



# Journal of the Senate

Number 16—Regular Session

Friday, April 28, 2006

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## CALL TO ORDER

The Senate was called to order by President Lee at 10:18 a.m. A quorum present—39:

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peadar
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

Excused: Senator Dawson until 11:12 a.m.; Senator Carlton periodically for the purpose of working on the appropriations bills

## PRAYER

The following prayer was offered by the Rev. Canon Laughton D. Thomas, St. Michael and All Angels Episcopal Church, Tallahassee:

O God of power and might, the 2006 legislative session of the Florida Senate brings new concerns and challenges—including education funding and class size reform, juvenile justice reshaping and election rights enactments—to these men and women elected to serve the constituents of their districts and the state. We pray for guidance and vision as they discuss and enact new bills to address these situations. May they recognize that you are always present and waiting for them to call upon you.

Even though they may differ in political party, ideology and strategy in achieving their goals, may these Senators work toward serious and amicable deliberations. May they remember that they are all your children, and deserve to be treated with respect and dignity at all times. When decisions are reached on particular legislation, may these men and women move on, knowing that they have done their best to formulate the bills to serve the common good for all Floridians.

May the laws that they enact please you, to the glory of your name.

You have called the Florida Senate to these responsible positions—now bless them in their work and in their times of fellowship together. Amen.

## PLEDGE

Senate Pages Emily Hinely of Longwood; Stephen McCall of Brooksville; Linzee Ott of Jacksonville; and Denard Ross of Miami, 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 Brooks of Tallahassee, sponsored by Senator Posey, as doctor of the day. Dr. Brooks specializes in Infectious Diseases.

## MOTIONS

On motion by Senator Pruitt, the rules were waived and the Secretary was directed to transmit all bills to the House of Representatives at the direction of the President.

## REMARKS

On motion by Senator Pruitt, the following remarks were ordered spread upon the Journal:

**Senator Clary:** Mr. President, being an architect, I have always been someone who is very visual. As I am giving my discussion, you will see some things on the screen that will share some of my moments in time over the last ten years, running for and being in the Senate. Thank you, Mr. President and members, for allowing me this special moment of personal privilege to say a few words in the last days of my final session.

{Slide show}

I was a Destin City Councilman when local leaders approached me and asked if I would run for an open Senate seat. I still remember our family meeting and talking to Beth and the girls about running for the state Senate.

We campaigned as a family like my city council campaigns before, with everyone taking shifts in the campaign office, walking neighborhoods, waving on the sides of the roads, and attending dinners and debates. We ran as a family and we won as a family. I would not be here without the love and support from them. I especially want to thank Beth and Joanna who are up in the west gallery; Laura, our youngest daughter, is about to graduate from Auburn. She is in her last week and can't wait. I thank my parents, Chuck and Carolyn, who are back home and Beth's parents, Geri and Ken, who are also back home in Fort Walton.

We've seen some interesting times in Florida since I came to Tallahassee—the effects of term limits changing the face of Florida government, a historic presidential election, the tragedy of September 11th and the War on Terror, disastrous hurricanes, and so on. But with each of these events, we had the opportunity to make Florida a better place and to find a better way to do the state's business. I think we've accomplished that.

I've learned a lot in Tallahassee—for example, sometimes it takes a Bream Buster fishing pole with a flag on it for the Senate President to notice a freshman member in the corner of the chamber. I am passing on my Bream Buster to Senator Lynn or whoever may be in that seat so they can get the President's attention. Also that when a bill is "TP'd," it has nothing to do with toilet paper; that the Secretary of the Senate may actually be my cousin—not to mention the discovery of my two long lost

brothers in the Senate. By the way, I was working on my connect-the-dots and puzzles in the Student Guide to the Legislature and realized what I must pass on to my brothers. I am leaving my legacy in your hands brothers, Brother Al and Brother Durell. I'm depending on y'all to pass the State Rock bill. I just couldn't get it done, the pie took precedence. In that book, it had everything—rocks, trees, state stone, gem, bird, but we haven't got a rock yet.

To the members of the Taiwan Caucus, you have taught me the importance of senior members spending time with the new members. I will always remember the "great" bull steak we had in Taiwan. Hopefully, we will never have to dine in that manner again. Finally, and most importantly, the best place in town for chicken fingers is Georgio's.

On a serious note, I've had the pleasure of chairing General Government Appropriations for six years and working with a talented committee staff. Thank you to each of you in General Government Appropriations for your hard work: Jane, Jamie, Sandra, Cindy, Alicia and Tim.

I've also been blessed with wonderful staff in my Senate office. I appreciate their years of service and dedication to District 4. My sincerest thanks to each of you, Allison, Stacey and Paul.

Mr. President, it has been an honor serving as your President Pro Tempore. To the members, thank you for honoring me and allowing me this special privilege to serve as your Pro Tempore.

You know, the first piece of advice I received when I came here was from Senator W.D. Childers. He told me that if I wanted a friend in this process, I should get a dog. Well, Dixie and I have been buddies since the beginning and we're heading home the best of friends.

Thank you, Mr. President and members for allowing me this great opportunity. I love all of you.

**President Lee:** Senator Clary, you know I will have to take a moment as you are my Pro Tempore and my confidant, my friend, someone I came in here with in 1996.

A lot of those pictures brought back a lot of memories to me, too. There were several members who were in those pictures who aren't alive anymore. Your daughter was very small in that picture. Your kids are grown up now. It is just a real illustration of how we all are just passing through this place. Although times change and faces change, a lot of the issues stay the same, but relationships are important.

I am very, very grateful for the privilege to have served with you. You are a really classy guy. You are one of the most understated members of this Senate. You have accomplished a great deal. Yet you are not stressed a lot about who is going to get the credit for it or for marketing and promoting yourself at the expense of your caucus in the process. In the political world, that is a pretty rare commodity.

I value your approach to public service and your friendship. Again, I couldn't be more grateful for having had the privilege of serving with you.

**Senator Saunders:** Mr. President, thank you for the opportunity to say a few words, as I leave the Senate to pursue other challenges.

Actually, it is very hard for me to believe that this really is my last session as a member of this body.

As I was thinking about what I wanted to say, I began to reminisce on a few things that I will always remember:

Senator Wilson's hats (they are fabulous!), but most important, her passion for her constituents; sitting next to my friend and colleague, Senator Bullard, getting her orange juice, holding that key lime pie, and listening to her debates. Often, I was trying to determine if she was speaking for or against an issue.

I will miss telling my friend Senator Rich that there simply is no more money left for that last project.

I will always remember working out in the Senate gym and jogging with my friend, Senator Hill; and listening to those wonderful stories by my friend, Senator King, when he holds court after a few adult vitamins (quite a few adult vitamins); and listening to the banter between the

Panhandle Triplets—my friends, Senators Clary, Peaden and "Too-Tall" Lawson.

I started my legislative career sitting next to my good friend, Senator Carlton, in the Florida House of Representatives in 1995. I will always remember those early years and will cherish our friendship.

I will always remember the crush of bills the last few days of session; and the feelings we all have when that hanky drops on the last day of session—a feeling of joy to be finished and a feeling of sadness to be leaving our Senate and House friends for the summer.

I will always remember the good work we have done for the citizens of Florida; improving public education, providing life-sustaining services to the sick and the infirm, protecting our children from pedophiles, and many, many more.

There are a few things that I will regret. I will regret missing the opportunity to serve with my good friend, Senator Pruitt, when he takes over as Senate President. Senator Pruitt, I wish you and your family the best as you take over the helm of this ship. I will regret not being able to work with all of you, and with the many advocacy groups trying to make life better for the less fortunate.

You have an awesome responsibility, and I will miss being part of the process.

But, I know this state is in good hands under the leadership in this chamber. I know how dedicated you are. But, I will be watching just to make sure!

It has been the highest honor for me to serve the citizens of Florida as a member of the Senate; and, an absolute pleasure to serve with each of you in this chamber.

I was reflecting this morning, as I came in, that I will always feel at home in this building. I will always cherish the many friendships that I have cultivated over the years.

It will be very difficult for me to resign from the Senate to run for Attorney General. But, I am fully committed to that race.

There are a few people I want to talk about for a moment as I thank them for what they have done to make me successful.

None of us could serve without the support we get from our families. My wife, who is a practicing oncologist, has given me the opportunity to serve. I cannot thank her enough for her love and support. My oldest son was 11 years old and my twin sons, now 11 years old, were born one month before my very first session in the Florida House in 1995. They have sacrificed more than anyone to give me the opportunity to serve, and I plan on making it up to them.

Next, I thank my Chief Legislative Aide, Randi Rosete, who has been with me since my very first day as a Senator. She actually walked precincts for me to help me get elected. I only won that race by 31 votes, so her efforts back then made all of the difference. Her efforts as my Chief Aide have continued to make all of the difference. You all know her. She is unstoppable in getting my bills heard and my amendments filed. She knows the process as well as anyone and she works hard to get the job done.

Randi, if you are listening, thank you for your hard work and dedication. I could not have done it without you.

I have a great office staff in my district office in Naples. Becky Kokinos and Sandy Mummert are truly dedicated public servants. They keep my constituents happy. Thank you, Becky and Sandy.

I want to thank all of our Senate staff. Without question, the Florida Senate is blessed to have the most dedicated, the most professional, and the most effective staff of any legislative body in this country. Thank you for your service. Thank you for your incredible patience.

Members, thank you for the memories; thank you for your service and dedication to your state and your constituents. And Senators, especially Senator Campbell, you have not seen the last of Burt Saunders. Like a bad dream, I will be back.

Thank you and God bless you all.

**Senator Bullard:** My seatmate, Senator Burt Saunders, has been my seatmate now for the four years that I have served in the Senate. I recall our first meeting. He's been the gentle, calm person who helped me on legal issues throughout the whole period, when I found myself not understanding some of the legal issues, because I'm not an attorney. He would say to me, "Larcenia, this may not be in your best interest." That is what I respect about this calm and gentle man that I have learned so much about since I have been sitting with him for the four years. Yes, he served me orange juice some mornings, and when I could carry two cups, I would bring orange juice to him. Just today, I served Senator Saunders orange juice and brought two cups in.

I want to tell you about one experience where his dollars were held up in the House. A House member travelled from Collier County to Miami-Dade. Not knowing what was taking place, not knowing this would be a local issue, the House member asked me to sponsor some legislation. It was a local bill, but I did not realize it was a local bill, and I sponsored that legislation. Then I arrived here in the Senate. Senator Saunders said to me, "You know, I don't know who's sponsoring this bill in the Senate, but this guy is holding up everything in the House." It became a conference issue, it was so bad. Finally, I looked to him and said, "Who is it?" He told me who it was and I said, "Senator Saunders, I am sponsoring that legislation." Later, we found the person in Collier County had travelled because I have six counties and because I represent a portion of Collier County, that person travelled down and gave me that legislation. I did everything I could to assist him and I said to him, "I'll just be quiet on this one." And you know it's tough for me to be quiet on issues that I sponsor; but on this one, I was quiet.

I want to say to you, I'm going to miss you, partner. It's been good serving with Senator Burt Saunders. Thank you.

**ADOPTION OF RESOLUTIONS**

At the request of Senator Hill—

By Senator Hill—

**SR 296**—A resolution recognizing April 28, 2006, as "Workers' Memorial Day" in Florida.

WHEREAS, 35 years ago Congress passed the Occupational Safety and Health Act, promising every American worker the right to a safe job, and

WHEREAS, unions and their allies have fought hard to make that promise a reality, winning protections that have saved hundreds of thousands of lives and prevented millions of workplace injuries, and

WHEREAS, the toll of workplace injuries, illnesses, and death nonetheless remains enormous, with 60,000 American workers dying from job-related injuries each year and another 6 million workers injured on the job, and

WHEREAS, the unions of the AFL-CIO are committed to the continuing struggle to make workers' safety a priority and to keep and create good jobs in America, for American workers, and

WHEREAS, America's economy and the health and vigor of American society depend on the availability of decent jobs for American workers and on the safety of those jobs, NOW, THEREFORE,

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

That April 28, 2006, is recognized as "Workers' Memorial Day" in the State of Florida in honor of the many American workers who have suffered injury and death on the job, and in recognition of the work of the unions of the AFL-CIO to protect the safety of American workers and to secure the availability of decent jobs for Americans.

—**SR 296** was introduced, read and adopted by publication.

At the request of Senator Bullard—

By Senator Bullard—

**SR 2822**—A resolution expressing affection for and gratitude to all fathers.

WHEREAS, Sunday, June 18, 2006, has been designated as Father's Day in the United States, and

WHEREAS, the greatest education in honesty, decency, integrity, industry, and fidelity is to see these qualities embodied in the life and works of a parent, and

WHEREAS, the American tradition of a productive society and a secure home has depended in great part on the hard work and sacrifice of fathers who tirelessly seek for their children a better life and greater opportunity than they knew, and

WHEREAS, fulfilling the demanding roles of fatherhood, as provider, teacher, role model, comforter, and protector, is an act of true heroism in today's world, and

WHEREAS, each new generation looks to its fathers for courage, strength, and understanding, and

WHEREAS, the enduring affection between a father and his family is recognized and appreciated as one of the most positive elements upon which our future as a nation depends, and

WHEREAS, it is fitting and appropriate that the members and staff of the Florida Senate recognize the immeasurable debt of gratitude owed to fathers for their strength, guidance, understanding, and love, NOW, THEREFORE,

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

That the members of the Florida Senate do hereby express to their own fathers and to all fathers, on behalf of the people of the State of Florida, deep personal affection and abiding gratitude.

BE IT FURTHER RESOLVED that this resolution be spread upon the Journal of the Senate as a tangible token of the love and respect that the members hold for all fathers.

—**SR 2822** was introduced, read and adopted by publication.

At the request of Senator Wilson—

By Senators Wilson, Rich, Margolis and Bullard—

**SR 2852**—A resolution honoring the dedication and contributions of Congresswoman Carrie P. Meek.

WHEREAS, Carrie P. Meek was born on April 29, 1926, the granddaughter of a slave and the daughter of former sharecroppers, and spent her childhood in a then-segregated Tallahassee, and

WHEREAS, Carrie Meek graduated from Florida Agricultural and Mechanical University in 1946, a time when African Americans were not permitted to attend graduate school in Florida, and then earned a Master's Degree at the University of Michigan, and

WHEREAS, she worked as an educator at Bethune Cookman College in Daytona Beach and at her alma mater, Florida A&M University, moving to Miami to serve as Special Assistant to the Vice President of Miami-Dade Community College, a segregated school at which she played a central role in pressing for integration, and

WHEREAS, active in community projects in the Miami area, Carrie Meek was elected as a State Representative in 1979 and was the first African-American woman elected to the Florida State Senate in 1982, during which time she served on the Education Appropriations Subcommittee and helped pave the way for the construction of thousands of affordable rental housing units in her district, and

WHEREAS, in 1992, Senator Meek was elected to the United States House of Representatives from Florida's 17th Congressional District, an accomplishment that made her the first African-American lawmaker elected to represent Florida in Congress since Reconstruction, and

WHEREAS, upon taking office, Congresswoman Meek faced the task of helping her district recover from the devastation wrought by Hurri-

came Andrew, and her efforts helped to raise \$100 million in federal assistance to rebuild Miami-Dade County, NOW, THEREFORE,

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

That the Senate honors Congresswoman Carrie P. Meek for her life-time of dedication to the residents of the State of Florida and the United States of America, and recognizes her for her many significant contributions, which, throughout the state and the nation, have helped to nurture children, strengthen communities, and improve the democratic process.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Congresswoman Meek as a tangible token of the sentiments of the Florida Senate.

—**SR 2852** was introduced, read and adopted by publication.

**BILLS ON THIRD READING**

On motion by Senator Wise, by two-thirds vote **HB 1351** was withdrawn from the Committees on Regulated Industries; and Banking and Insurance.

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

**HB 1351**—A bill to be entitled An act relating to contracting; amending s. 489.516, F.S.; exempting certain electrical and alarm system contractors from ordinances or codes of local governments or special districts requiring various types of recognition by certain national entities; authorizing local governments or special districts to require such contractors to provide certain documentation at the final inspection of an alarm system; reserving the authority of local governments and special districts to require compliance with the Florida Fire Prevention Code and NFPA No. 72; amending ss. 489.128 and 489.532, F.S.; providing that individuals performing certain construction contracting or electrical and alarm system contracting work are not considered unlicensed for purposes of contract enforceability; providing for retroactive application; amending s. 489.503, F.S.; exempting nationally recognized testing laboratories and persons who install or repair lightning rods from certain alarm system contracting provisions; amending s. 489.505, F.S.; revising definitions; defining the term “nationally recognized testing laboratory”; amending s. 489.513, F.S.; providing eligibility requirements for registering with the Department of Business and Professional Regulation as an electrical contractor or alarm system contractor; amending s. 489.529, F.S.; requiring a central monitoring station to employ call-verification methods under certain circumstances; amending s. 489.530, F.S.; exempting a fire alarm system from the requirement that it have a device that automatically terminates its audible signal after a certain period; providing an effective date.

—a companion measure, was substituted for **CS for SB 744** as amended and by two-thirds vote read the second time by title. On motion by Senator Wise, by two-thirds vote **HB 1351** was read the third time by title, 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 SJR 1150** and **CS for SB 1146** was deferred.

**SJR 2788**—A joint resolution rescinding and withdrawing House Joint Resolution 1177 (2005), which relates to limitations on the number of consecutive years during which certain elected constitutional officers may hold office before being denied the right to have their names appear on the ballot.

—was read the third time by title.

On motion by Senator Posey, further consideration of **SJR 2788** was deferred.

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

**SPECIAL ORDER CALENDAR**

On motion by Senator Argenziano, by two-thirds vote **HB 1319** was withdrawn from the Committees on Health Care; and Community Affairs and by unanimous consent was taken up out of order.

