.S.; requiring the future land use plan element of a local comprehensive plan for a coastal county to include criteria to encourage the preservation of recreational and commercial working waterfronts; including public access to waterways within those items indicated in a recreation and open space element; amending s. 163.3178, F.S.; providing requirements for the shoreline use component of a coastal management element with respect to recreational and commercial working waterfronts; amending s. 163.3187, F.S.; including areas designated as rural areas of critical economic concern in an exemption for certain small scale amendments from a limit on the frequency of amendments to the comprehensive plan of a county or a municipality; increasing various acreage limitations governing eligibility for such exemption for a small scale amendment within such an area; requiring certification of the amendment to the Office of Tourism, Trade, and Economic Development; requiring public review of certain property; amending s. 163.3246, F.S.; revising provisions for the local government comprehensive planning certification program; providing for certain municipalities to be considered certified; requiring the state land planning agency to provide a written notice of certification; specifying components of such notice; requiring local governments to submit monitoring reports to the state land planning agency; providing exemptions from certain development-of-regional-impact reviews; amending s. 253.002, F.S.; removing an obsolete reference; revising the responsibilities of the Department of Agriculture and Consumer Services for aquaculture activities; amending s. 253.03, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to encourage certain uses for sovereign submerged lands; amending s. 253.67, F.S.; clarifying the definition of “aquaculture”; amending s. 253.68, F.S.; providing authority to the board for certain aquaculture activities; providing a definition; requiring the board to establish certain guidelines by rule; amending s. 253.74, F.S.; providing penalties for certain unauthorized aquaculture activities; amending s. 253.75, F.S.; revising the responsibilities of the board with regard to certain aquaculture activities; establishing the Waterfronts Florida Program within the Department of Community Affairs; providing definitions; requiring that the program implement the Waterfronts Florida Partnership Program in coordination with the Department of Environmental Protection; authorizing the Department of Community Affairs to provide financial assistance to certain local governments; requiring the Department of Environmental Protection and water management districts to adopt programs to expedite the processing of permits for certain projects; requiring the Department of Environmental Protection, in coordination with the Fish and Wildlife Conservation Commission, to study the use of state parks for recreational boating; requiring that the department make recommendations to the Governor and the Legislature; amending s. 328.72, F.S.; revising the distribution of vessel registration fees; providing for a portion of the fees to be designated for certain trust funds; providing for a grant program for public launching facilities; providing priority consideration for certain counties; requiring certain counties to provide an annual report to the Fish and Wildlife Conservation Commission; requiring the commission to provide exemptions for certain counties; creating s. 342.07, F.S.; enunciating the state’s interest in maintaining recreational and commercial working waterfronts; defining the term “recreational and commercial working waterfront”; creating ss. 197.303-197.3047, F.S.; authorizing county commissions to adopt tax deferral ordinances for recreational and commercial working waterfront properties; requiring bonding periods effective prior the deferral to remain in effect for certain properties; providing requirements for deferral notification and application for certain properties; providing a tax deferral for ad valorem taxes and non-ad valorem assessments authorized to be deferred by ordinance and levied on recreational and commercial working waterfronts; providing certain exceptions; specifying the rate of the deferral; providing that the taxes, assessments, and interest deferred constitute a prior lien on the property; providing an application process; providing notice requirements; providing for a decision of the tax collector to be appealed to the value adjustment board; providing for calculating the deferral; providing re-

quirements for deferred payment tax certificates; providing for the deferral to cease under certain circumstances; requiring notice to the tax collector; requiring payment of deferred taxes, assessments, and interest under certain circumstances; authorizing specified parties to make a prepayment of deferred taxes; providing for distribution of payments; providing for construction of provisions authorizing the deferments; providing penalties; providing for a penalty to be appealed to the value adjustment board; providing an effective date.

—was referred to the Committees on Community Affairs; Environmental Preservation; Government Efficiency Appropriations; and General Government Appropriations.