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

**HB 1319**—A bill to be entitled An act relating to swimming pools; creating s. 514.072, F.S.; requiring additional certification of swimming instructors specializing in training people who have developmental disabilities; requiring the Dan Marino Foundation, Inc., to develop certification requirements and a training curriculum and to submit the certification requirements to the Department of Health for review; providing deadlines for certification; amending s. 514.075, F.S.; deleting an exception to the requirement that a public pool be serviced by a certified technician; providing a contingent effective date.

—a companion measure, was substituted for **CS for SB 2426** and by two-thirds vote read the second time by title. On motions by Senator Argenziano, by two-thirds vote **HB 1319** was read the third time by title, passed and immediately 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

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

**BILLS ON THIRD READING**

**SENATOR PRUITT PRESIDING**

**CS for SJR 1158**—A joint resolution proposing the creation of Section 19 of Article VII of the State Constitution, relating to a limitation on state appropriations.

—was read the third time by title.

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

**Amendment 1 (664856)**—On page 2, line 24, after “government” insert: *or of changes in spending requirements resulting from amendments to the state constitution*

On motion by Senator Haridopolos, further consideration of **CS for SJR 1158** as amended was deferred.

**CS for SB 2548**—A bill to be entitled An act relating to state financial matters; amending s. 11.243, F.S.; providing for the moneys collected from the sale of the Florida Statutes or other publications to be deposited in a specified trust fund; amending s. 11.513, F.S.; requiring the Chief Justice of the Supreme Court to develop program monitoring plans; requiring that additional data be included in the plans for monitoring major programs of state agencies and the judicial branch and in the reviews of those programs; providing for the Office of Program Policy Analysis and Government Accountability to review agency and judicial branch performance standards and report to the Governor, the Legislature, and the Legislative Budget Commission; amending s. 17.57, F.S.; expanding the investment authority of the state treasury; amending s. 11.151, F.S.; revising the annual appropriation to a certain legislative contingency fund; amending s. 20.435, F.S.; revising a provision relating to certain undisbursed balances of appropriations from the Biomedical Research Trust Fund; amending s. 29.008, F.S.; requiring that the Department of Financial Services review county expenditure reports in order to determine if county expenditures have increased by a specified percentage for certain court-related functions; requiring that the department notify the Legislature and the respective county if a county fails to meet its funding obligations; providing for the Department of Revenue to withhold revenue-sharing receipts under certain circumstances upon the direction of the Legislature; providing that a county has met its funding obligations in certain circumstances; providing for retroactive application; amending s. 29.0085, F.S.; revising the due date of an annual statement of county revenues and expenditures; amending s. 215.18, F.S.; requiring that the Governor provide prior notice of transfers between certain funds; amending s. 215.3206, F.S.; replacing references to a 6-digit fund code in the Florida Accounting Information Resource Subsystem with a classification scheme consistent with the Department of Financial Services’ financial systems; amending s. 215.3208, F.S.; revising references to conform; amending s. 215.35, F.S.; revising a provision relating to the numbering of warrants issued by the Chief Financial Officer; amending s. 215.422, F.S.; replacing a reference to certain vouchers with the terms “invoice” or “invoices”; clarifying that agencies or the judicial branch must record and approve certain invoices by a specified date; revising provisions relating to the Department of Financial Services’ approval of payment of certain invoices; providing that a vendor who does not submit the appropriate federal taxpayer identification documentation to the department will be deemed an error on the part of the vendor; revising references to conform; amending s. 215.97, F.S.; removing a reference to the appropriations act in a provision relating to the purposes of the Florida Single Audit Act; amending s. 216.011, F.S.; revising the definition of “operating capital outlay” and “qualified expenditure category”; defining the terms “incurred obligation” and “salary rate reserve” for purposes of state fiscal affairs, appropriations, and budgets; amending s. 215.97, F.S.; prescribing forms of payment that may be included in certain contracts involving the State University System or the Florida Community College System; repealing s. 216.346, F.S., relating to contracts between state agencies; amending ss. 215.559, 331.368, 443.1316, 1002.32, F.S., to conform to the repeal of s. 216.346, F.S.; repealing s. 255.258, F.S., relating to shared savings financing of energy conservation in state-owned buildings; amending ss. 287.063, 287.064, F.S.; revising requirements for consolidated financing of deferred payment commodity contracts; amending s. 216.013, F.S.; revising requirements for information regarding performance measures to be included in the long-range program plans of state agencies and the judicial branch; revising a provision relating to making adjustments to long-range program plans; amending s. 216.023, F.S.; revising certain requirements for legislative budget requests; deleting a provision requiring agencies to maintain a certain performance accountability system and provide a list of performance measures; deleting a provision relating to adjustments to executive agency performance standards; deleting a provision relating to adjustments to judicial branch performance standards; amending s. 216.134, F.S.; providing for the responsibility of presiding over sessions of consensus estimating conferences; providing for the Governor, the coordinator of the Office of Economic and Demographic Research, the President of the Senate, and the Speaker of the House of Representatives to designate principals; amending s. 216.136,

F.S.; deleting provisions providing for the appointment of principals of consensus estimating conferences; revising the duties of certain agencies relating to the Criminal Justice Estimating Conference, the Social Services Estimating Conference, and the Workforce Estimating Conference; amending s. 216.177, F.S.; clarifying the circumstances under which the Executive Office of the Governor and the Chief Justice of the Supreme Court are required to provide notice to the chair and vice chair of the Legislative Budget Commission; amending s. 216.181, F.S.; providing that amendments to certain approved operating budgets are subject to objection procedures; requiring that state agencies submit to the chair and vice chair of the Legislative Budget Commission a plan for allocating any lump-sum appropriation in a budget amendment; creating s. 216.1811, F.S.; providing requirements for the Governor and the Chief Financial Officer relating to certain approved operating budgets for the legislative branch and appropriations made to the legislative branch; amending s. 216.1815, F.S.; revising certain requirements for the performance standards included in an amended operating budget plan and request submitted to the Legislative Budget Commission; creating s. 216.1827, F.S.; requiring that each state agency and the judicial branch maintain a performance accountability system; requiring agencies and the judicial branch to submit specified information to the Executive Office of the Governor and the Legislature or the Office of Program Policy Analysis and Government Accountability for review; providing guidelines for requests to delete or amend existing approved performance measures and standards; specifying authority of the Legislature relating to agency and judicial branch performance measures and standards; amending s. 216.251, F.S.; prohibiting an agency from providing salary increases or pay additives for certain positions without legislative authorization; amending s. 216.292, F.S.; providing that certain transfers between budget entities are subject to objection procedures; clarifying provisions authorizing certain transfers of appropriations from trust funds; providing that requirements of specified provisions relating to appropriations being nontransferable do not apply to legislative branch budgets; amending s. 216.301, F.S.; revising the requirements for undisbursed balances of appropriations; revising a procedure for identifying and paying incurred obligations; clarifying requirements governing unexpended balances of appropriations; removing a provision relating to notification to retain certain balances from legislative budget entities; amending s. 252.37, F.S.; providing that a transfer of moneys with a budget amendment following a state of emergency is subject to approval by the Legislative Budget Commission; amending s. 273.02, F.S.; revising a definition; requiring the Chief Financial Officer to establish certain requirements by rule relating to the recording and inventory of certain state-owned property; creating s. 273.025, F.S.; requiring the Chief Financial Officer to establish by rule certain requirements relating to the capitalization of certain property; amending s. 273.055, F.S.; revising responsibility for rules relating to maintaining records as to disposition of state-owned tangible personal property; revising a provision relating to use of moneys received from the disposition of state-owned tangible personal property; amending s. 274.02, F.S.; revising a definition; requiring the Chief Financial Officer to establish by rule requirements relating to the recording and inventory of certain property owned by local governments; amending s. 338.2216, F.S.; revising requirements relating to unexpended funds appropriated or provided for the Florida Turnpike Enterprise; amending s. 1011.57, F.S.; revising requirements relating to unexpended funds appropriated to the Florida School for the Deaf and the Blind; repealing s. 215.29, F.S., relating to the classification of Chief Financial Officer’s warrants; providing effective dates.

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

On motion by Senator Carlton, **CS for SB 2548** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Siplin	Villalobos	Wilson
Smith	Webster	Wise

Nays—None

**HB 7259**—A bill to be entitled An act relating to class action lawsuits; providing requirements for capacity to file a class action; limiting actions to Florida residents; providing exceptions; eliminating private class action recovery of statutory penalties in certain actions unless actual damages are alleged and proven; providing that the Attorney General’s ability to seek statutory penalties is not affected; providing for availability of nonmonetary relief; providing no effect on class action lawsuits involving civil rights laws; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **HB 7259** 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

The Senate resumed consideration of—

**CS for SJR 1158**—A joint resolution proposing the creation of Section 19 of Article VII of the State Constitution, relating to a limitation on state appropriations.

—which was previously considered and amended this day.

On motion by Senator Haridopolos, **CS for SJR 1158** as amended was shown in full as follows:

**SJR 1158**—A joint resolution proposing amendments to Section 1 of Article VII and Section 21 of Article XII of the State Constitution, relating to a limitation on state appropriations.

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

That the amendments to Section 1 of Article VII and Section 21 of Article XII of the State Constitution set forth below are 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 VII  
FINANCE AND TAXATION

SECTION 1. Taxation; appropriations; state expenses; state *appropriations revenue* limitation.—

(a) No tax shall be levied except in pursuance of law. No state ad valorem taxes shall be levied upon real estate or tangible personal property. All other forms of taxation shall be preempted to the state except as provided by general law.

(b) Motor vehicles, boats, airplanes, trailers, trailer coaches and mobile homes, as defined by law, shall be subject to a license tax for their operation in the amounts and for the purposes prescribed by law, but shall not be subject to ad valorem taxes.

(c) No money shall be drawn from the treasury except in pursuance of appropriation made by law.

(d) Provision shall be made by law for raising sufficient revenue to defray the expenses of the state for each fiscal period.

(e)(1) *State appropriations for any fiscal year shall be limited to state appropriations for the immediately preceding fiscal year, plus an adjustment for growth. For purposes of calculating such limitation, “state appropriations” shall not include any portion of state appropriations spent or to be spent from receipt of federal funds.*

(2) *The “adjustment for growth” shall be an amount expressed as a percentage equal to the average annual rate of growth in median household income in Florida over the most recent five years. Median household income in Florida shall be that established and published by the United States Department of Commerce or its successor. State appropriations for the immediately preceding fiscal year shall be multiplied by the growth percentage and that product added to the immediately preceding fiscal year’s state appropriations to establish the state appropriations limitation for the fiscal year. The state appropriations limitation established under this subsection shall be calculated by the following formula:*

$$SAL = (SAPFY \times MHIGR\%) + SAPFY$$

Where:

*SAL = state appropriations limitation.*

*SAPFY = state appropriations for the immediately preceding fiscal year.*

*MHIGR% = median household income growth rate percentage, averaged over the most recent five years.*

(3) *State revenues collected for any fiscal year in excess of the state appropriations limitation shall be transferred to the budget stabilization fund until the fund reaches the maximum balance specified in Section 19(g) of Article III and thereafter shall be refunded to taxpayers as provided by general law. For purposes of this paragraph, the term “state revenues” includes general revenue and trust fund receipts but does not include federal fund receipts.*

(4) *The state appropriations limitation required by this subsection shall not apply in any fiscal year in which the governor declares a state financial emergency because of a war, a natural catastrophe, an economic depression, or any event of similar magnitude. However, the legislature must agree by a three-fourths vote of the membership of each house in a separate bill that contains no other subject to suspend the state appropriations limitation for that year. Except as provided herein, state revenues collected for any fiscal year shall be limited to state revenues allowed under this subsection for the prior fiscal year plus an adjustment for growth. As used in this subsection, “growth” means an amount equal to the average annual rate of growth in Florida personal income over the most recent twenty quarters times the state revenues allowed under this subsection for the prior fiscal year. For the 1995-1996 fiscal year, the state revenues allowed under this subsection for the prior fiscal year shall equal the state revenues collected for the 1994-1995 fiscal year. Florida personal income shall be determined by the legislature, from information available from the United States Department of Commerce or its successor on the first day of February prior to the beginning of the fiscal year. State revenues collected for any fiscal year in excess of this limitation shall be transferred to the budget stabilization fund until the fund reaches the maximum balance specified in Section 19(g) of Article III, and thereafter shall be refunded to taxpayers as provided by general law. State revenues allowed under this subsection for any fiscal year may be increased by a two-thirds vote of the membership of each house of the legislature in a separate bill that contains no other subject and that sets forth the dollar amount by which the state revenues allowed will be increased. The vote may not be taken less than seventy-two hours after the third reading of the bill. For purposes of this subsection, “state revenues” means taxes, fees, licenses, and charges for services imposed by the legislature on individuals, businesses, or agencies outside state government. However, “state revenues” does not include: revenues that are necessary to meet the requirements set forth in documents authorizing the issuance of bonds by the state; revenues that are used to provide matching funds for the federal Medicaid program with the exception of the revenues used to support the Public Medical Assistance Trust Fund or its successor program and with the exception of state matching funds used to fund elective expansions made after July 1, 1994; proceeds from the state lottery returned as prizes; receipts of the Florida Hurricane*

~~Catastrophe Fund; balances carried forward from prior fiscal years; taxes, licenses, fees, and charges for services imposed by local, regional, or school district governing bodies; or revenue from taxes, licenses, fees, and charges for services required to be imposed by any amendment or revision to this constitution after July 1, 1994. An adjustment to the revenue limitation shall be made by general law to reflect the fiscal impact of transfers of responsibility for the funding of governmental functions between the state and other levels of government. The legislature shall, by general law, prescribe procedures necessary to administer this subsection.~~

ARTICLE XII  
SCHEDULE

SECTION 21. State ~~appropriations revenue~~ limitation.—The amendment to Section 1 of Article VII limiting state ~~appropriations, if adopted at the general election in November 2006, revenues~~ shall take effect January 1, 2007 ~~1995~~, and shall first be applicable to state fiscal year 2007-2008 ~~1995-1996~~.

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

CONSTITUTIONAL AMENDMENT  
ARTICLE VII, SECTION 1  
ARTICLE XII, SECTION 21

LIMITATION ON STATE APPROPRIATIONS.—Proposing amendments to the State Constitution to replace the state revenue limitation with an appropriations limitation that limits state appropriations for any fiscal year, beginning in fiscal year 2007-2008, to state appropriations for the immediately preceding fiscal year plus a growth adjustment; basing the growth adjustment on median household income in Florida rather than on the aggregate personal income of Floridians; continuing the transfer of excess revenues to the Budget Stabilization Fund until fully funded and the refund of the rest to taxpayers pursuant to general law; and suspending the limitation in fiscal years of major financial emergency declared by the Governor and approved by the Legislature by a three-fourths vote of the membership of each house thereof in a separate bill containing no other subject.

—and **CS for SJR 1158** as amended failed to receive the required constitutional three-fifths vote of the membership. The vote was:

Yeas—20

Mr. President	Constantine	Posey
Alexander	Crist	Pruitt
Atwater	Diaz de la Portilla	Saunders
Baker	Fasano	Sebesta
Bennett	Haridopolos	Webster
Carlton	King	Wise
Clary	Peaden	

Nays—19

Argenziano	Hill	Rich
Aronberg	Jones	Siplin
Bullard	Klein	Smith
Campbell	Lawson	Villalobos
Dawson	Lynn	Wilson
Dockery	Margolis	
Geller	Miller	

**CS for CS for SB 994**—A bill to be entitled An act relating to citrus; amending s. 193.461, F.S.; providing that certain lands are classified as agricultural lands for the duration of certain successor programs; amending s. 581.184, F.S.; requiring the Department of Agriculture and Consumer Services to implement a citrus health plan for certain purposes; eliminating the authority of the department to remove and destroy certain citrus trees; deleting definitions and provisions relating to immediate final orders, notice to property owners, rulemaking authority, and the posting of certain orders, to conform; requiring certain law enforcement officers to maintain order under certain circumstances involving the citrus canker disease management process; creating s. 581.1843, F.S.; making it unlawful to propagate certain citrus nursery stock on or after January 1, 2007, at sites and under certain conditions not approved by the department; providing exceptions; providing rulemaking authority; specifying regulation of certain varieties of citrus

plants; providing exceptions; requiring the department to establish certain regulated areas around commercial citrus nurseries; providing exceptions; providing for notice to property owners by immediate final order prior to removal of certain citrus trees; providing an appeal process for an immediate final order; providing for preemption to the state to regulate the removal and destruction of certain citrus plants; requiring the department to relocate certain trees to certain locations; amending s. 581.1845, F.S., relating to compensation to homeowners whose trees have been removed; clarifying that such compensation is subject to appropriation; requiring that certain compensation claims be filed by December 31, 2007; providing for the expiration of compensation claims not filed prior to January 1, 2008; amending ss. 120.80, 348.0008, 933.02, and 933.40, F.S.; deleting provisions and cross-references, to conform; providing appropriations; authorizing the department to submit a budget amendment and providing requirements therefor; amending s. 601.15, F.S.; clarifying provisions relating to the excise tax on citrus; establishing maximum rates and providing procedures by which the Florida Citrus Commission may set rates lower than the maximums; providing an effective date.

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

On motion by Senator Alexander, **CS for CS for SB 994** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	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

**CS for SB 642**—A bill to be entitled An act relating to the Lead Poisoning Prevention Screening and Education Act; providing a short title; 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 implementing the educational program under the act; providing effective dates.

—was read the third time by title.

On motion by Senator Miller, **CS for SB 642** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Siplin	Villalobos	Wilson
Smith	Webster	Wise

Nays—None

**HB 175**—A bill to be entitled An act relating to drug court programs; providing a short title; amending s. 39.001, F.S.; providing additional legislative purposes and intent with respect to the treatment of substance abuse, including the use of the drug court program model; authorizing the court to require certain persons to undergo treatment following adjudication; amending s. 39.407, F.S.; authorizing the court to order specified persons to submit to a substance abuse assessment or evaluation upon a showing of good cause in connection with a shelter petition or petition for dependency; amending ss. 39.507 and 39.521, F.S.; authorizing the court to order specified persons to submit to a substance abuse assessment as part of an adjudicatory order or pursuant to a disposition hearing; requiring a showing of good cause; authorizing the court to require participation in a treatment-based drug court program; authorizing the court to impose sanctions for noncompliance; amending s. 397.334, F.S.; revising legislative intent with respect to treatment-based drug court programs to reflect participation by community support agencies, the Department of Education, and other individuals; including postadjudicatory programs as part of treatment-based drug court programs; providing requirements and sanctions, including treatment by specified licensed service providers, jail-based treatment, secure detention, or incarceration, for the coordinated strategy developed by the drug court team to encourage participant compliance; requiring each judicial circuit to establish a position for a coordinator of the treatment-based drug court program, subject to annual appropriation by the Legislature; authorizing the chief judge of each judicial circuit to appoint an advisory committee for the treatment-based drug court program; providing for membership of the committee; revising language with respect to an annual report; amending s. 910.035, F.S.; revising language with respect to conditions for the transfer of a case in the drug court treatment program to a county other than that in which the charge arose; amending ss. 948.08, 948.16, and 985.306, F.S., relating to felony, misdemeanor, and delinquency pretrial substance abuse education and treatment intervention programs; providing for application of the coordinated strategy developed by the drug court team; providing for expungement of certain records and pleas; removing provisions authorizing appointment of an advisory committee, to conform to changes made by the act; providing an effective date.

—was read the third time by title.

On motion by Senator Lynn, **HB 175** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peadar
Argenziano	Dockery	Posey
Aronberg	Fasano	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

**HB 765**—A bill to be entitled An act relating to discounted computers and Internet access for students; creating a program to offer discounted computers and Internet access to public school students and students in home education programs in grades 5 through 12; requiring the Department of Education to negotiate terms with computer manufacturers, certain nonprofit corporations, and broadband Internet access providers; requiring the State Board of Education to adopt rules, including rules for provision of technical training to students; requiring the Digital Divide Council to implement a pilot project to assist low-income students

with purchasing discounted computers and Internet access services; requiring the council to identify eligibility criteria for participation in the pilot project; providing for funding and authorizing the council to accept grants to implement the pilot project; providing an effective date.

—was read the third time by title.

On motion by Senator Wilson, **HB 765** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Baker

**CS for CS for SB 1774**—A bill to be entitled An act relating to building codes; authorizing the Florida Building Commission to update and modify the standard for wind design; expressly superseding a provision; amending s. 399.15, F.S.; revising the dates by which the elevators in certain buildings must be keyed to allow regional emergency elevator access; amending s. 553.71, F.S.; deleting the definition of “exposure category C”; amending s. 553.73, F.S.; authorizing the Florida Building Commission to adopt certain limited amendments to the Florida Building Code pursuant to rule adoption procedures for certain purposes after triennial updates; authorizing authorities to enforce such amendments; specifying amendment criteria; amending s. 553.775, F.S.; prohibiting certain procedures from being invoked to interpret or review the Florida Accessibility Code for Building Construction and chapter 11 of the Florida Building Code; amending s. 553.791, F.S.; providing for the use of private providers of building code inspection services under certain circumstances; amending s. 633.0215, F.S.; authorizing the State Fire Marshal to adopt certain limited amendments of the Florida Fire Prevention Code pursuant to rule adoption procedures for certain purposes after triennial updates; authorizing authorities to enforce such amendments; specifying amendment criteria; deleting a provision authorizing approval of certain technical amendments to the Florida Fire Prevention Code, notwithstanding the 3-year update cycle; amending s. 633.021, F.S.; defining the term “fire hydrant” for the purpose of the Florida Fire Prevention Code; amending s. 633.082, F.S.; providing for the inspection of fire hydrants by the State Fire Marshal; requiring that each fire hydrant be opened fully at least once each year to clear foreign materials in the system; providing that a fire hydrant made nonfunctional by the closing of a water supply valve must immediately be tagged with a red tag that is boldly marked “nonfunctional”; repealing s. 633.5391, F.S., relating to backflow prevention assembly inspection; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **CS for CS for SB 1774** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Haridopolos	Margolis	Sebesta	Smith	Webster	Wise
Hill	Miller	Siplin	Villalobos		
Jones	Peaden	Smith	Nays—8		
King	Posey	Villalobos			
Klein	Pruitt	Webster	Bullard	Hill	Siplin
Lawson	Rich	Wilson	Dawson	Miller	Wilson
Lynn	Saunders	Wise	Geller	Rich	

Nays—None

**HB 125**—A bill to be entitled An act relating to voter registration; creating s. 97.05831, F.S.; requiring the supervisor of elections of each county to send voter registration applications to the Fish and Wildlife Commission and its subagents; amending s. 372.561, F.S.; requiring voter registration applications to be displayed at each location where hunting, fishing, or trapping licenses or permits are sold; requiring that applicants for hunting, fishing, or trapping licenses or permits be asked if they would like a voter registration application; requiring certain information to be provided when a person applies for a hunting, fishing, or trapping license or permit on the Internet; providing effective dates.

—was read the third time by title.

Senators Siplin and Hill offered the following amendment which was moved by Senator Siplin and failed to receive the required two-thirds vote:

**Amendment 1 (313138)(with title amendment)**—Between lines 74 and 75, insert:

Section 4.

(1) *Each supervisor of elections shall supply, as needed, voter registration applications to each retailer, as defined in s. 24.103, Florida Statutes, who sells lottery tickets in this state and the subagents of such retailer. At each location where lottery tickets are sold in this state, voter registration applications shall be displayed and made available to the public.*

(2) *Each retailer, as defined in s. 24.103, Florida Statutes, or subagent of such retailer shall ask each person who buys a lottery ticket in this state if he or she would like a voter registration application and may provide such application to the buyer but shall not assist such buyers with voter registration applications or collect complete or incomplete voter registration applications.*

(3) *When acting in its official capacity pursuant to this section, neither a retailer nor a subagent is deemed a third-party registration organization, as defined in s. 97.021(36), Florida Statutes, or a voter registration agency, as defined in s. 97.021(40), Florida Statutes, and is not authorized to solicit, accept, or collect voter registration applications or provide voter registration services.*

And the title is amended as follows:

On line 14, after the semicolon (;) insert: requiring the supervisor of elections of each county to send voter registration applications to each retailer selling lottery tickets in this state and its subagents; requiring voter registration applications to be displayed at each location where lottery tickets are sold in this state; requiring that buyers of lottery tickets in this state be asked if they would like a voter registration application;

On motion by Senator Baker, **HB 125** was passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Clary	Klein
Alexander	Constantine	Lawson
Argenziano	Crist	Lynn
Aronberg	Diaz de la Portilla	Margolis
Atwater	Dockery	Peaden
Baker	Fasano	Posey
Bennett	Haridopolos	Pruitt
Campbell	Jones	Saunders
Carlton	King	Sebesta

**HB 271**—A bill to be entitled An act relating to arrests and arrestees; amending s. 907.04, F.S.; providing that arrestees in the custody of the Department of Corrections at the time of arrest be retained in the department's custody pending disposition of the charge or until the expiration of the arrestee's original sentence of imprisonment; requiring application of specified provisions if an arrested state prisoner's presence is required in court; providing an effective date.

—was read the third time by title.

On motion by Senator Bennett, **HB 271** 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 SB 980**—A bill to be entitled An act relating to electric transmission and distribution; creating s. 163.3208, F.S.; providing legislative intent; defining the term “distribution electric substation”; providing criteria for adoption and enforcement by a local government of land development regulations for new electric substations; providing that new substations are a permitted use in all land use categories and zoning districts within a utility's service territory; providing for exceptions; providing standards which apply if a local government does not adopt reasonable standards for substation siting; providing for approval of an application for development of a proposed distribution electric substation when the application demonstrates that the design is consistent with the local government's applicable standards; providing alternative procedures for site approval; providing for application of certain local siting standards to applications received after public notice of the adoption hearing on those standards; providing a timeframe and procedures for a local government to approve or deny an application for an electric substation; providing that the application is deemed approved if not acted on within the timeframe; providing for waiver of timeframes; authorizing the local government to establish timeframes for certain required information to be furnished; creating s. 163.3209, F.S.; prohibiting local governments from requiring any permits or approvals for certain vegetation maintenance in an established electric transmission or distribution line right-of-way; defining the term “vegetation maintenance and tree pruning or trimming”; providing for a utility to give notice to the local government before conducting such vegetation-maintenance activities; providing for exceptions; requiring the utility to provide its vegetation-maintenance plan to the local government and discuss it with the local government; specifying standards for vegetation maintenance and tree pruning or trimming conducted by utilities; providing for supervision of vegetation maintenance and tree pruning or trimming activities; limiting the height and clearance distance of vegetation that may be required by a local government in an established right-of-way of certain lines; providing for application and construction with respect to local franchise authority and ordinances or regulations

governing planting, pruning, trimming, or removal of certain trees; providing for application when a local government adopts a described plan for vegetation maintenance, tree pruning, tree removal, and tree trimming within established rights-of-way; providing that vegetation maintenance costs be considered recoverable; creating s. 186.0201, F.S.; requiring electric utilities to notify the regional planning council of plans to site electric substations; providing for content of the notification; requiring that the information be included in the regional planning council's annual report and supplied to local governments under certain conditions; amending s. 186.513, F.S.; correcting a reference to a specified agency; providing for application to the Florida Electrical Power Plant Siting Act; providing an effective date.

—was read the third time by title.

On motion by Senator Alexander, **CS for CS for SB 980** 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

**HB 1533**—A bill to be entitled An act relating to petroleum contamination; creating s. 376.30716, F.S.; providing definitions; creating a presumption regarding the source of a subsequently discovered discharge at certain petroleum contamination sites; providing exceptions to the application of the presumption; specifying that certain provisions concerning site rehabilitation agreements do not apply to a subsequently discovered discharge; prohibiting the Department of Environmental Protection from requiring soil or groundwater sampling relating to closure assessments at certain petroleum contamination sites; specifying responsibilities of a facility owner or operator; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **HB 1533** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	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

**HB 7239**—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 493.6106, F.S.; clarifying that private investigative, private security, and repossession ser-

vices are licensed by the department; amending s. 493.6121, F.S.; authorizing the department to institute judicial proceedings to enforce ch. 493, F.S., or any rule or order of the department; amending s. 493.6303, F.S.; revising the requirements for a Class "D" private security license; requiring the department to establish the number of hours of each subject area to be taught in training; providing for automatic suspension of a license upon failure to submit documentation of completing the required training; prescribing requirements and conditions for persons licensed before a certain date; providing exemptions; amending s. 501.059, F.S.; prohibiting a telephone solicitor from blocking certain information from a recipient's caller identification service; providing an exception; authorizing a telephone solicitor to substitute certain information provided to the recipient's caller identification service; providing a definition; prohibiting alteration of a caller's voice during a telephonic sales call under certain circumstances and for certain purposes; amending s. 501.142, F.S.; providing that the regulation of refunds in retail sales establishments is preempted to the department; 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; requiring that any moneys recovered by a local government as a penalty be deposited in the appropriate local account; amending s. 506.5131, F.S.; revising provisions relating to assessment of fees, fines, and costs against the owner of a shopping cart; providing an exemption; amending s. 525.01, F.S.; defining the term "alternative fuel" for purposes of ch. 525, F.S., relating to the inspection of gasoline and oil; amending s. 527.11, F.S.; exempting the delivery of certain amounts of propane gas for use with outdoor equipment or appliances from provisions governing the delivery of liquefied petroleum gas; requiring that a person delivering liquefied petroleum gas in bulk comply with certain storage requirements; amending ss. 570.46 and 570.47, F.S.; authorizing the Division of Standards within the department to enforce ch. 527, F.S., relating to the sale of liquefied petroleum gas; amending s. 570.544, F.S.; deleting provisions requiring that an office or agency receiving a complaint file progress reports with the Division of Consumer Services within the department; repealing s. 526.3135, F.S., relating to reports by the Division of Standards, to conform to changes made by the act; amending s. 616.242, F.S.; exempting certain governmental entities from requirements that operators of amusement rides maintain specified amounts of insurance coverage; providing effective dates.

—was read the third time by title.

On motion by Senator Lynn, **HB 7239** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	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

**CS for CS for SB 192**—A bill to be entitled An act relating to prison industries; creating the Prison Industries Task Force within the Office of Legislative Services; requiring the task force to determine how well the prison industries program has fulfilled its statutory mission and purpose; providing for the appointment of members to the task force; requiring the task force to hold a minimum number of public meetings; providing for members of the task force to be reimbursed for per diem and travel expenses; requiring the Legislative Committee on Intergovernmental Relations to provide staff support for the task force; specifying the duties of the task force with respect to taking testimony; requiring the task force to submit a report to the Governor and the Legislature;

abolishing the task force on a future date; amending s. 946.505, F.S.; clarifying the state's reversionary interest in the facilities, property, and assets of the corporation operating a correctional work program; amending s. 946.510, F.S.; requiring that an employee of the corporation defined in s. 946.503, F.S., be deemed an employee of the state for purposes of workers' compensation insurance; providing an effective date.

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

On motion by Senator Wise, **CS for CS for SB 192** as amended 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 SB 1622**—A bill to be entitled An act relating to inmate litigation costs; creating s. 945.6038, F.S.; requiring the Department of Corrections to charge inmates for specified costs relating to inmate civil litigation; authorizing liens on inmate trust funds; requiring rulemaking; providing for application of the act; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **CS for CS for SB 1622** 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

**HB 21**—A bill to be entitled An act relating to the social status of black men and boys; creating the Council on the Social Status of Black Men and Boys; providing for the appointment and qualification of members; providing for the appointment of members to fill vacant positions; requiring the council to make a systematic study of conditions affecting black men and boys; requiring the Office of the Attorney General to provide administrative support; requiring the council to submit an annual report to the Governor and Legislature; providing for reimbursement for per diem and travel expenses; providing that the council and any subcommittees it forms are subject to public records and meetings requirements; providing financial disclosure requirements for council members; requiring the Attorney General to organize the initial meeting of the council; providing for the expiration of the council; providing an effective date.

—was read the third time by title.

On motion by Senator Wilson, **HB 21** 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

**HB 1141**—A bill to be entitled An act relating to conveyances of land; creating s. 689.072, F.S.; providing for the transfer and creation of custodial property in an individual retirement account or certain qualified plans; incorporating statutory provisions into such transfer; providing powers to the custodian or trustee of such custodial property; providing protections for persons dealing with the custodian or trustee; exempting certain transfers from specific claims; providing for the disposition of custodial property held in an account, plan or custodianship that is terminated; providing a standard of care for the custodian or trustee; providing for certain declarations to control in specific legal proceedings; providing that provisions relating to deeds under statute of uses are not applicable to a transfer by a custodian or trustee under the act; providing for liberal construction; creating s. 694.17, F.S.; providing that certain recorded instruments transferring certain interests in real property to a custodian or trustee are ratified, confirmed, and validated; specifying vesting of such interests in the custodian or trustee; specifying nonapplication of provisions relating to deeds under statute of uses; providing an effective date.

—was read the third time by title.

On motion by Senator Atwater, **HB 1141** 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

**HB 1583**—A bill to be entitled An act relating to community redevelopment; amending s. 163.340, F.S.; revising certain definitions; defining the term "taxing authority"; amending ss. 163.356 and 163.357, F.S.; authorizing representatives of a taxing authority or members of a taxing authority's governing body to be members of the board of commissioners of a community redevelopment agency; amending s. 163.360, F.S.; specifying additional procedures required for adoption of community redevelop-

opment plans by the governing body of certain counties for certain community redevelopment agencies; amending s. 163.361, F.S.; specifying additional procedures required for adoption of a modified community redevelopment plan by a governing body of certain counties for certain community redevelopment agencies; amending s. 163.370, F.S.; revising provisions relating to powers of counties, municipalities, and community redevelopment agencies; revising provisions relating to projects ineligible for increment revenues; amending s. 163.387, F.S.; revising provisions relating to redevelopment trust funds; providing limitations on the amount of tax increment contributions by a taxing authority for certain governing bodies; authorizing a community redevelopment agency to waive certain increment payment penalties; authorizing alternate provisions in certain interlocal agreements to supersede certain provisions of law; amending s. 163.410, F.S.; providing additional requirements for requests for information relating to requests for delegation of certain powers in counties with home rule charters; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **HB 1583** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dawson	Peaden
Alexander	Diaz de la Portilla	Posey
Argenziano	Dockery	Pruitt
Aronberg	Fasano	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	Miller	

Nays—None

**HB 1299**—A bill to be entitled An act relating to areas of critical state concern; amending s. 125.0108, F.S.; authorizing the continued levy of the tourist impact tax for a certain period in areas of critical state concern removed from designation; providing for continued levy beyond that period pursuant to referendum approval of an ordinance reauthorizing the levy; amending s. 212.055, F.S.; authorizing certain counties to continue the use of a portion of local government infrastructure surtax proceeds for certain purposes for a certain period after removal of designation of an area as an area of critical state concern; providing for continued use of a portion of such proceeds for certain purposes pursuant to ordinance; amending s. 380.0552, F.S.; providing requirements, procedures, and criteria for Administration Commission removal of designation of the Florida Keys Area as an area of critical state concern; requiring removal of the designation under certain circumstances; providing for judicial review of Administration Commission determinations; requiring review of proposed comprehensive plans and amendments to existing plans after removal of designation and providing review criteria; amending s. 380.0666, F.S.; revising the powers of a land authority in an area of critical state concern to acquire property to provide affordable housing; providing for continued power of a land authority to acquire property within an area of critical state concern removed from designation; amending s. 380.0674, F.S.; providing for the continuation of a land authority in an area of critical state concern after removal of the designation; amending s.4, ch. 99-395, Laws of Florida; authorizing local governments in areas of critical state concern removed from designation to continue to enact ordinances relating to central sewerage systems; providing for continuation of existing state liability in certain inverse condemnation actions related to the Florida Keys Area after removal of designation; providing an effective date.