By Representative Stargel and others—

HB 1267—A bill to be entitled An act relating to nursing homes; amending s. 400.23, F.S.; providing for alternative bed locations in nursing home rooms and providing criteria for bed placement; requiring a signed statement from the resident or representative if the alternative bed placement is not in compliance with the Florida Building Code; requiring the facility to maintain a log of alternative bed placements and to retain the signed statements; requiring the nursing home to notify the Agency for Health Care Administration with respect to such practice; amending s. 633.022, F.S.; requiring nursing homes to be protected by certain automatic sprinkler systems; providing a schedule; authorizing the Division of State Fire Marshal to grant certain time extensions; authorizing the division to adopt certain rules; providing for administrative sanctions under certain circumstances; requiring adjustments to certain provider Medicaid rates for reimbursement for Medicaid's portion of costs to meet certain requirements; requiring funding for such adjustments to come from existing nursing home appropriations; creating s. 633.024, F.S.; providing legislative findings and intent; creating s. 633.0245, F.S.; authorizing the State Fire Marshal to enter into an investment agreement with public depositories to establish the State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program as a limited loan guarantee program to retrofit nursing homes with fire protection systems; providing investment and agreement limitations; requiring the State Fire Marshal to solicit requests for proposals; providing for application requirements and procedures; providing for review and approval by the State Fire Marshal; providing application requirements and procedures for program loans by public depositories; providing deadlines and limitations; limiting certain claims for loss under certain circumstances; providing a definition; authorizing the State Fire Marshal to adopt rules; providing an effective date.

—was referred to the Committees on Community Affairs; Regulated Industries; Banking and Insurance; and Government Efficiency Appropriations.

By Representative Attkisson—

HB 1325—A bill to be entitled An act relating to local government economic development; amending s. 288.1162, F.S.; specifying criteria for certification for remaining available certification slot for professional sports franchises; providing definitions; providing for notice of public hearings to consider whether the local government will provide a communications service; requiring a governmental entity to consider certain factors before a communications service is provided; providing certain restrictions on revenue bonds to finance provisioning of communications services; requiring a local government to make available a written business plan; providing criteria for the business plan; setting pricing standards; providing for accounting and books and records; requiring the governmental entity to establish an enterprise fund; requiring the governmental entity to maintain separate operating and capital budgets; limiting the use of eminent-domain powers; requiring a governmental entity to hold a public hearing to consider certain factors if the business plan goals are not met; requiring compliance with certain federal and state laws; requiring a local government to treat itself the same as it treats other providers of similar communications services; exempting certain governmental entities from specified provisions of the act; requiring a local governmental provider of communications services to follow the same prohibitions as other providers of the same services; providing an exemption for airports under certain conditions; recogniz-

ing preemption of a charter, code, or other governmental authority; providing for severability; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; Community Affairs; and General Government Appropriations.

By Representative Ryan—

HB 1377—A bill to be entitled An act relating to ethics; amending s. 104.31, F.S.; prohibiting state or political subdivision employees from participating in political campaigns during on-duty hours or certain other hours; amending s. 112.313, F.S.; applying the prohibition on disclosure or use of certain information to former public officers, public employees, and local government attorneys; providing an exception to such prohibition; revising postemployment restrictions to apply to other-personal-services temporary employees; exempting certain agency employees from postemployment restrictions; providing for certain disclosure statements to be filed with the Commission on Ethics instead of the Department of State; revising a prohibition on lobbying by former local officers to preclude representation before the government body or agency an officer has served; providing applicability; amending s. 112.3144, F.S.; providing for reporting of assets held by joint tenancy, joint tenancy with right of survivorship, and partnership and reporting of certain liabilities; amending s. 112.3145, F.S.; requiring the commission to send delinquency notices with return receipt requested; amending s. 112.3147, F.S.; requiring an attestation with respect to information provided on required forms; deleting a redundant provision; amending s. 112.3148, F.S.; requiring gift disclosure forms of individuals who left office or employment during the calendar year to be filed by a date certain; allowing quarterly gift disclosure forms to be considered timely filed if postmarked on or before the due date; amending s. 112.3149, F.S.; requiring gift disclosure statements of individuals who left office or employment during the calendar year to be filed by a date certain; amending s. 112.317, F.S.; authorizing the commission to recommend restitution be paid to the agency damaged by the violation or to the General Revenue Fund; authorizing the Attorney General to collect certain costs and fees incurred in bringing certain actions; deleting a provision rendering a breach of confidentiality of an ethics proceeding a misdemeanor; amending s. 112.3185, F.S.; providing for certain former agency employees to be employed by or have a contractual relationship with certain business entities; prohibiting a former agency employee from representing a client before the employee's former agency in certain matters; amending s. 112.3215, F.S.; revising the commission's rulemaking authority regarding appeals of certain fines; providing for automatic suspended registration for lobbyists who fail to timely pay a certain fine; providing an exception; requiring the commission to provide written notice to any lobbyist whose registration is automatically suspended; amending s. 112.322, F.S.; revising provisions relating to payment of witnesses; amending s. 914.21, F.S.; revising definitions; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Productivity; and Rules and Calendar.

By Representative Brown and others—

HB 1513—A bill to be entitled An act relating to civil justice reform; amending s. 47.051, F.S.; revising procedures for bringing actions against corporations; providing a definition; creating s. 768.1259, F.S.; defining the term "seller"; prohibiting commencing or maintaining a civil claim or action against a seller under certain circumstances; specifying criteria for actions for product liability of a seller; amending s. 768.81, F.S.; deleting exceptions to a requirement for liability based on percentage of fault instead of joint and several liability; providing applicability; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; and Judiciary.

By Representative Littlefield and others—

HB 1649—A bill to be entitled An act relating to telecommunications regulation; amending s. 364.01, F.S.; providing that state laws govern-

ing business and consumer protection be applied to communications activities that are not regulated by the commission; revising provisions governing the exclusive jurisdiction of the commission; creating s. 364.011, F.S.; specifying certain services that are exempt from oversight by the commission; creating s. 364.012, F.S.; directing the commission to maintain liaison with federal agencies; providing that ch. 364, F.S., does not limit or modify certain duties of a local exchange carrier; creating s. 364.013, F.S.; requiring that broadband service and voice-over-Internet protocol be free of state regulation, except as specifically provided; amending s. 364.02, F.S.; defining the terms "broadband service" and "VoIP"; revising the definition of "service"; amending s. 364.0361, F.S.; prohibiting a local government from regulating the provision of voice-over-Internet protocol; amending s. 364.051, F.S.; providing that evidence of damage caused by a tropical storm system constitutes a compelling showing of changed circumstances to justify a change in rates; revising procedures to recover certain costs and expenses; providing conditions to qualify for filing a petition for recovery; providing for the commission to order a line-item charge for a certain period to recover costs and expenses of such damage; limiting amount of such charge; providing for verification of amounts collected; limiting the number of petitions for recovery of costs and expenses; amending s. 364.10, F.S.; revising the income threshold for eligibility for Lifeline service; amending s. 364.335, F.S.; increasing the maximum allowable filing fee for certification of telecommunications carriers; amending s. 364.336, F.S.; providing minimum regulatory assessment fees to be assessed by rule of the commission; repealing s. 364.502, F.S., relating to video programming services; amending ss. 196.012, 199.183, 212.08, 290.007, 350.0605, 364.602, and 489.103, F.S.; conforming cross references; providing for construction of the act; providing effective dates.

—was referred to Committees on Communications and Public Utilities; Commerce and Consumer Services; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By the Committee on Domestic Security; and Representative Adams and others—

HB 1715—A bill to be entitled An act relating to domestic security; amending s. 943.03101, F.S.; providing that counter-terrorism coordination must be conducted in accordance with the state comprehensive emergency management plan; amending ss. 943.03 and 943.0311, F.S.; changing the title of the position "Chief of Domestic Security Initiatives" to "Chief of Domestic Security"; revising references to conform; clarifying duties of the Chief of Domestic Security; revising provisions relating to required security assessments of buildings, facilities, and structures owned or leased by state agencies, state universities, and community colleges; requiring certain assessments to be provided to the Chief of Domestic Security within a specified timeframe; revising requirements with respect to a report by the Chief of Domestic Security regarding suggestions for security enhancements; revising provisions with respect to the recommendation, development, and implementation of best practices for the safety and security of specified buildings, facilities, and structures; amending s. 943.0312, F.S.; revising provisions with respect to regional domestic security task forces; conforming language; providing an additional duty of the task forces; revising the organization and membership of the task forces; providing editorial changes; requiring the task forces to make specified recommendations to the Domestic Security Oversight Council; creating s. 943.0313, F.S.; creating the Domestic Security Oversight Council; providing purpose of the council; providing for membership of the council; providing for organization, meetings, staffing, and duties of the council; providing for the establishment of an executive committee and membership thereof; providing duties of the executive committee; requiring annual reports to the Governor and Legislature; providing that the council is a criminal justice agency for the purposes of ch. 119, F.S.; amending s. 381.00315, F.S., to conform; providing an effective date.

—was referred to the Committees on Domestic Security; Governmental Oversight and Productivity; Criminal Justice; Education; Justice Appropriations; and Rules and Calendar.