—was read the third time by title.

On motion by Senator Bennett, **HB 1299** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	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—Diaz de la Portilla

On motion by Senator Campbell, by two-thirds vote **HB 7107** was withdrawn from the Committees on Commerce and Consumer Services; Judiciary; and Transportation and Economic Development Appropriations.

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

**HB 7107**—A bill to be entitled An act relating to trademarks; creating s. 495.001, F.S.; providing a short title; amending s. 495.011, F.S.; providing definitions; amending s. 495.021, F.S.; precluding registration of certain marks; repealing s. 495.027, F.S., relating to reservation of a mark; amending s. 495.031, F.S.; providing requirements for information to be contained in an application for registration of a mark; authorizing the Department of State to require certain information in an application; requiring that the application be signed and verified by any of certain persons; requiring that the application be accompanied by three specimens or facsimiles showing the mark; requiring that the application be accompanied by a fee; creating s. 495.035, F.S.; providing filing guidelines for applications; providing for disclaimers of unregistrable components; providing for amendment and judicial review; providing for priority of registrations; amending s. 495.041, F.S.; providing that first use shall inure to the benefit of the registrant or applicant under certain circumstances; amending s. 495.061, F.S.; providing for the issuance of a certificate of registration by the department; removing a provision relating to reservation of a mark; amending s. 495.071, F.S.; providing guidelines for the renewal of marks; revising duration of effectiveness of a registration; amending s. 495.081, F.S.; providing for the assignability of marks; authorizing a photocopy of an assignment to be acceptable for recording; providing for change of name certificates for registrants; authorizing recordation of certain instruments; providing acknowledgment of recording as prima facie evidence of the execution of an assignment or other instrument; specifying requirements for creation and perfection of security interests in marks; amending s. 495.091, F.S.; requiring the department to record all marks registered with the state; amending s. 495.101, F.S.; requiring the department to cancel certain marks; amending s. 495.111, F.S., which establishes a classification of goods and services; providing that a single application for registration of a mark may include any or all goods upon which, or services with which, the mark is actually being used comprised in one or more of the classes listed; amending s. 495.131, F.S.; revising infringement provisions to include an element of lack of consent by the registrant; conforming language; amending s. 495.141, F.S.; providing additional remedies for the unauthorized use of a mark; creating s. 495.145, F.S.; providing a forum for actions regarding registration; providing for service of process on nonresident registrants; amending s. 495.151, F.S.; providing for an injunction in cases of dilution of a famous mark; providing factors to be considered in determining that a mark is famous; providing damages in certain circumstances of dilution; amending s. 495.161, F.S.; deleting language relating to the diminishing of certain common law rights; amending s. 495.171, F.S.; providing effective date of changes to ch. 495, F.S., as amended by the act; providing for repeal of conflicting acts; providing application to pending actions; amending s. 495.181, F.S.; providing construction and legislative intent; creating s. 495.191, F.S.; providing certain fees; repealing s. 506.06, F.S., relating to unlawful to

counterfeit trademark, to conform; repealing s. 506.07, F.S., relating to filing of trademark or other form of advertisement for record with Department of State, to conform; repealing s. 506.08, F.S., relating to fee for filing, to conform; repealing s. 506.09, F.S., relating to civil remedies, to conform; repealing s. 506.11, F.S., relating to unlawful use of trademark, to conform; repealing s. 506.12, F.S., relating to procuring the filing of trademark or other form of advertisement by fraudulent representations, to conform; repealing s. 506.13, F.S., relating to using the name or seal of another, to conform; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 2186** and read the second time by title. On motion by Senator Campbell, by two-thirds vote **HB 7107** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	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 1888** was deferred.

**CS for SB 1590**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.12, F.S.; authorizing a dealer to elect to forego the collection allowance and direct that the collection allowance be transferred to the Educational Enhancement Trust Fund, to be distributed to school districts as specified; providing exceptions; providing for rulemaking by the Department of Revenue; providing an appropriation; providing for costs recovery; requiring that the Department of Revenue report collection information to the Department of Education; providing an effective date.

—was read the third time by title.

On motion by Senator Rich, **CS for SB 1590** 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

**HB 429**—A bill to be entitled An act relating to the Florida School for the Deaf and the Blind; amending s. 1002.36, F.S.; authorizing the provision of education services to district school boards upon request; revising

powers and duties of the Board of Trustees for the Florida School for the Deaf and the Blind relating to requirements for expenditure of certain funds and submission of capital outlay budget requests; authorizing campus police officers to enforce traffic laws; deleting provisions authorizing bonding of campus police officers; amending s. 1013.31, F.S.; including reference to the Florida School for the Deaf and the Blind in provisions relating to educational plant surveys; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **HB 429** 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

**HB 1031**—A bill to be entitled An act relating to pawnbroking; amending s. 539.001, F.S.; providing that local ordinances shall not require the payment of any fee or tax related to a pawn transaction or purchase unless authorized under the Florida Pawnbroking Act; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **HB 1031** 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 SB 278**—A bill to be entitled An act relating to contracting for efficiency or conservation measures by state agencies; amending s. 489.145, F.S.; including water and wastewater efficiency and conservation in the measures encouraged by the Legislature; revising definitions; providing for inclusion of water and wastewater efficiency and conservation measures in guaranteed performance savings contracts entered into by a state agency, municipality, or political subdivision; providing additional requirements for contracts; amending s. 287.064, F.S., relating to consolidated financing of deferred-payment purchases, to conform; amending s. 287.055, F.S.; redefining the term “continuing contract” for purposes of the Consultants’ Competitive Negotiation Act; providing an effective date.

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

On motion by Senator Wise, **CS for CS for SB 278** as amended 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 SB 1172**—A bill to be entitled An act relating to public food service establishments; providing legislative findings and intent; creating s. 509.233, F.S.; creating a pilot program that authorizes local governments to adopt an ordinance establishing a local exemption to certain provisions of general law and agency rules relating to public food service establishments in order to permit patrons’ dogs at certain designated outdoor portions of such establishments; providing for implementation and enforcement procedures; providing for state assistance; providing for future review and repeal; providing an effective date.

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

**MOTION**

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

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

**Amendment 1 (812664)(with title amendment)**—On page 1, line 18, insert:

Section 1. *This act may be cited as “The Dixie Cup Clary Local Control Act.”*

And the title is amended as follows:

On page 1, line 3, after the semicolon (;) insert: providing a short title;

On motion by Senator Aronberg, **CS for SB 1172** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—4

Campbell	Siplin	Webster
Lynn		

Vote after roll call:

Yea—Pruitt

**HB 1221**—A bill to be entitled An act relating to district school boards; creating s. 1001.364, F.S.; providing for an alternate procedure for the election of a district school board chair in any school district that does not have a district school board member elected at large; requiring a referendum and providing requirements for submitting such referendum to the electors; creating s. 1001.365, F.S.; providing for resolution of a tie vote by the district school board chair and district school board members; amending s. 1001.371, F.S., relating to organization of district school boards, to conform; providing an effective date.

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

**POINT OF ORDER**

**Senator Siplin:** This bill only applies to one county. It’s analogous to being a local bill and accordingly, it violates Rules 3.3 and 4.6.

**President:** To the point, Senator Webster.

**Senator Webster:** Thank you. I guess, Mr. President, if this bill had picked out a particular census, then it would relate to one county but next time there is a census, it would be that census, and it could be another county at that particular time, or counties, and it has to be a charter county. So I think that the point is not well taken because it’s not necessarily today. It might be one, but tomorrow it may be another at the next census.

**RULING ON POINT OF ORDER**

The President ruled the point not well taken.

On motion by Senator Webster, **HB 1221** as amended was passed and certified to the House. The vote on passage was:

Yeas—25

Mr. President	Dockery	Posey
Alexander	Fasano	Pruitt
Argenziano	Haridopolos	Saunders
Baker	Jones	Sebesta
Bennett	King	Villalobos
Carlton	Lawson	Webster
Clary	Lynn	Wise
Constantine	Margolis	
Diaz de la Portilla	Peaden	

Nays—12

Aronberg	Geller	Rich
Bullard	Hill	Siplin
Campbell	Klein	Smith
Dawson	Miller	Wilson

Vote after roll call:

Nay—Crist

**RECESS**

On motion by Senator Argenziano, the Senate recessed at 12:44 p.m. to reconvene at 1:44 p.m. or upon call of the President.

**AFTERNOON SESSION**

The Senate was called to order by the President at 2:13 p.m. A quorum present—39:

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

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

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

**SPECIAL ORDER CALENDAR, continued**

**SENATOR WEBSTER PRESIDING**

Consideration of **CS for CS for CS for SJR 2170** was deferred.

**CS for SB 2000**—A bill to be entitled An act relating to ethics for public officers and employees; amending s. 104.31, F.S.; prohibiting employees of the state and its political subdivisions from participating in a political campaign; amending s. 112.313, F.S.; prohibiting certain disclosures or use by a former public officer, agency employee, or local government attorney; redefining the term “employee” to include certain other-personal-services employees for certain postemployment activities; clarifying that existing postemployment restrictions apply to certain agency employees; providing an exemption from provisions prohibiting conflicts in employment to a person who, after serving on an advisory board, files a statement with the Commission on Ethics relating to a bid or submission; amending s. 112.3144, F.S.; specifying how assets and liabilities valued in excess of \$1,000 are to be reported by a reporting individual; conforming a cross-reference; amending s. 112.3145, F.S.; requiring that a delinquency notice be sent to certain officeholders by certified mail, return receipt requested; amending s. 112.3147, F.S.; deleting certain provisions relating to reporting the value of assets; amending s. 112.3148, F.S.; providing requirements for persons who have left office or employment as to filing a report relating to gifts; revising certain filing deadlines; amending s. 112.3149, F.S.; requiring that a report of honoraria by a person who left office or employment be filed by a specified date; amending s. 112.317, F.S.; authorizing the commission to recommend a restitution penalty be paid to the agency or the General Revenue Fund; authorizing the Attorney General to recover costs for filing suit to collect penalties and fines; deleting provisions imposing a penalty for the disclosure of information concerning a complaint or an investigation; amending s. 112.3185, F.S.; providing additional standards for state agency employees relating to procurement of goods and services by a state agency; authorizing an employee whose position was eliminated to engage in certain contractual activities; amending s. 112.321, F.S.; prohibiting an individual who qualifies as a lobbyist from serving on the commission; prohibiting a member of the commission from lobbying any state or local governmental entity; providing exceptions for individuals who are members of the commission on July 1, 2006, until the expiration of their current terms; amending s. 112.3215, F.S.; requiring the commission to adopt a rule detailing the grounds for waiving a fine and the procedures when a lobbyist fails to timely file his or her report; requiring automatic suspension of certain lobbyist registrations if the fine is not timely paid; requiring the commission to provide written notice to affected principals when a lobbyist’s registration is automatically suspended and reinstated; amending s. 112.322, F.S.; authorizing travel and per diem expenses for certain witnesses; amending s. 914.21, F.S.; redefining the terms “official investigation” and “official proceeding,” for purposes of provisions relating to tampering with witnesses, to include an investigation by or proceeding before the Commission on Ethics; providing effective dates.

—was read the second time by title.

Senator Posey moved the following amendments which were adopted:

**Amendment 1 (490234)(with title amendment)**—On page 8, delete line 11 and insert: that office. *For purposes of this subsection:*

(a) *The “government body or agency” of a member of a board of county commissioners consists of the commission, the chief administrative officer or employee of the county, and their immediate support staff.*

(b) *The “government body or agency” of any other county elected officer is the office or department headed by that officer, including all subordinate employees.*

(c) *The “government body or agency” of an elected municipal officer consists of the governing body of the municipality, the chief administrative officer or employee of the municipality, and their immediate support staff.*

(d) *The “government body or agency” of an elected special district officer is the special district.*

(e) *The “government body or agency” of an elected school district officer is the school district.*

And the title is amended as follows:

On page 1, delete line 19 and insert: submission; providing definitions; amending s. 112.3144, F.S.;

**Amendment 2 (753224)(with title amendment)**—On page 25, between lines 7 and 8, insert:

Section 11. Effective upon this act becoming a law, paragraph (d) of subsection (1) of section 11.045, Florida Statutes, as amended by section 1 of chapter 2005-359, Laws of Florida, is amended to read:

11.045 Lobbying before the Legislature; registration and reporting; exemptions; penalties.—

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

(d) “Expenditure” means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying. *The term “expenditure” does not include contributions or expenditures reported pursuant to chapter 106 or federal election law, campaign-related personal services provided without compensation by individuals volunteering their time, any other contribution or expenditure made by or to a political party, or any other contribution or expenditure made by an organization that is exempt from taxation under 26 U.S.C. s. 527 or s. 501(c)(4). A contribution made to a political party regulated under chapter 103 is not deemed an expenditure for purposes of this section.*

Section 12. Effective upon this act becoming a law, paragraph (d) of subsection (1) of section 112.3215, Florida Statutes, as amended by section 5 of chapter 2005-359, Laws of Florida, and section 1 of chapter 2005-361, Laws of Florida, is amended to read:

112.3215 Lobbying before the executive branch or the Constitution Revision Commission; registration and reporting; investigation by commission.—

(1) For the purposes of this section:

(d) “Expenditure” means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying. *The term “expenditure” does not include contributions or expenditures reported pursuant to chapter 106 or federal election law, campaign-related personal services provided without compensation by individuals volunteering their time, any other contribution or expenditure made by or to a political party, or any other contribution or expenditure made by an organization that is exempt from taxation under 26 U.S.C. s. 527 or s. 501(c)(4). A contribution made to a political party regulated under chapter 103 is not deemed an expenditure for purposes of this section.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, delete line 26 and insert: terms; amending s. 11.045, F.S.; redefining the term “expenditure” for purposes of provisions governing lobbying before the Legislature; amending s. 112.3215, F.S.; redefining the term “expenditure” for purposes of provisions governing lobbying before the executive branch or the Constitution Revision Commission; requiring

Senator Posey moved the following amendment:

**Amendment 3 (170474)(with title amendment)**—On page 30, between lines 18 and 19, insert:

Section 14. Subsection (8) of section 768.28, Florida Statutes, is amended to read:

768.28 Waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions; indemnification; risk management programs.—

(8)(a) No attorney may charge, demand, receive, or collect, for services rendered, fees in excess of 25 percent of any judgment or settlement.

(b) *Notwithstanding any contract or fee agreement to the contrary and except as provided in paragraph (d), an attorney providing legal representation on behalf of one or more claimants named in a legislative claim bill may not charge, demand, receive, deduct, or collect as compensation for services provided in connection with the filing, consideration, or passage of the claim bill more than 25 percent of the total amount directed to be paid by the claim bill. A lobbyist or other person representing or acting on behalf of one or more claimants named in a legislative claim bill may not deduct, charge, demand, receive, or collect as compensation for services provided in connection with the filing, consideration, or passage of the claim bill more than 2 percent of the total amount directed to be paid by the claim bill. This paragraph applies to the total amount of compensation received collectively by one or more attorneys or one or more lobbyists or other persons providing services in connection with the filing, consideration, or passage of a single claim bill.*

(c) *Before a claim bill is introduced in either house of the Legislature, the sponsor must include in the record of the bill from each claimant, each attorney representing the claimant, and each lobbyist or other person acting on behalf of the claimant, an affidavit stating that the compensation actually paid or agreed to be paid for services provided in connection with the filing, consideration, or passage of the claim bill is in full compliance with the requirements of paragraph (b). Each affidavit must include the dollar amount of the compensation actually paid or agreed to be paid to each attorney and each lobbyist or other person providing such services.*

(d) *Out-of-pocket costs that are reasonable, necessary, and actually incurred and advanced by an attorney, lobbyist, or other person directly in connection with the filing, consideration, or passage of a claim bill must be itemized and disclosed in the affidavit that is included in the record of the bill, but such costs may be excluded from the limitation on compensation specified under paragraph (b).*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 6, after the semicolon (;) insert: amending s. 768.28, F.S.; limiting the amount that may be paid as compensation to an attorney, lobbyist, or other person representing or acting on behalf of one or more claimants named in a legislative claim bill; requiring that the sponsor of a claim bill include in the record of the bill an affidavit stating the compensation actually paid or agreed to be paid for such services; exempting certain out-of-pocket costs from the limitation on compensation;

### POINT OF ORDER

Senator Geller raised a point of order that pursuant to Rule 7.1 **Amendment 3 (170474)** 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.

On motion by Senator Posey, further consideration of **CS for SB 2000** with pending **Amendment 3 (170474)** and pending point of order was deferred.