By the Committee on Ethics and Elections; and Representative Reagan—

HB 1743—A bill to be entitled An act relating to constitutional amendments; amending s. 16.061, F.S.; requiring the Attorney General to provide to the Secretary of State and sponsor a copy of the petition to the Supreme Court requesting an advisory opinion as to the validity of an initiative petition; requiring the Supreme Court to render certain advisory opinions by April 1 of a general election year; amending s. 100.371, F.S.; requiring initiative petitions to be filed by February 1 of a general election year in order to be placed on the ballot; requiring financial impact statements to include certain information; revising submission requirements of the Financial Impact Estimating Conference; permitting challenge of financial impact statements in circuit court; providing an effective date.

—was referred to the Committees on Ethics and Elections; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on Insurance; and Representative Ross and others—

HB 1745—A bill to be entitled An act relating to residential property insurance; amending s. 215.555, F.S.; revising provisions relating to calculation of an insurer's retention for purposes of reimbursement from the Florida Hurricane Catastrophe Fund; amending s. 627.4133, F.S.; prohibiting insurers from canceling or nonrenewing residential property insurance policies under certain emergency circumstances; providing exceptions; providing notice requirements; providing application to personal residential and commercial residential policies covering certain damaged property; extending the effective date of certain policies under certain hurricane circumstances; authorizing the insurer to collect premium for the extended period; providing nonapplication; amending s. 627.4143, F.S.; requiring private passenger motor vehicle insurance policies to contain an outline of coverage; prohibiting delivery or issuance of basic homeowner's, mobile home owner's, condominium unit owner's, and dwelling policies without a comprehensive checklist and outline of coverage; specifying checklist and outline of coverage contents; requiring the checklist and outline of coverage to be sent with each renewal of personal lines residential insurance policies; specifying application of the checklist and outline of coverage to basic homeowner's, mobile home owner's, condominium unit owner's, and dwelling policies; amending s. 627.701, F.S.; revising a limitation on a deductible amount attributable to hurricane or wind losses; providing for computation and display of the dollar value of hurricane deductibles; requiring insurers to compute and display actual dollar values of certain riders for certain policies; providing additional notice requirements for certain deductible amounts; requiring insurers to notify applicants or policyholders of the availability and amounts of certain discounts, credits, rate differentials, or reductions in deductibles for properties on which certain fixtures have been installed or construction techniques have been implemented; requiring insurers to provide qualifying information; authorizing the Financial Services Commission to adopt rules; providing for application of hurricane deductibles for certain personal lines residential property insurance policies; requiring insurers to offer commercial residential property insurance policyholders certain alternative hurricane deductibles; providing effective dates.

—was referred to the Committees on Banking and Insurance; Judiciary; General Government Appropriations; Ways and Means; and Rules and Calendar.

By the Committee on Water and Natural Resources; and Representative Clarke—

HB 1839—A bill to be entitled An act relating to total maximum daily loads; amending s. 403.067, F.S.; providing for the attainment of pollutant reductions for the restoration of impaired waters; revising provisions for the allocation of allowable pollutant loads; deleting an obsolete reporting requirement; authorizing the Department of Environmental Protection to adopt phased total maximum daily loads for specific purposes; providing for the development of basin management action plans; revising provisions for the implementation of total maximum daily loads; revising provisions relating to best management practices; autho-

zizing the department to adopt rules for the permitting of basin management action plans; requiring the department to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives prior to adopting rules for pollutant trading; amending ss. 373.4595 and 570.085, F.S.; correcting cross references; providing an effective date.

—was referred to the Committees on Environmental Preservation; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on Judiciary; and Representative Simmons and others—

HB 1925—A bill to be entitled An act relating to class action lawsuits; creating s. 774.01, F.S.; providing legislative findings; providing requirements for capacity to file a class action; limiting actions to Florida residents; providing exceptions; providing requirements for monetary relief; eliminating private class action recovery of statutory penalties and other forms of monetary relief other than actual damages; providing monetary relief; providing for availability of nonmonetary relief; creating s. 774.02, F.S.; requiring a specified demand to cure notice prior to filing a class action; providing for a cure period; providing for inspection of goods or evidence relevant to a claim; requiring that a plaintiff plead and prove specified elements relating to the cure period; providing specified defenses to a cause of action; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; and Judiciary.