On motion by Senator Atwater—

**CS for SB 1430**—A bill to be entitled An act relating to property taxation; amending s. 193.155, F.S.; providing conditions under which changes, additions, or improvements that replace all or a portion of

homestead property damaged or destroyed by misfortune or calamity shall not be assessed at just value; amending s. 196.031, F.S.; providing conditions under which homestead property that is damaged or destroyed by misfortune or calamity and is uninhabitable on January 1 after the damage or destruction occurs may be granted the homestead exemption; providing for retroactive application; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1430** was placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

**CS for CS for SB 2216**—A bill to be entitled An act relating to hazard mitigation for coastal development; amending s. 161.085, F.S.; authorizing an agency, political subdivision, or municipality having jurisdiction over an impacted area to install rigid coastal armoring structures; authorizing the Department of Environmental Protection to revoke the authority of an agency, political subdivision, or municipality to install rigid coastal armoring structures; specifying conditions under which sand filled tubes or similar structures may be authorized as the core of a restored dune feature; amending s. 163.3178, F.S.; requiring the Division of Emergency Management to manage the update of regional hurricane evacuation studies; defining the term “coastal high-hazard area”; requiring the Department of Community Affairs to find that an application to amend a local government comprehensive plan which meets specified conditions concerning hurricane evacuation, evacuation time, and related mitigation complies with state coastal high-hazard standards; requiring each local government to amend its future land use map and comprehensive plan by a certain date to reflect such requirement and conditions; requiring certain local governments to adopt a specified level of service for out-of-county hurricane evacuation; prohibiting new hospitals and certain new congregate living facilities in a coastal high-hazard area; amending s. 163.336, F.S.; revising the requirements for the placement of beach-compatible material that is excavated during the coastal resort area redevelopment pilot project; extending the expiration date of the pilot project; requiring a report; amending s. 381.0065, F.S.; requiring the issuance of certain permits by the Department of Health for work seaward of the coastal construction control line to be contingent upon receipt of a coastal construction control line permit from the Department of Environmental Protection; providing an effective date.

—was 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 (782678)**—On page 5, delete line 20 and insert: *expected to accommodate the residents of the development contemplated by a proposed*

**Amendment 2 (043552)(with title amendment)**—On page 5, line 22 through page 6, line 7, delete those lines and insert:

3. *Appropriate mitigation is provided that will satisfy the provisions of subparagraph 1. or subparagraph 2. Appropriate mitigation shall include, without limitation, payment of money, contribution of land, and construction of hurricane shelters and transportation facilities. Required mitigation shall not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. A local government and a developer shall enter into a binding agreement to memorialize the mitigation plan.*

(b) *For those local governments that have not established a level of service for out-of-county hurricane evacuation by July 1, 2008, but elect to comply with rules 9J-5.012(3)(b)(6) and 9J-5.012(3)(b)(7), Florida Administrative Code, by following the process in paragraph (a), the level of service shall be no greater than 16 hours for a category 5 storm event as measured on the Saffir-Simpson scale.*

And the title is amended as follows:

On page 1, line 28 through page 2, line 2, delete those lines and insert: requirement and conditions; requiring local governments and developers to enter into certain agreements; amending s. 163.336, F.S.;

**Amendment 3 (620540)**—On page 3, lines 10-21, delete those lines and insert:

*(8) If a political subdivision or municipality installs or authorizes installation of a rigid coastal armoring structure that does not comply with subsection (3), and if the department determines that the action harms or interferes with the protection of the beach-dune system, adversely impacts adjacent properties, interferes with public beach access, or harms native coastal vegetation or nesting marine turtles or their hatchlings, the department may revoke by order the authority of the political subdivision or municipality under subsection (3) to install or authorize the installation of rigid coastal armoring structures.*

Pursuant to Rule 4.19, **CS for CS for SB 2216** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg, by two-thirds vote **HB 7201** was withdrawn from the Committees on Criminal Justice; and Judiciary.

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

**HB 7201**—A bill to be entitled An act relating to sexual offenses; amending s. 796.07, F.S.; providing enhanced penalties for certain violations committed within a specified distance of certain locations; amending s. 810.14, F.S.; revising the elements of the offense of voyeurism in order to eliminate acts of photographing, filming, videotaping, or recording, which are elements of the separate offense of video voyeurism; providing that a person commits the offense of voyeurism when he or she, with certain intent, secretly observes another person when the other person is in a location that provides a reasonable expectation of privacy; providing an effective date.

—a companion measure, was substituted for **SB 198** and by two-thirds vote read the second time by title.

#### MOTION

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

Senator Aronberg moved the following amendment which was adopted:

**Amendment 1 (545506)(with title amendment)**—Lines 17-48, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

Lines 2-5, delete those lines and insert: An act relating to sexual offenses; amending s. 810.14, F.S.; revising the elements

Pursuant to Rule 4.19, **HB 7201** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise, by two-thirds vote **HB 7145** was withdrawn from the Committees on Domestic Security; Criminal Justice; Commerce and Consumer Services; and Justice Appropriations.

On motion by Senator Wise—

**HB 7145**—A bill to be entitled An act relating to seaport security; creating s. 311.111, F.S.; requiring each seaport authority or governing board of a seaport that is subject to the statewide minimum seaport security standards to designate and identify security area designations, access requirements, and security enforcement authorizations on seaport premises and in seaport security plans; providing that any part of a port's property may be designated as a restricted access area under certain conditions; amending s. 311.12, F.S.; revising purpose of security plans maintained by seaports; requiring periodic plan revisions; requiring plans to be inspected for compliance by the Office of Drug Control

and the Department of Law Enforcement based upon specified standards; providing requirements with respect to protection standards in specified restricted areas; requiring delivery of the plan to specified entities; requiring the Department of Law Enforcement to inspect every seaport within the state to determine if all security measures adopted by the seaport are in compliance with seaport security standards; requiring a report; authorizing seaports to request review by the Domestic Security Oversight Council of the findings in a Department of Law Enforcement inspection report; limiting the findings which the council is authorized to review; requiring the Department of Law Enforcement to establish a waiver process to grant certain individuals unescorted access to seaports or restricted access areas under certain circumstances; providing waiver process requirements; requiring the administrative staff of the Parole Commission to review the waiver application and transmit the findings to the department; requiring the department to make a final disposition of the application and notify the applicant and the seaport; providing that the waiver review process is exempt from the Administrative Procedure Act; providing procedures and requirements with respect to waiver of any physical facility requirement or other requirement contained in the statewide minimum standards for seaport security; providing a penalty for possession of a concealed weapon while on seaport property in a designated restricted area; creating the Seaport Standards Security Advisory Council under the Office of Drug Control within the Executive Office of the Governor; providing membership, terms, organization, and meetings of the council; requiring the Office of Drug Control to convene the Seaport Security Standards Advisory Council to review the statewide minimum standards for seaport security; requiring periodic review of the statewide minimum standards for seaport security to be conducted by the council; creating s. 311.121, F.S.; providing legislative intent with respect to the employment by seaports of certified law enforcement officers and certified private security officers; providing authority of seaports and requirements of the Department of Law Enforcement with respect to such intent; requiring the authority or governing board of each seaport that is subject to statewide minimum seaport security standards to impose specified requirements for certification as a seaport security officer; creating the Seaport Security Officer Qualification, Training, and Standards Coordinating Council under the Department of Law Enforcement; providing membership and organization of the council; providing terms of members; providing duties and authority of the council; requiring the Department of Education to develop curriculum recommendations and specifications of the council into initial and continuing education and training programs for seaport security officer certification; providing requirements and procedures with respect to such training programs; providing requirements and procedures with respect to certification as a seaport security officer; providing requirements for renewal of inactive or revoked certification; creating s. 311.122, F.S.; authorizing each seaport in the state to create a seaport law enforcement agency for its facility; providing requirements of an agency; requiring certification of an agency; providing requirements with respect to the composition of agency personnel; providing powers of seaport law enforcement agency officers and seaport security officers; creating s. 311.123, F.S.; providing for the creation of a maritime domain security awareness training program; providing purpose of the program; providing program training curriculum requirements; creating s. 311.124, F.S.; providing authority of seaport security officers to detain persons suspected of trespassing in a designated restricted area of a seaport; providing immunity from specified criminal or civil liability; creating s. 817.021, F.S.; providing a criminal penalty for willfully and knowingly providing false information in obtaining or attempting to obtain a seaport security identification card; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 190** and read the second time by title.

Pursuant to Rule 4.19, **HB 7145** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

**CS for CS for SB 1324**—A bill to be entitled An act relating to the prevention of obesity; amending s. 381.0054, F.S.; requiring the Department of Health to collaborate with other state agencies in developing policies and strategies to prevent obesity which shall be incorporated into agency programs; requiring the department to advise health care practitioners regarding morbidity, mortality, and costs associated with the condition of being overweight or obese; requiring the department to

inform health care practitioners about clinical best practices for obesity prevention and to encourage practitioners to counsel their patients regarding the adoption of healthy lifestyles; providing an effective date.

—was read the second time by title.

## MOTION

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

Senator Miller moved the following amendment which was adopted:

**Amendment 1 (733594)(with title amendment)**—On page 1, line 20, insert:

Section 1. *Short title.*—This act may be cited as the “Lead Poisoning Prevention Screening and Education Act.”

Section 2. *Legislative findings.*—

(1) Nearly 300,000 American children may have levels of lead in their blood in excess of 10 micrograms per deciliter (ug/dL). Unless prevented or treated, elevated blood-lead levels in egregious cases may result in impairment of the ability to think, concentrate, and learn.

(2) A significant cause of lead poisoning in children is the ingestion of lead particles from deteriorating lead-based paint in older, poorly maintained residences.

(3) Childhood lead poisoning can be prevented if parents, property-owners, health professionals, and those who work with young children are informed about the risks of childhood lead poisoning and how to prevent it.

(4) Knowledge of lead-based-paint hazards, their control, mitigation, abatement, and risk avoidance is not sufficiently widespread.

(5) Most children who live in older homes and who otherwise may be at risk for childhood lead poisoning are not tested for the presence of elevated lead levels in their blood.

(6) Testing for elevated lead levels in the blood can lead to the mitigation or prevention of the harmful effects of childhood lead poisoning and may also prevent similar injuries to other children living in the same household.

Section 3. *Definitions.*—As used in this act, the term:

(1) “Affected property” means a room or group of rooms within a property constructed before January 1, 1960, or within a property constructed between January 1, 1960, and January 1, 1978, where the owner has actual knowledge of the presence of lead-based paint, that form a single independent habitable dwelling unit for occupation by one or more individuals and that has living facilities with permanent provisions for living, sleeping, eating, cooking, and sanitation. Affected property does not include:

(a) An area not used for living, sleeping, eating, cooking, or sanitation, such as an unfinished basement;

(b) A unit within a hotel, motel, or similar seasonal or transient facility, unless such unit is occupied by one or more persons at risk for a period exceeding 30 days;

(c) An area that is secured and inaccessible to occupants; or

(d) A unit that is not offered for rent.

(2) “Dust-lead hazard” means surface dust in a residential dwelling or a facility occupied by a person at risk which contains a mass-per-area concentration of lead equal to or exceeding 40 ug/ft<sup>2</sup> on floors or 250 ug/ft<sup>2</sup> on interior windowsills based on wipe samples.

(3) “Elevated blood-lead level” means a quantity of lead in whole venous blood, expressed in micrograms per deciliter (ug/dL), which exceeds 10 ug/dL or such other level as specifically provided in this act.

(4) “Lead-based paint” means paint or other surface coatings that contain lead equal to or exceeding 1.0 milligram per square centimeter, 0.5 percent by weight, or 5,000 parts per million (ppm) by weight.

(5) “Lead-based-paint hazard” means paint-lead hazards and dust-lead hazards.

(6) “Owner” means a person, firm, corporation, nonprofit organization, partnership, government, guardian, conservator, receiver, trustee, executor, or other judicial officer, or other entity which, alone or with others, owns, holds, or controls the freehold or leasehold title or part of the title to property, with or without actually possessing it. The definition includes a vendee who possesses the title, but does not include a mortgagee or an owner of a reversionary interest under a ground rent lease. The term includes any authorized agent of the owner, including a property manager or leasing agent.

(7) “Paint-lead hazard” means any one of the following:

(a) Any lead-based paint on a friction surface that is subject to abrasion and where the dust-lead levels on the nearest horizontal surface underneath the friction surface, such as the windowsill or floor, are equal to or greater than the dust-lead-hazard levels defined in subsection (2);

(b) Any damaged or otherwise deteriorated lead-based paint on an impact surface that is caused by impact from a related building material, such as a door knob that knocks into a wall or a door that knocks against its door frame;

(c) Any chewable lead-based painted surface on which there is evidence of teeth marks; or

(d) Any other deteriorated lead-based paint in or on the exterior of any residential building or any facility occupied by a person at risk.

(8) “Person at risk” means a child under the age of 6 years or a pregnant woman who resides or regularly spends at least 24 hours per week in an affected property.

(9) “Secretary” means the secretary of the Department of Health or a designee chosen by the secretary to administer the Lead Poisoning Prevention Screening and Education Act.

(10) “Tenant” means the individual named as the lessee in a lease, rental agreement, or occupancy agreement for a dwelling unit.

Section 4. *Educational programs.*—

(1) **LEAD POISONING PREVENTION EDUCATIONAL PROGRAM ESTABLISHED.**—In order to achieve the purposes of this act, a statewide, multifaceted, ongoing educational program designed to meet the needs of tenants, property owners, health care providers, early childhood educators, care providers, and realtors is established.

(2) **PUBLIC INFORMATION INITIATIVE.**—The Governor, in conjunction with the Secretary of Health and his or her designee, shall sponsor a series of public service announcements on radio, television, the Internet, and print media about the nature of lead-based-paint hazards, the importance of standards for lead poisoning prevention in properties, and the purposes and responsibilities set forth in this act. In developing and coordinating this public information initiative, the sponsors shall seek the participation and involvement of private industry organizations, including those involved in real estate, insurance, mortgage banking, and pediatrics.

(3) **DISTRIBUTION OF LITERATURE ABOUT CHILDHOOD LEAD POISONING.**—By January 1, 2007, the Secretary of Health or his or her designee shall develop culturally and linguistically appropriate information pamphlets regarding childhood lead poisoning, the importance of testing for elevated blood-lead levels, prevention of childhood lead poisoning, treatment of childhood lead poisoning, and, where appropriate, the requirements of this act. These information pamphlets shall be distributed to parents or the other legal guardians of children 6 years of age or younger on the following occasions:

(a) By a health care provider at the time of a child’s birth and at the time of any childhood immunization or vaccination unless it is established that such information pamphlet has been provided previously to the parent or legal guardian by the health care provider within the prior 12 months.

(b) By the owner or operator of any child care facility or preschool or kindergarten class on or before October 15 of the calendar year.

Section 5. *Screening program.*—

(1) *The secretary shall establish a program for early identification of persons at risk of having elevated blood-lead levels. Such program shall systematically screen children under 6 years of age in the target populations identified in subsection (2) for the presence of elevated blood-lead levels. Children within the specified target populations shall be screened with a blood-lead test at age 12 months and age 24 months, or between the ages of 36 months and 72 months if they have not previously been screened. The secretary shall, after consultation with recognized professional medical groups and such other sources as the secretary deems appropriate, promulgate rules establishing:*

(a) *The means by which and the intervals at which such children under 6 years of age shall be screened for lead poisoning and elevated blood-lead levels.*

(b) *Guidelines for the medical followup on children found to have elevated blood-lead levels.*

(2) *In developing screening programs to identify persons at risk with elevated blood-lead levels, priority shall be given to persons within the following categories:*

(a) *All children enrolled in the Medicaid program at ages 12 months and 24 months, or between the ages of 36 months and 72 months if they have not previously been screened.*

(b) *Children under the age of 6 years exhibiting delayed cognitive development or other symptoms of childhood lead poisoning.*

(c) *Persons at risk residing in the same household, or recently residing in the same household, as another person at risk with a blood-lead level of 10 ug/dL or greater.*

(d) *Persons at risk residing, or who have recently resided, in buildings or geographical areas in which significant numbers of cases of lead poisoning or elevated blood-lead levels have recently been reported.*

(e) *Persons at risk residing, or who have recently resided, in an affected property contained in a building that during the preceding 3 years has been subject to enforcement for violations of lead-poisoning-prevention statutes, ordinances, rules, or regulations as specified by the secretary.*

(f) *Persons at risk residing, or who have recently resided, in a room or group of rooms contained in a building whose owner also owns a building containing affected properties which during the preceding 3 years has been subject to an enforcement action for a violation of lead-poisoning-prevention statutes, ordinances, rules, or regulations.*

(g) *Persons at risk residing in other buildings or geographical areas in which the secretary reasonably determines there to be a significant risk of affected individuals having a blood-lead level of 10 ug/dL or greater.*

(3) *The secretary shall maintain comprehensive records of all screenings conducted pursuant to this section. Such records shall be indexed geographically and by owner in order to determine the location of areas of relatively high incidence of lead poisoning and other elevated blood-lead levels.*

*All cases or probable cases of lead poisoning found in the course of screenings conducted pursuant to this section shall be reported to the affected individual, to his or her parent or legal guardian if he or she is a minor, and to the secretary.*

Section 6. *For the 2006-2007 fiscal year, the sum of \$308,000 in recurring general revenue funds is appropriated to the Department of Health for the purpose of implementing section 5 of this act.*

Section 7. *Section 4 shall take effect only if the requirements in that section are consistent with requirements of any federal childhood lead-poisoning-prevention grant awarded to the Department of Health and if federal funds awarded with any such grant are permitted to be used to implement the requirements in that section.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 1 and 2, delete those lines and insert: A bill to be entitled An act relating to healthy lifestyles; providing a short title; 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 implementing the educational program under the act;

Senator Peaden moved the following amendment which was adopted:

**Amendment 2 (634452)(with title amendment)**—On page 2, line 27; and on page 3, line 5, after “preventing” insert: *and treating*

And the title is amended as follows:

On page 1, lines 6-14, delete those lines and insert: strategies to prevent and treat obesity which shall be incorporated into agency programs; requiring the department to advise health care practitioners regarding morbidity, mortality, and costs associated with the condition of being overweight or obese; requiring the department to inform health care practitioners about clinical best practices for obesity prevention and treatment and to encourage practitioners to

Senator Peaden moved the following amendment:

**Amendment 3 (181212)(with title amendment)**—On page 3, between lines 12 and 13, insert:

Section 2. Paragraph (h) of subsection (3) of section 110.123, Florida Statutes, is amended, and subsection (13) is added to that section, to read:

110.123 State group insurance program.—

(3) STATE GROUP INSURANCE PROGRAM.—

(h)1. A person eligible to participate in the state group insurance program may be authorized by rules adopted by the department, in lieu of participating in the state group health insurance plan, to exercise an option to elect membership in a health maintenance organization plan which is under contract with the state in accordance with criteria established by this section and by said rules. The offer of optional membership in a health maintenance organization plan permitted by this paragraph may be limited or conditioned by rule as may be necessary to meet the requirements of state and federal laws.

2. The department shall contract with health maintenance organizations seeking to participate in the state group insurance program through a request for proposal or other procurement process, as developed by the Department of Management Services and determined to be appropriate.

a. The department shall establish a schedule of minimum benefits for health maintenance organization coverage, and that schedule shall include: physician services; inpatient and outpatient hospital services; emergency medical services, including out-of-area emergency coverage; diagnostic laboratory and diagnostic and therapeutic radiologic services; mental health, alcohol, and chemical dependency treatment services meeting the minimum requirements of state and federal law; skilled nursing facilities and services; prescription drugs; age-based and gender-based wellness benefits; and other benefits as may be required by the department. Additional services may be provided subject to the contract between the department and the HMO. *As used in this paragraph, the term “age-based and gender-based wellness benefits” includes aerobic exercise, education in alcohol and substance abuse prevention, blood cholesterol screening, health risk appraisals, blood pressure screening and education, nutrition education, program planning, safety belt education, smoking cessation, stress management, weight management, and woman’s health education.*

b. The department may establish uniform deductibles, copayments, coverage tiers, or coinsurance schedules for all participating HMO plans.

c. The department may require detailed information from each health maintenance organization participating in the procurement proc-

ess, including information pertaining to organizational status, experience in providing prepaid health benefits, accessibility of services, financial stability of the plan, quality of management services, accreditation status, quality of medical services, network access and adequacy, performance measurement, ability to meet the department's reporting requirements, and the actuarial basis of the proposed rates and other data determined by the director to be necessary for the evaluation and selection of health maintenance organization plans and negotiation of appropriate rates for these plans. Upon receipt of proposals by health maintenance organization plans and the evaluation of those proposals, the department may enter into negotiations with all of the plans or a subset of the plans, as the department determines appropriate. Nothing shall preclude the department from negotiating regional or statewide contracts with health maintenance organization plans when this is cost-effective and when the department determines that the plan offers high value to enrollees.

d. The department may limit the number of HMOs that it contracts with in each service area based on the nature of the bids the department receives, the number of state employees in the service area, or any unique geographical characteristics of the service area. The department shall establish by rule service areas throughout the state.

e. All persons participating in the state group insurance program may be required to contribute towards a total state group health premium that may vary depending upon the plan and coverage tier selected by the enrollee and the level of state contribution authorized by the Legislature.

3. The department is authorized to negotiate and to contract with specialty psychiatric hospitals for mental health benefits, on a regional basis, for alcohol, drug abuse, and mental and nervous disorders. The department may establish, subject to the approval of the Legislature pursuant to subsection (5), any such regional plan upon completion of an actuarial study to determine any impact on plan benefits and premiums.

4. In addition to contracting pursuant to subparagraph 2., the department may enter into contract with any HMO to participate in the state group insurance program which:

a. Serves greater than 5,000 recipients on a prepaid basis under the Medicaid program;

b. Does not currently meet the 25-percent non-Medicare/non-Medicaid enrollment composition requirement established by the Department of Health excluding participants enrolled in the state group insurance program;

c. Meets the minimum benefit package and copayments and deductibles contained in sub-subparagraphs 2.a. and b.;

d. Is willing to participate in the state group insurance program at a cost of premiums that is not greater than 95 percent of the cost of HMO premiums accepted by the department in each service area; and

e. Meets the minimum surplus requirements of s. 641.225.

The department is authorized to contract with HMOs that meet the requirements of sub-subparagraphs a.-d. prior to the open enrollment period for state employees. The department is not required to renew the contract with the HMOs as set forth in this paragraph more than twice. Thereafter, the HMOs shall be eligible to participate in the state group insurance program only through the request for proposal or invitation to negotiate process described in subparagraph 2.

5. All enrollees in a state group health insurance plan, a TRICARE supplemental insurance plan, or any health maintenance organization plan have the option of changing to any other health plan that is offered by the state within any open enrollment period designated by the department. Open enrollment shall be held at least once each calendar year.

6. When a contract between a treating provider and the state-contracted health maintenance organization is terminated for any reason other than for cause, each party shall allow any enrollee for whom treatment was active to continue coverage and care when medically necessary, through completion of treatment of a condition for which the enrollee was receiving care at the time of the termination, until the enrollee selects another treating provider, or until the next open enrollment period offered, whichever is longer, but no longer than 6 months

after termination of the contract. Each party to the terminated contract shall allow an enrollee who has initiated a course of prenatal care, regardless of the trimester in which care was initiated, to continue care and coverage until completion of postpartum care. This does not prevent a provider from refusing to continue to provide care to an enrollee who is abusive, noncompliant, or in arrears in payments for services provided. For care continued under this subparagraph, the program and the provider shall continue to be bound by the terms of the terminated contract. Changes made within 30 days before termination of a contract are effective only if agreed to by both parties.

7. Any HMO participating in the state group insurance program shall submit health care utilization and cost data to the department, in such form and in such manner as the department shall require, as a condition of participating in the program. The department shall enter into negotiations with its contracting HMOs to determine the nature and scope of the data submission and the final requirements, format, penalties associated with noncompliance, and timetables for submission. These determinations shall be adopted by rule.

8. The department may establish and direct, with respect to collective bargaining issues, a comprehensive package of insurance benefits that may include supplemental health and life coverage, dental care, long-term care, vision care, and other benefits it determines necessary to enable state employees to select from among benefit options that best suit their individual and family needs.

a. Based upon a desired benefit package, the department shall issue a request for proposal or invitation to negotiate for health insurance providers interested in participating in the state group insurance program, and the department shall issue a request for proposal or invitation to negotiate for insurance providers interested in participating in the non-health-related components of the state group insurance program. Upon receipt of all proposals, the department may enter into contract negotiations with insurance providers submitting bids or negotiate a specially designed benefit package. Insurance providers offering or providing supplemental coverage as of May 30, 1991, which qualify for pretax benefit treatment pursuant to s. 125 of the Internal Revenue Code of 1986, with 5,500 or more state employees currently enrolled may be included by the department in the supplemental insurance benefit plan established by the department without participating in a request for proposal, submitting bids, negotiating contracts, or negotiating a specially designed benefit package. These contracts shall provide state employees with the most cost-effective and comprehensive coverage available; however, no state or agency funds shall be contributed toward the cost of any part of the premium of such supplemental benefit plans. With respect to dental coverage, the division shall include in any solicitation or contract for any state group dental program made after July 1, 2001, a comprehensive indemnity dental plan option which offers enrollees a completely unrestricted choice of dentists. If a dental plan is endorsed, or in some manner recognized as the preferred product, such plan shall include a comprehensive indemnity dental plan option which provides enrollees with a completely unrestricted choice of dentists.

b. Pursuant to the applicable provisions of s. 110.161, and s. 125 of the Internal Revenue Code of 1986, the department shall enroll in the pretax benefit program those state employees who voluntarily elect coverage in any of the supplemental insurance benefit plans as provided by sub-subparagraph a.

c. Nothing herein contained shall be construed to prohibit insurance providers from continuing to provide or offer supplemental benefit coverage to state employees as provided under existing agency plans.

(13) *FLORIDA STATE EMPLOYEE WELLNESS COUNCIL.—*

(a) *There is created within the department the Florida State Employee Wellness Council.*

(b) *The council shall be an advisory body to the department to provide health education information to employees and to assist the department in developing minimum benefits for all health care providers when providing age-based and gender-based wellness benefits.*

(c) *The council shall be composed of nine members appointed by the Governor. When making appointments to the council, the Governor shall appoint persons who are residents of the state and who are highly knowledgeable concerning, active in, and recognized leaders in the health and medical field, at least one of whom must be an employee of the state.*

Council members shall equitably represent the broadest spectrum of the health industry and the geographic areas of the state. Not more than one member of the council may be from any one company, organization, or association.

(d)1. Council members shall be appointed to 4-year terms, except that the initial terms shall be staggered. The Governor shall appoint three members to 2-year terms, three members to 3-year terms, and three members to 4-year terms.

2. A member's absence from three consecutive meetings shall result in his or her automatic removal from the council. A vacancy on the council shall be filled for the remainder of the unexpired term.

(e) The council shall annually elect from its membership one member to serve as chair of the council and one member to serve as vice chair.

(f) The first meeting of the council shall be called by the chair not more than 60 days after the council members are appointed by the Governor. The council shall thereafter meet at least once quarterly and may meet more often as necessary. The department shall provide staff assistance to the council which shall include, but not be limited to, keeping records of the proceedings of the council and serving as custodian of all books, documents, and papers filed with the council.

(g) A majority of the members of the council constitutes a quorum.

(h) Members of the council shall serve without compensation, but are entitled to reimbursement for per diem and travel expenses as provided in s. 112.061 while performing their duties.

(i) The council shall:

1. Work to encourage participation in wellness programs by state employees. The council may prepare informational programs and brochures for state agencies and employees.

2. In consultation with the department, develop standards and criteria for age-based and gender-based wellness programs.

3. In consultation with the department, recommend a "healthy food and beverage" menu for cafeterias and other food-service establishments located in buildings owned, operated, or leased by the state.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 16, after the semicolon (;) insert: amending s. 110.123, F.S.; defining the term "age-based and gender-based benefits" for purposes of the state group insurance program; creating the Florida State Employee Wellness Council within the Department of Management Services; providing for membership; providing for reimbursement of per diem and travel expenses; providing purpose and duties of the council;

Senator Peaden moved the following amendment to **Amendment 3** which was adopted:

**Amendment 3A (273160)**—On page 9, lines 15-18, delete those lines.

**Amendment 3** as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for SB 1324** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Wilson, by two-thirds vote **HB 55** was withdrawn from the Committees on Criminal Justice; Community Affairs; and Judiciary.

On motion by Senator Wilson—

**HB 55**—A bill to be entitled An act relating to the restoration of civil rights; requiring that the administrator of a county detention facility provide an application form for the restoration of civil rights to a prisoner who has been convicted of a felony and is serving a sentence in that facility; providing that this act shall not apply to prisoners who are transferred to the Department of Corrections; providing an effective date.

—a companion measure, was substituted for **CS for SB 432** and read the second time by title.

Pursuant to Rule 4.19, **HB 55** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano, by two-thirds vote **HB 821** was withdrawn from the Committees on Community Affairs; Commerce and Consumer Services; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

On motion by Senator Fasano—

**HB 821**—A bill to be entitled An act relating to the community contribution tax credit program; amending ss. 212.08, 220.183, and 624.5105, F.S.; increasing the amount of available tax credits against the sales tax, corporate income tax, and insurance premium tax, respectively, for projects under the community contribution tax credit program and providing separate annual limitations for certain projects; revising requirements and procedures for the Office of Tourism, Trade, and Economic Development in granting tax credits under the program; providing an effective date.

—a companion measure, was substituted for **CS for SB 784** and read the second time by title.

Pursuant to Rule 4.19, **HB 821** was placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater—

**CS for SB 2178**—A bill to be entitled An act relating to dental hygienists; creating s. 466.0241, F.S.; authorizing a dental hygienist to complete dental charting in certain public or private facilities; requiring a person who receives a dental charting to acknowledge a written disclosure; providing for the contents of the written disclosure; defining the term "dental charting"; requiring the Board of Dentistry to approve the content of the charting and disclosure forms; requiring a medical clearance by a physician or dentist when a certain dental instrument is used; providing that the act does not authorize direct reimbursement by certain insurers for dental charting; requiring referrals to be in conformance with state and federal laws; providing that a dental hygienist who performs dental charting does not create a patient of record; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 2178** to **HB 1157**.

Pending further consideration of **CS for SB 2178** as amended, on motion by Senator Atwater, by two-thirds vote **HB 1157** was withdrawn from the Committees on Health Care; and Banking and Insurance.

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

**HB 1157**—A bill to be entitled An act relating to dental charting; amending s. 466.023, F.S.; expanding the scope and area of practice of dental hygienists to include dental charting; creating s. 466.0235, F.S.; providing for regulation of dental charting; providing a definition; authorizing dental hygienists to perform dental charting under certain conditions; regulating the use and content of disclosure and charting forms; requiring the Board of Dentistry to approve disclosure and charting forms; limiting the applicability of dental charting; providing restrictions on periodontal probe use in dental charting; providing restrictions on dental charting reimbursement, referrals made in conjunction with the provision of dental charting services, and the provision of dental charting by a dental hygienist without supervision; providing an effective date.

—a companion measure, was substituted for **CS for SB 2178** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1157** was placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

**CS for SB 918**—A bill to be entitled An act relating to medical schools; creating s. 1004.384, F.S.; authorizing a college of medicine at the University of Central Florida; creating s. 1004.385, F.S.; authorizing a college of medicine at Florida International University; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 918** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rich, by two-thirds vote **HB 67** was withdrawn from the Committees on Health Care; Judiciary; and Health and Human Services Appropriations.

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

**HB 67**—A bill to be entitled An act relating to automated external defibrillator devices; providing a short title; amending s. 401.107, F.S.; defining the terms “youth athletic organization” and “automated external defibrillator device”; amending s. 401.111, F.S.; providing for grants to youth athletic organizations for automated external defibrillator devices; amending s. 401.113, F.S.; providing for disbursement of funds from the Emergency Medical Services Trust Fund; requiring the Department of Health to implement an educational campaign to inform persons who acquire automated external defibrillator devices of the scope and limitations of the immunity from liability provided under the Cardiac Arrest Survival Act; providing an effective date.

—a companion measure, was substituted for **CS for SB 252** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 67** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2522** was deferred.

On motion by Senator Wise, by two-thirds vote **HB 147** was withdrawn from the Committees on Criminal Justice; and Judiciary.

On motion by Senator Wise—

**HB 147**—A bill to be entitled An act relating to criminal prosecutions; creating s. 918.19, F.S.; prescribing rights of the prosecution in closing arguments; repealing Rule 3.250, Florida Rules of Criminal Procedure, relating to the accused as a witness and being entitled to concluding arguments before the jury, to the extent of inconsistency with the act; providing an effective date.

—a companion measure, was substituted for **SB 658** and read the second time by title.

Pursuant to Rule 4.19, **HB 147** was placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater—

**CS for SB 1190**—A bill to be entitled An act relating to the sale or lease of a county, district, or municipal hospital; amending s. 155.40, F.S.; providing for the effect of the sale of a public hospital to a private purchaser; providing that the purchaser of a public hospital is not acting on behalf of the public entity seller and is not an agency within the meaning of ch. 119, F.S., unless the sale document expressly provides to the contrary; providing an effective date.

—was read the second time by title.

Senator Atwater moved the following amendments which were adopted:

**Amendment 1 (281758)(with title amendment)**—On page 4, line 11 through page 5, line 12, delete those lines and insert: documents,

the transaction involving the sale or lease of a hospital shall not be construed as:

(a) A transfer of a governmental function from the county, district, or municipality to the private purchaser or lessee;

(b) Constituting a financial interest of the public lessor in the private lessee; or

(c) Making a private lessee an integral part of the public lessor’s decisionmaking process.

(7) The lessee of a hospital, ~~under pursuant to~~ this section or any special act of the Legislature, operating under a lease shall not be construed to be “acting on behalf of” the lessor as that term is used in statute, unless the lease document expressly provides to the contrary.

(8)(a) *If whenever the sale of a public hospital by a public agency to a private corporation or other private entity pursuant to this section or pursuant to a special act of the Legislature reflects that:*

1. *The private corporation or other private entity purchaser acquires 100 percent ownership in the hospital enterprise;*

2. *The private corporation or other private entity purchases the physical plant of the hospital facility and has complete responsibility for the operation and maintenance of the facility, regardless of ownership of the underlying real property;*

3. *The public agency seller retains no control over decisionmaking or policymaking for the hospital;*

4. *The private corporation or other private entity purchaser receives no funding from the public agency seller other than by contract for services rendered to patients for whom the public agency seller has the responsibility to pay for hospital or medical care;*

5. *The public agency seller makes no substantial investment in or loans to the private entity;*

6. *The private corporation or other private entity purchaser was not created by the public entity seller; and*

7. *The private corporation or other private entity purchaser operates primarily for its own financial interests and not primarily for the interests of the public agency,*

*such a sale shall be considered a complete sale of the public agency’s interest in the hospital.*

(b) *A complete sale of a hospital as described in this subsection shall not be construed as:*

1. *A transfer of a governmental function from the county, district, or municipality to the private corporation or other private entity purchaser;*

2. *Constituting a financial interest of the public agency in the private corporation or other private entity purchaser;*

3. *Making the private corporation or other private entity purchaser an “agency” as that term is used in statutes;*

4. *Making the private corporation or other private entity purchaser an integral part of the public agency’s decisionmaking process; or*

5. *Indicating that the private corporation or other private entity purchaser is “acting on behalf of a public agency” as that term is used in statute.*

And the title is amended as follows:

On page 1, lines 6-11, delete those lines and insert: private purchaser; providing conditions that must be met in order for a sale to be considered a complete sale; providing an effective date.