By the Committee on Judiciary; and Representative Simmons and others—

HB 1931—A bill to be entitled An act relating to negligence; creating s. 768.0755, F.S.; providing that a person seeking damages for a slip and fall on a transitory foreign substance in a commercial establishment must prove that the commercial establishment had actual knowledge of the condition or constructive knowledge of the condition; defining “constructive knowledge”; providing that constructive knowledge may be proven by circumstantial evidence; amending s. 768.81, F.S.; redefining the term “negligence cases” as it relates to comparative fault to include claims for negligent security in which the defendant is sued for failing to prevent the commission of an intentional tort; providing that the apportionment of damages does not apply to any action in which an intentional tortfeasor is sued and seeks to apportion fault to a negligent tortfeasor; repealing s. 768.0710, F.S., relating to the duty to maintain premises in a reasonably safe condition for the safety of business invitees; reenacting s. 25.077, F.S., relating to the duty of the clerk of court to report certain information concerning negligence cases, to incorporate the amendment made to s. 768.81, F.S., in a reference thereto; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; and Judiciary.

By the Committee on Insurance; and Representative Ross and others—

HB 1937—A bill to be entitled An act relating to property insurance; creating s. 489.1285, F.S.; specifying certain consumer protection measures relating to roofing construction to be in effect following certain executive orders; specifying certain requirements to be complied with relating to roof repair or reroofing; amending s. 627.062, F.S.; limiting an insurer’s recoupment of reimbursement premium; providing limitations; amending s. 627.0628, F.S.; limiting use of certain methodologies in determining hurricane loss factors for reimbursement premium rates in certain rate filings; creating s. 627.06281, F.S.; requiring certain insurers and organizations to develop, maintain, and update a public hurricane loss projection model; providing reporting requirements for insurers; protecting trade secret information; amending s. 627.0629, F.S.; tightening a limitation on rate filings based on computer models under certain circumstances; amending s. 627.351, F.S.; providing additional legislative intent relating to the Citizens Property Insurance Corporation; specifying a limitation on dwelling limits for personal lines

policies; requiring the corporation to offer wind-only policies in certain areas for new personal residential risks; providing requirements and limitations; authorizes the corporation to issue bonds and incur indebtedness for certain purposes; requiring creation of a Market Accountability Advisory Committee to assist the corporation for certain purposes; providing for appointment of committee members; providing for terms; requiring reports to the corporation; revising requirements for the plan of operation of the corporation; requiring a plan for removing personal lines policies from coverage by the corporation which includes the development and implementation of a take-out bonus strategy; deleting limitations on certain personal lines residential wind-only policies; deleting an obsolete reporting requirement; specifying nonapplication of certain policy requirements in counties lacking reasonable degrees of competition for certain policies under certain circumstances; requiring the commission to adopt rules; deleting an obsolete rate methodology panel reporting requirement provision; requiring the corporation to require the securing of flood insurance as a condition of coverage under certain circumstances; providing requirements and limitations; amending s. 627.411, F.S.; revising grounds for office disapproval of certain forms; amending s. 627.7011, F.S.; specifying payment requirements for insurers for covered losses to a dwelling; limiting payment to actual cost to repair or replace the dwelling; amending s. 627.7011, F.S.; requiring insurers to offer coverage for additional costs of repair due to laws and ordinances; requiring certain homeowner’s insurance policies to contain a specified statement; providing intent; amending s. 627.7015, F.S.; revising purpose and scope provisions relating to an alternative procedure for resolution of disputed property insurance claims; providing an additional criterion for excusing an insured from being required to submit to certain loss appraisal processes; amending s. 627.702, F.S.; specifying intent; providing nonapplication of certain insurer liability requirements under certain circumstances; limiting an insurer’s liability to certain loss covered by a covered peril; providing legislative intent relating to application; amending s. 627.706, F.S.; revising definitions relating to sinkholes; providing additional definitions; creating s. 627.7065, F.S.; providing legislative findings; requiring the Department of Financial Services and the Office of the Insurance Consumer Advocate to consult with the Florida Geological Survey and the Department of Environmental Protection to implement a statewide automated database of sinkholes and related activity; providing requirements for the form and content of the database; authorizing the Department of Financial Services to require insurers to provide certain information; providing for management of the database; requiring the department to investigate sinkhole activity reports and include findings and investigations in the database; requiring the Department of Environmental Protection to report on the database to the Governor, Legislature, and Chief Financial Officer; authorizing the Department of Financial Services to adopt implementing rules; amending s. 627.707, F.S.; revising standards for investigations of sinkhole claims by insurers; requiring an insurer to engage an engineer and professional geologist for certain purposes; requiring a report under certain circumstances; requiring an insurer to provide written notice to a policyholder disclosing certain information; authorizing an insurer to deny a claim under certain circumstances; authorizing a policyholder to demand certain testing; providing requirements; specifying required activities for insurers if a sinkhole loss is verified; specifying payment requirements for insurers; providing limitations; requiring the insurer to pay fees of the engineer and geologist; authorizing an insurer to engage a structural engineer for certain purposes; creating s. 627.7072, F.S.; specifying requirements for sinkhole testing by engineers and geologists; creating s. 627.7073, F.S.; providing reporting requirements for engineers and geologists after testing for sinkholes; specifying a presumption of correctness of certain findings; requiring an insurer paying a sinkhole loss claim to file a report and certification with the county property appraiser; requiring the property appraiser to record the report and certification; requiring the insurer to bear the cost of filing and recording; requiring a seller of certain property to make certain disclosures to property buyers under certain circumstances; requiring the Auditor General to perform an operational audit of the Citizens Property Insurance Corporation; specifying audit requirements; requiring a report; requiring the board of governors of the Citizens Property Insurance Corporation to submit a report to the Legislature relating to property and casualty insurance; specifying report requirements; requiring insurers to review and acknowledge receipt of certain communications relating to claims; providing an exception; providing a definition; providing for nonapplication to certain claimants; providing procedures and requirements relating to such acknowledgements; requiring an insurer to conduct certain investigations under certain circumstances; providing for contingent effect; requiring the Office of Insurance Regula-