**Amendment 2 (872144)(with title amendment)**—On page 5, delete line 13 and insert:

Section 2. *The Legislature finds that it is necessary to clarify that a public agency may sell its interest in a public hospital to a private corporation or other private entity and to establish that such a sale results in*

*the privatization of the hospital enterprise. The Legislature finds that the sale of a hospital by a public agency to a private corporation or other private entity purchaser under this section is a complete sale when: the public agency retains no ownership interest in the hospital enterprise or the hospital facility, regardless of who owns the underlying property; the private corporation or other private entity has the complete responsibility for operation and maintenance of the hospital facility; the private corporation or other private entity receives no funds from the public agency seller other than by contract for services provided to patients for whom the public agency has responsibility to pay for medical or hospital services; the public agency makes no substantial investment or loan to the private corporation or other private entity; the private corporation or other private entity is not created by the public agency; and the private corporation or other private entity operates primarily for its own financial interests as opposed to those of the public agency. The Legislature further finds that a complete sale of the hospital under such circumstances eliminates any argument that the private corporation or other private entity continues to perform any governmental or public function; that the public agency retains any financial interest in the private purchaser or the hospital; that the private purchaser is an integral part in the public agency's decisionmaking process or that the private entity is an "agency" or is "acting on behalf of a public agency" as those terms are used in statute. The Legislature further finds that the recognition of such sales as being complete sales of the formerly public hospital to a private corporation or other private entity is a public necessity so that private entities that purchase public hospitals are allowed to operate without unnecessary public interference. Some recent court decisions, however, have found that a private corporation or other private entity that purchases a public hospital is still a public agency for some purposes and have failed to recognize that the public agency does not retain any control over the private entity or the formerly public hospital following the complete sale of a public hospital to a private corporation or other private entity. Therefore, the Legislature finds that it is a necessity to confirm its intent that a private corporation or other private entity that purchases a formerly public hospital through a complete sale is not a public agency for any purpose. To find otherwise would place such a private corporation or other private entity that purchases a public hospital at a competitive disadvantage compared to other private entities that own private hospitals that were not formerly public hospitals and would serve as a disincentive for the purchase of a public hospital. Public agencies choose to sell their public hospitals to private corporations or other private entities when the public entity is no longer able to operate the hospital in a fiscally responsible manner and when taxpayers would otherwise be required to finance the operations of the hospital beyond indigent care. If a private corporation or other private entity that purchases a public hospital is treated as a public agency, then public agencies may find it difficult, if not impossible, to find a private corporation or other private entity that is willing to purchase a public hospital. This could force the public agency to close the hospital, which would result in a reduction in health care services to the public, or continue operating the hospital using public tax dollars to subsidize recurring losses. Neither of these options is in the best interest of the public. Thus, the Legislature finds that a private corporation or other private entity that purchases a public hospital and the purchase agreement for that hospital meets the requirements established herein, regardless of whether the corporation had previously leased that public hospital, that private corporation or other private entity is not a public agency for any purpose and does not act on behalf of the public agency.*

Section 3. This act shall take effect upon becoming a law and shall apply to each private corporation or other private entity that has purchased a public hospital regardless of whether such purchase occurred prior to the effective date of this act.

And the title is amended as follows:

On page 1, line 11, following the semicolon (;) insert: providing legislative findings and intent with respect to the effect of the sale of a public hospital to a private purchaser; providing applicability, including retroactive applicability;

Pursuant to Rule 4.19, **CS for SB 1190** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

**CS for CS for CS for SB 166**—A bill to be entitled An act relating to foreclosure proceedings; amending s. 45.031, F.S.; revising procedures

and requirements for judicial sales; creating s. 45.032, F.S.; providing for disbursement of surplus funds after a judicial sale; providing definitions; establishing a rebuttable presumption of entitlement to surplus funds in certain filings; providing legislative intent; providing requirements and procedures for disbursement of surplus funds by the clerk of court; providing for appointment of a surplus trustee under certain circumstances; providing for notice of appointment; providing for termination of appointment; providing for treatment of surplus funds as unclaimed property under certain circumstances; providing construction relating to title of property in a foreclosure sale; creating s. 45.033, F.S.; providing for a sale or assignment of rights to surplus funds in a property subject to foreclosure; establishing a rebuttable presumption of entitlement to surplus funds; providing requirements for proof; providing legislative intent; providing requirements for rebutting the presumption; providing requirements for transfers or assignments of surplus funds; providing duties and authority of a court in payment of surplus funds under a transfer or assignment; providing for nonapplication to certain instruments; specifying absence of effect on title or marketability of certain property or validity of certain liens; creating s. 45.034, F.S.; providing qualifications for appointment as a surplus trustee by the Department of Financial Services; providing requirements for appointment as a surplus trustee; providing for application and renewal fees; providing duties of the department in certifying surplus trustees; requiring the department to establish a rotation system for assignment of cases to surplus trustees; providing duties of a surplus trustee; providing entitlement of a surplus trustee to certain service charges and fees; creating s. 45.035, F.S.; specifying service charges for clerks of court for administering judicial sales and surplus funds; creating s. 501.2078, F.S.; providing definitions; providing a civil penalty for knowingly using unfair or deceptive homeowner victimization methods, acts, or practices in residential foreclosure proceedings; specifying higher priority of an order of restitution or reimbursement over imposition of a civil penalty; providing for deposit of civil penalties into the Legal Affairs Revolving Trust Fund of the Department of Legal Affairs; allocating such funds for certain purposes; specifying nonapplication to certain encumbrances, deeds, or actions; amending s. 702.035, F.S.; specifying different requirements relating to newspaper legal notices and process requirements for counties of different population sizes; limiting certain costs chargeable in a foreclosure proceeding; amending s. 201.02, F.S.; correcting a cross-reference; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for CS for SB 166** to **HB 65**.

Pending further consideration of **CS for CS for CS for SB 166** as amended, on motion by Senator Campbell, by two-thirds vote **HB 65** was withdrawn from the Committees on Judiciary; Banking and Insurance; and Justice Appropriations.

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

**HB 65**—A bill to be entitled An act relating to foreclosure proceedings; amending s. 45.031, F.S.; revising procedures and requirements for judicial sales; creating s. 45.032, F.S.; providing for disbursement of surplus funds after a judicial sale; providing definitions; establishing a rebuttable presumption of entitlement to surplus funds in certain filings; providing legislative intent; providing requirements and procedures for disbursement of surplus funds by the clerk of court; providing for appointment of a surplus trustee under certain circumstances; providing for notice of appointment; providing for termination of appointment; providing for treatment of surplus funds as unclaimed property under certain circumstances; providing construction relating to title of property in a foreclosure sale; creating s. 45.033, F.S.; providing for a sale or assignment of rights to surplus funds in a property subject to foreclosure; establishing a rebuttable presumption of entitlement to surplus funds; providing requirements for proof; providing legislative intent; providing requirements for rebutting the presumption; providing requirements for transfers or assignments of surplus funds; providing duties and authority of a court in payment of surplus funds under a transfer or assignment; providing for nonapplication to certain instruments; specifying absence of effect on title or marketability of certain property or validity of certain liens; creating s. 45.034, F.S.; providing qualifications for appointment as a surplus trustee by the Department of Financial Services; providing requirements for appointment as a surplus trustee; providing for application and renewal fees; providing duties of the department in certifying surplus trustees; requiring the department to

establish a rotation system for assignment of cases to surplus trustees; providing duties of a surplus trustee; providing entitlement of a surplus trustee to certain service charges and fees; creating s. 45.035, F.S.; specifying service charges for clerks of court for administering judicial sales and surplus funds; creating s. 501.2078, F.S.; providing definitions; providing a civil penalty for knowingly using unfair or deceptive homeowner victimization methods, acts, or practices in residential foreclosure proceedings; specifying higher priority of an order of restitution or reimbursement over imposition of a civil penalty; providing for deposit of civil penalties into the Legal Affairs Revolving Trust Fund of the Department of Legal Affairs; allocating such funds for certain purposes; specifying nonapplication to certain encumbrances, deeds, or actions; amending s. 702.035, F.S.; specifying different newspaper legal notice and process requirements for counties above a certain population size; limiting certain costs chargeable in a foreclosure proceeding; amending s. 201.02, F.S.; correcting a cross-reference; providing effective dates.

—a companion measure, was substituted for **CS for CS for CS for SB 166** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 65** was placed on the calendar of Bills on Third Reading.

On motion by Senator Clary, by two-thirds vote **HB 1089** was withdrawn from the Committees on Regulated Industries; and Judiciary.

On motion by Senator Clary—

**HB 1089**—A bill to be entitled An act relating to construction contracting; amending s. 95.11, F.S.; revising commencement periods for actions founded on the design, planning, or construction of improvements to real property; amending s. 718.618, F.S., relating to converter reserve accounts and warranties; limiting applicability to certain improvements; providing an effective date.

—a companion measure, was substituted for **CS for SB 1940** 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 7021** was withdrawn from the Committees on Criminal Justice; and Judiciary.

On motion by Senator Wise—

**HB 7021**—A bill to be entitled An act relating to stolen property; amending s. 812.022, F.S.; providing that specified circumstances give rise to an inference that the person in possession of a stolen motor vehicle knew or should have known that the motor vehicle had been stolen; providing an effective date.

—a companion measure, was substituted for **CS for SB 2014** and read the second time by title.

Pursuant to Rule 4.19, **HB 7021** was placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

**CS for CS for CS for SB 888**—A bill to be entitled An act relating to energy; creating the Florida Energy Commission, which is located within the Office of Legislative Services for administrative purposes; providing for the membership of the commission; providing for appointment, terms of office, and qualifications of members; providing for voting members to be reimbursed for per diem and travel expenses; providing for meetings of the commission; authorizing the commission to employ staff; requiring that the commission develop policy recommendations concerning specified issues which are based on specified guidelines; requiring an annual report to the Governor, Cabinet, and Legislature; requiring a report to the Governor, the Cabinet, and the Legislature regarding the reduction of greenhouse gasses in the state; transferring all powers, functions, records, personnel, property, and unexpended balances of appropriations of the state energy program within the Department of Environmental Protection to the Florida Energy Commission;

requiring a study and a report to the Governor and Legislature concerning the electric transmission grid; creating s. 377.801, F.S.; creating the “Florida Renewable Energy Technologies and Energy Efficiency Act”; creating s. 377.802, F.S.; stating the purpose of the act; creating s. 377.803, F.S.; providing definitions; creating s. 377.804, F.S.; creating the Renewable Energy Technologies Grants Program; providing program requirements and procedures, including matching funds; creating s. 377.805, F.S.; creating the Energy Efficient Appliance Rebate Program; providing program requirements, procedures, and limitations; creating s. 377.8055, F.S.; providing a sales tax holiday for energy efficient products; providing for rules; creating s. 377.806, F.S.; creating the Solar Energy System Incentives Program; providing definitions; creating the solar photovoltaic incentive program; providing eligibility requirements; providing rebate amounts; creating the solar thermal incentive program; providing for eligibility; providing rebate amounts; providing rulemaking authority to the Public Service Commission; requiring the Florida Solar Energy Center to certify the performance of solar equipment sold and installed in the state; amending s. 212.08, F.S.; providing definitions for the terms “biodiesel” and “ethanol”; providing tax exemptions for the sale or use of certain energy efficient products; providing eligibility requirements and tax credit limits; directing the department to adopt rules; directing the department to determine and publish certain information relating to such exemptions; amending s. 213.053, F.S.; authorizing the Department of Revenue to share certain information with the Department of Environmental Protection for specified purposes; amending s. 220.02, F.S.; providing the order of application of the renewable energy technologies investment tax credit; creating s. 220.192, F.S.; establishing a corporate tax credit for certain costs related to renewable energy technologies; providing eligibility requirements and credit limits; providing certain authority to the Department of Environmental Protection and the Department of Revenue; directing the Department of Environmental Protection to determine and publish certain information; amending s. 220.13, F.S.; providing an addition to the definition of “adjusted federal income”; amending s. 186.801, F.S.; revising the provisions of electric utility 10-year site plans to include the effect on fuel diversity; amending s. 366.04, F.S.; revising the safety standards for public utilities; amending s. 366.05, F.S.; authorizing the Public Service Commission to adopt certain construction standards and make certain determinations; amending s. 403.503, F.S.; revising and providing definitions applicable to the Florida Electrical Power Plant Siting Act; amending s. 403.504, F.S.; providing the Department of Environmental Protection with additional powers and duties relating to the Florida Electrical Power Plant Siting Act; amending s. 403.5055, F.S.; revising provisions for certain permits associated with applications for electrical power plant certification; amending s. 403.506, F.S.; revising provisions relating to applicability and certification of certain power plants; amending s. 403.5064, F.S.; revising provisions for distribution of applications and schedules relating to certification; amending s. 403.5065, F.S.; revising provisions relating to the appointment of administrative law judges; amending s. 403.5066, F.S.; revising provisions relating to the determination of completeness for certain applications; creating s. 403.50663, F.S.; authorizing certain local governments and regional planning councils to hold an informational public meeting; providing requirements and procedures therefor; creating s. 403.50665, F.S.; requiring local governments to file certain land use determinations; providing requirements and procedures therefor; repealing s. 403.5067, F.S.; relating to the determination of sufficiency for certain applications; amending s. 403.507, F.S.; revising required statement provisions for affected agencies; amending s. 403.508, F.S.; revising provisions related to land use and certification proceedings; requiring certain notice; amending s. 403.509, F.S.; revising provisions related to the final disposition of certain applications; providing requirements and provisions with respect thereto; amending s. 403.511, F.S.; revising provisions related to the effect of certification for the construction and operation of proposed power plants; providing that issuance of certification meets certain consistency requirements; creating s. 403.5112, F.S.; requiring filing of notice for certified corridor routes; providing requirements and procedures with respect thereto; creating s. 403.5113, F.S.; authorizing postcertification amendments for power plant site certification applications; providing requirements and procedures with respect thereto; amending s. 403.5115, F.S.; requiring certain public notice for activities related to power plant site application, certification, and land use determination; providing requirements and procedures with respect thereto; directing the Department of Environmental Protection to maintain certain lists and provide copies to of certain publications; amending s. 403.513, F.S.; revising provisions for judicial review of appeals related to power plant site certification; amending s. 403.516, F.S.; revising provisions relating to modification of certification for power plant sites;

amending s. 403.517, F.S.; revising the provisions relating to supplemental applications for certain power plant sites; amending s. 403.5175, F.S.; revising provisions relating to existing power plant site certification; revising the procedure for reviewing and processing applications; requiring additional information to be included in certain applications; amending s. 403.518, F.S.; revising the allocation of proceeds from certain fees collected; providing for reimbursement of certain expenses; directing the Department of Environmental Protection to establish rules for determination of certain fees; eliminating certain operational license fees; providing that applications for power plant certification be processed under laws applicable at the time the application is filed; providing exceptions; amending s. 403.519, F.S.; directing the Public Service Commission to consider fuel diversity and reliability in certain determinations; providing for determination of need for nuclear power plants; providing an exemption from purchased power supply bid rule; creating s. 366.93, F.S.; providing definitions; requiring the Public Service Commission to implement rules related to nuclear power plant cost recovery; requiring a report; amending s. 403.52, F.S.; changing the short title to the "Florida Electric Transmission Line Siting Act"; amending s. 403.521, F.S.; revising legislative intent; amending s. 403.522, F.S.; revising definitions; defining the terms "licensee" and "maintenance and access roads"; amending s. 403.523, F.S.; revising powers and duties of the Department of Environmental Protection; requiring the department to collect and process fees, to prepare a project analysis, to act as clerk for the siting board, and to administer and manage the terms and conditions of the certification order and supporting documents and records; amending s. 403.524, F.S.; revising provisions for applicability, certification, and exemptions under the act; revising provisions for notice by an electric utility of its intent to construct an exempt transmission line; amending s. 403.525, F.S.; providing for powers and duties of the administrative law judge designated by the Division of Administrative Hearings to conduct the required hearings; amending s. 403.5251, F.S.; revising application procedures and schedules; providing for the formal date of filing an application for certification and commencement of the certification review process; requiring the department to prepare a proposed schedule of dates for determination of completeness and other significant dates to be followed during the certification process; providing for the formal date of application distribution; requiring the applicant to provide notice of filing the application; amending s. 403.5252, F.S.; revising timeframes and procedures for determination of completeness of the application; requiring the department to consult with affected agencies; revising requirements for the department to file a statement of its determination of completeness with the Division of Administrative Hearings, the applicant, and all parties within a certain time after distribution of the application; revising requirements for the applicant to file a statement with the department, the division, and all parties, if the department determines the application is not complete; providing for the statement to notify the department whether the information will be provided; revising timeframes and procedures for contests of the determination by the department; providing for parties to a hearing on the issue of completeness; amending s. 403.526, F.S.; revising criteria and procedures for preliminary statements of issues, reports, and studies; revising timeframes; requiring that the preliminary statement of issues from each affected agency be submitted to the department and the applicant; revising criteria for the Department of Community Affairs' report; requiring the Department of Transportation, the Public Service Commission, and any other affected agency to prepare a project report; revising required content of the report; providing for notice of any nonprocedural requirements not listed in the application; providing for failure to provide such notification; providing for a recommendation for approval or denial of the application; providing that receipt of an affirmative determination of need is a condition precedent to further processing of the application; requiring that the department prepare a project analysis to be filed with the administrative law judge and served on all parties within a certain time; amending s. 403.527, F.S.; revising procedures and timeframes for the certification hearing conducted by the administrative law judge; revising provisions for notices and publication of notices, public hearings held by local governments, testimony at the public-hearing portion of the certification hearing, the order of presentations at the hearing, and consideration of certain communications by the administrative law judge; requiring the applicant to pay certain expenses and costs; requiring the administrative law judge to issue a recommended order disposing of the application; requiring that certain notices be made in accordance with specified requirements and within a certain time; requiring the Department of Transportation to be a party to the proceedings; providing for the administrative law judge to cancel the certification hearing and relinquish jurisdiction to the Department of Environmental Protection upon request by the applicant or the department; requiring