tion to submit a report to the Legislature relating to residential property insurance; providing report requirements; providing effective dates.

—was referred to the Committees on Banking and Insurance; Judiciary; Governmental Oversight and Productivity; General Government Appropriations; Ways and Means; and Rules and Calendar.

By the Committee on Domestic Security; and Representative Adams—

HB 1801—A bill to be entitled An act relating to public meetings and public records; creating s. 943.0314, F.S.; providing an exemption from public meetings requirements for meetings or portions of meetings of the Domestic Security Oversight Council at which the council hears or discusses active criminal investigative information or active criminal intelligence information; providing conditions precedent to the closing of such meeting or portion thereof; providing an exemption from public records requirements for an audio or video recording of a closed meeting of the council and any minutes and notes generated during the closed meeting until the criminal investigative information or criminal intelligence information heard or discussed therein ceases to be active; specifying those persons who are authorized to attend a closed meeting of the council; providing for review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Domestic Security; Governmental Oversight and Productivity; Criminal Justice; Justice Appropriations; and Rules and Calendar.

RETURNING MESSAGES—FINAL ACTION

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 186, CS for SB 276, CS for CS for SB 626, CS for SB 1154, CS for SB 2412 and CS for SB 2228.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 29 was corrected and approved.

CO-INTRODUCERS

Senators Crist—CS for SB 2624; Dawson—SB 1032; Klein—CS for CS for CS for SB 2, CS for CS for SB 428, CS for SB 1208, CS for CS for SB 1264, CS for CS for CS for SB 1314, CS for SB 2036; Lynn—CS for CS for SB 774, SB 1356; Posey—CS for CS for SB 1964; Rich—SB 1032; Wilson—SB 1032

RECESS

On motion by Senator Pruitt, the Senate recessed at 7:15 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Tuesday, May 3 or upon call of the President.

SENATE PAGES

May 2-6, 2005

Abigail Carbonell, Orlando; Annabelle Carbonell, Orlando; Ryan Drawdy, Clermont; Samuel “Sam” Green, Orlando; Sharon R. Green, Orlando; Carson Lee Hancock, Ft. Lauderdale; Chase Reed Harris, Jacksonville; Tremain Bernardo Harris, Tallahassee; Karl-Michael Heinle, Miami; Hannah Hodge, Plant City; Michael Jack, Ft. Lauderdale; Joia Jefferson, Tallahassee; Jessica Lee Jones, Windermere; Ryan Spencer Powers, Tallahassee; Michaelia N. Robinson, Tallahassee; Juan T. Santiago, Winter Garden; William S. Santiago, Winter Garden; Danielle Sewell, Groveland; Elizabeth A. Webster, Orlando; John E. Webster, Orlando