the department and the applicant to publish notice of such cancellation; providing for parties to submit proposed recommended orders to the department when the certification hearing has been canceled; providing that the department prepare a recommended order for final action by the siting board when the hearing has been canceled; amending s. 403.5271, F.S.; revising procedures and timeframes for consideration of proposed alternate corridors; revising notice requirements; providing for notice of the filing of the alternate corridor and revised time schedules; providing for notice to agencies newly affected by the proposed alternate corridor; requiring the person proposing the alternate corridor to provide all data to the agencies within a certain time; providing for a determination by the department that the data is not complete; providing for withdrawal of the proposed alternate corridor upon such determination; requiring that agencies file reports with the applicant and the department which address the proposed alternate corridor; requiring that the department file with the administrative law judge, the applicant, and all parties a project analysis of the proposed alternate corridor; providing that the party proposing an alternate corridor has the burden of proof concerning the certifiability of the alternate corridor; amending s. 403.5272, F.S.; revising procedures for informational public meetings; providing for informational public meetings held by regional planning councils; revising timeframes; amending s. 403.5275, F.S.; revising provisions for amendment to the application prior to certification; amending s. 403.528, F.S.; providing that a comprehensive application encompassing more than one proposed transmission line may be good cause for altering established time limits; amending s. 403.529, F.S.; revising provisions for final disposition of the application by the siting board; providing for the administrative law judge's or department's recommended order; amending s. 403.531, F.S.; revising provisions for conditions of certification; amending s. 403.5312, F.S.; requiring the applicant to file notice of a certified corridor route with the department; amending s. 403.5315, F.S.; revising the circumstances under which a certification may be modified after the certification has been issued; providing for procedures if objections are raised to the proposed modification; creating s. 403.5317, F.S.; providing procedures for changes proposed by the licensee after certification; requiring the department to determine within a certain time if the proposed change requires modification of the conditions of certification; requiring notice to the licensee, all agencies, and all parties of changes that are approved as not requiring modification of the conditions of certification; creating s. 403.5363, F.S.; requiring publication of certain notices by the applicant, the proponent of an alternate corridor, and the department; requiring the department to adopt rules specifying the content of such notices; amending s. 403.5365, F.S.; revising application fees and the distribution of fees collected; revising procedures for reimbursement of local governments and regional planning organizations; amending s. 403.537, F.S.; revising the schedule for notice of a public hearing by the Public Service Commission in order to determine the need for a transmission line; providing that the commission is the sole forum in which to determine the need for a transmission line; amending ss. 373.441, 403.061, 403.0876, and 403.809, F.S.; conforming terminology to changes made by the act; repealing ss. 403.5253 and 403.5369, F.S., relating to determination of sufficiency of application or amendment to the application and the application of the act to applications filed before a certain date; creating s. 570.954, F.S.; providing a short title; providing legislative findings; providing purposes; providing definitions; establishing the Farm to Fuel Grants Program; providing criteria for distribution of grants; authorizing appointment of an advisory council; providing purposes; providing membership; authorizing the department to adopt rules; creating s. 220.195, F.S.; providing certain tax credits for certain producers of ethanol and biodiesel; authorizing the Department of Revenue to adopt certain rules relating to the tax credits; providing for future repeal of the tax credits; requiring a report to the Governor and Legislature; providing appropriations; providing an effective date.

—was read the second time by title.

## MOTION

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

Senator Dockery moved the following amendment which was adopted:

**Amendment 1 (635080)**—On page 33, line 6 through page 36, line 6, delete those lines and insert:

(1) *DEFINITIONS.*—As used in this section, unless the context otherwise indicates, the following terms have the following meanings:

(a) "Approved metering equipment" means a device capable of measuring the energy output of a solar thermal system either in BTU or KWH equivalents that has been approved by the commission.

(b) "Certified" means tested by the Florida Solar Energy Center to verify rated output or thermal performance.

(c) "Commission" means the Florida Public Service Commission.

(d) "Interconnected" means connected to a utility's electrical grid.

(e) "Solar photovoltaic system" means a solar energy system, including devices and related equipment, with a peak generating capacity of 100 kilowatts or less used for generating electricity for use in a residence, a place of business, a publicly owned or operated facility, or a facility owned or operated by a private, not-for-profit organization.

(f) "Solar thermal system" means a solar energy device that provides domestic hot water for use in a residence, a place of business, a publicly owned or operated facility, or a facility owned or operated by a private, not-for-profit organization.

(2) **SOLAR PHOTOVOLTAIC INCENTIVE PROGRAM.**—To the extent that funds are available pursuant to subsection (2), an owner or tenant of property in this state that is a residence, a place of business, a publicly owned or operated facility, or a facility owned or operated by a private, not-for-profit organization is entitled to a rebate for expenditures made by the owner or tenant for a solar photovoltaic system that is installed in accordance with this subsection after July 1, 2006, and that will be interconnected.

(a) **Eligibility requirements.**—A solar photovoltaic system qualifies for a rebate if:

1. The system is installed by a state-licensed master electrician, electrical contractor, or solar contractor.
2. The system complies with state interconnection standards as provided by the commission.
3. The system complies with all applicable building codes as defined by the local jurisdictional authority.
4. The system includes minimum service and warranty contracts.

(b) **Rebate amounts.**—The initial rebate amount shall be set at \$4 per watt and decrease by 50 cents per watt each year for 5 years. If the solar equipment is manufactured within the state, the initial rebate amount shall be set at \$5 per watt and decrease by 50 cents per watt each year for 5 years. In the case of a newly constructed residence, the rebate must be available to the original owner or occupant using the dwelling as his or her principal residence. The maximum allowable rebate per solar photovoltaic system installation shall be as follows:

1. For a residence, \$20,000.
2. For a place of business, a publicly owned or operated facility, or a facility owned or operated by a private, not-for-profit organization, \$100,000.

(3) **SOLAR THERMAL INCENTIVE PROGRAM.**—To the extent that funds are available pursuant to subsection (2), an owner or tenant of property in this state that is a residence, a place of business, a publicly owned or operated facility, or a facility owned or operated by a private, not-for-profit organization is entitled to a rebate for expenditures made by the owner or tenant for a solar thermal system that is installed in accordance with this subsection after July 1, 2006.

(a) **Eligibility requirements.**—A solar thermal system qualifies for a rebate if:

1. The system is installed by a state-licensed solar or plumbing contractor.
2. The system complies with all applicable building codes as defined by the local jurisdictional authority.
3. The system includes minimum service and warranty contracts.

(b) **Rebate amounts.**—Authorized rebates for installation of solar thermal systems shall be as follows:

1. For a residence, the rebate amount is \$300. If the solar collector is manufactured within the state, the rebate amount is \$500.

2. For a place of business, a publicly owned or operated facility, or a facility owned or operated by a private, not-for-profit organization, the rebate amount is \$15 per 1,000 BTU as certified by the Florida Solar Energy Center. The maximum rebate amount is \$5,000. An approved metering system is required.

(4) **RULES.**—

(a) The commission shall adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to amend current interconnection standards for solar energy systems up to 100 kilowatts.

(b) The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to implement the Florida Renewable Energy Technologies and Energy Efficiency Act, including the administration of grants and incentives.

(5) **PERFORMANCE CERTIFICATION.**—The Florida Solar Energy Center shall certify the performance of solar equipment sold and installed in the state in accordance with this section and s. 377.705.

Senator Constantine moved the following amendments which were adopted:

**Amendment 2 (090570)**—On page 104, line 21, before the period (.) insert: *or in the review of proceedings in such other forum*

**Amendment 3 (843116)**—On page 105, between lines 6 and 7, insert:

5. *Information on whether there were any discussions with any electric utilities regarding ownership of a portion of the plant by such electric utilities.*

**Amendment 4 (680356)(with title amendment)**—On page 158, line 3 through page 161, line 20, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 12, line 27 through page 13, line 10, delete those lines and insert: *filed before a certain date; requiring a report to the Governor*

**Amendment 5 (092860)**—On page 162, lines 10-15, delete those lines and redesignate subsequent sections.

Senator Dockery moved the following amendment which was adopted:

**Amendment 6 (830804)**—On page 162, line 20, delete "377.802" and insert: *377.806*

Senators Campbell and Klein offered the following amendment which was moved by Senator Campbell and failed:

**Amendment 7 (621584)(with title amendment)**—On page 162, between lines 26 and 27, insert:

Section 78. (1) *The tax levied under chapter 206, Florida Statutes, may not be levied on the retail sale of motor fuel during the month of August 2006. Notwithstanding any other provision of law, the Department of Revenue may adopt rules to administer this section.*

(2) *The sum of \$100 million in nonrecurring funds is appropriated from the General Revenue Fund to the State Transportation Trust Fund in the Department of Transportation for the 2006-2007 fiscal year to reimburse the department for tax revenues not remitted to it as a result of subsection (1).*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 13, line 11, after the first semicolon (;) insert: *exempting retail sales of motor fuel from certain taxes during a specified period; authorizing the Department of Revenue to adopt rules;*

## MOTION

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

Senator Constantine moved the following amendments which were adopted:

**Amendment 8 (311448)(with title amendment)**—On page 30, between lines 25 and 26, insert:

(6) *The department shall coordinate and actively consult with the Department of Agriculture and Consumer Services during the review and approval process of grants relating to bioenergy projects for renewable energy technology, and the departments shall jointly determine the grant awards to these bioenergy projects. No grant funding shall be awarded to any bioenergy project without such joint approval. Factors for consideration in awarding grants may include, but are not limited to, the degree to which:*

(a) *The project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for bioenergy.*

(b) *The project produces bioenergy from Florida-grown crops or biomass.*

(c) *The project demonstrates efficient use of energy and material resources.*

(d) *The project fosters overall understanding and appreciation of bioenergy technologies.*

(e) *Matching funds and in-kind contributions from an applicant are available.*

(f) *The project duration and the timeline for expenditures are acceptable.*

(g) *The project has a reasonable assurance of enhancing the value of agricultural products or will expand agribusiness in the state.*

(h) *Preliminary market and feasibility research has been conducted by the applicant or others and shows there is a reasonable assurance of a potential market.*

And the title is amended as follows:

On page 2, line 5, after the first semicolon (;) insert: requiring the Department of Environmental Protection to coordinate with the Department of Agriculture and Consumer Services; requiring joint departmental approval for the funding of any bioenergy project;

**Amendment 9 (562984)**—On page 162, lines 3-9, delete those lines and insert:

Section 74. *For the 2006-2007 fiscal year, the sum of \$8,587,000 in nonrecurring funds is appropriated from the General Revenue Fund and \$6,413,000 in nonrecurring funds is appropriated from the Grants and Donations Trust Fund in the Department of Environmental Protection for the purpose of funding the Renewable Energy Technologies Grants program authorized in s. 377.804, Florida Statutes. From the General Revenue Funds, \$5,000,000 are contingent upon the coordination between the Department of Environmental Protection and the Department of Agriculture and Consumer Services pursuant to s. 377.804(6), Florida Statutes.*

**Amendment 10 (293562)(with title amendment)**—On page 13, line 16 through page 25, line 13, delete those lines and insert:

Section 1. *Florida Energy Commission.*—

(1) *The Florida Energy Commission is created and shall be located within the Office of Legislative Services for administrative purposes. The commission shall be comprised of a total of 13 members, of whom nine shall be voting members and four shall be nonvoting members, as follows:*

(a) *The voting members shall be appointed as follows: the President of the Senate and the Speaker of the House of Representatives shall appoint, in consultation with the minority office of their respective chamber, four members each. The President and the Speaker shall jointly*

*appoint a ninth member, who shall be the chair. Voting members shall be appointed to 2-year terms; however, in order to establish staggered terms, for the initial appointments each appointing official shall appoint two members to a 1-year term and two members to a 2-year term. Voting members must meet the following qualifications and restrictions:*

1. *A voting member must be an expert in one or more of the following fields: energy, natural resource conservation, economics, engineering, finance, law, consumer protection, state energy policy, or another field substantially related to the duties and functions of the commission. The commission shall fairly represent the fields specified in this subparagraph.*

2. *A voting member may not, at the time of appointment or during his or her term of office:*

a. *Have any financial interest, other than ownership of shares in a mutual fund, in any business entity that, directly or indirectly, owns or controls, or is an affiliate or subsidiary of, any business entity that may profit by the policy recommendations developed by the commission.*

b. *Be employed by or engaged in any business activity with any business entity that, directly or indirectly, owns or controls, or is an affiliate or subsidiary of, any business entity that may profit by the policy recommendations developed by the commission.*

(b) *The nonvoting members shall include:*

1. *The chair of the Florida Public Service Commission;*

2. *The Public Counsel;*

3. *The Commissioner of Agriculture, or his or her designee; and*

4. *The director of the Office of Insurance Regulation, or his or her designee.*

(c) *The following persons may also attend meetings and provide information and advice:*

1. *The director of the Florida Solar Energy Center;*

2. *The Secretary of Health;*

3. *The chair of the State Board of Education;*

4. *The Secretary of Community Affairs;*

5. *The Secretary of Transportation; and*

6. *The Secretary of Environmental Protection.*

(2) *Voting members shall serve without compensation, but are entitled to reimbursement for per diem and travel expenses as provided by s. 112.061, Florida Statutes. Nonvoting members shall serve at the expense of the entity they represent.*

(3) *Meetings of the commission shall be held in various locations around the state and at the call of the chair; however, the commission must meet at least twice each year.*

(4)(a) *The commission may employ staff to assist in the performance of its duties, including an executive director, an attorney, a communications person, and an executive assistant.*

(b) *Agencies whose heads serve as nonvoting members shall supply staff and resources as necessary to provide information needed by the commission.*

(c) *The commission may appoint focus groups to consider specific issues.*

(5) *The commission shall develop recommendations for legislation to establish a state energy policy. The recommendations of the commission shall be based on the guiding principles of reliability, efficiency, affordability, and diversity as provided in subsection (7). The commission shall continually review the state energy policy and shall recommend to the Legislature any additional necessary changes or improvements.*

(6)(a) *The commission shall report by December 31 of each year to the President of the Senate and the Speaker of the House of Representatives on its progress and recommendations, including draft legislation.*

(b) *The commission's initial report must identify incentives for research, development, or deployment projects involving the goals and issues set forth in this section; set forth recommendations for improvements to the electricity transmission and distribution system, including recommended incentives to encourage electric utilities and local governments to work together in good faith on issues of underground utilities; set forth the appropriate test for the Florida Public Service Commission to use in determining which energy efficiency programs are cost-effective and should be implemented, together with the rationale in selecting the test; and set forth a plan of action, together with a timetable, for addressing additional issues.*

(c)1. *The commission's initial report shall also recommend consensus-based public-involvement processes to reduce greenhouse gas emissions in this state and to make such reductions and related economic, energy, and environmental co-benefits a state priority.*

2. *The report must include recommended steps and a schedule for the development of a comprehensive state climate action plan with statewide greenhouse-gas-reduction goals and a range of specific policy options for all economic sectors to be developed through a public-involvement process, including transportation and land use; power generation; residential, commercial, and industrial activities; waste management; agriculture and forestry; emissions-reporting systems; and public education.*

3. *The climate action plan must include:*

a. *Recommendations for the development of an annual greenhouse-gas-emissions inventory by the Department of Environmental Protection, recommendations for the development of a current comprehensive inventory of state greenhouse gas emissions since 1990 and a similar forecast of state greenhouse gas emissions from the present to the year 2020 or later.*

b. *Recommended steps to identify areas where specific greenhouse-gas-reduction policies are feasible; the costs and benefits of each recommendation; methods for helping individuals, institutions, and businesses reduce emissions; an implementation schedule; and identification of funding requirements for the development and implementation of strategies.*

c. *Consideration of the feasibility of establishing by law a greenhouse-gas-reduction target to lower greenhouse gas emissions in the state below the forecasted levels of emissions growth in the future at maximum achievable levels.*

(7) *In developing its recommendations, the commission shall be guided by the principles of reliability, efficiency, affordability, and diversity, and more specifically as follows:*

(a) *The state should have a reliable electric supply, with adequate reserves.*

(b) *The transmission and delivery of electricity should be reliable.*

(c) *The generation, transmission, and delivery of electricity should be accomplished with the least detriment to the environment and public health.*

(d) *The generation, transmission, and delivery of electricity should be accomplished compatibly with the goals for growth management.*

(e) *Electricity generation, transmission, and delivery facilities should be reasonably secure from damage, taking all factors into consideration, and recovery from damage should be prompt.*

(f) *Electric rates should be affordable, as to base rates and all recovery-clause additions, with sufficient incentives for utilities to achieve this goal.*

(g) *This state should have a reliable supply of motor vehicle fuels, both under normal circumstances and during hurricanes and other emergency situations.*

(h) *In-state research, development, and deployment of alternative energy technologies and alternative motor vehicle fuels should be encouraged.*

(i) *When possible, the resources of this state should be used in achieving these goals.*

(j) *Consumers of energy should be encouraged and given incentives to be more efficient in their use of energy.*

*In choosing between conflicting or competing goals, the commission shall balance the projected benefits of affordable, reliable energy supplies against detrimental cost and environmental impacts and recommend the best solution, with a complete and detailed explanation of the factors considered and the rationale for the decision.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 1-24, delete those lines and insert: A bill to be entitled An act relating to energy; creating the Florida Energy Commission, which is located within the Office of Legislative Services for administrative purposes; providing for the membership of the commission; providing for appointment, terms of office, and qualifications of members; providing for voting members to be reimbursed for per diem and travel expenses; providing for meetings of the commission; authorizing the commission to employ staff; requiring that the commission develop policy recommendations; requiring an annual report to the Legislature;

Pursuant to Rule 4.19, **CS for CS for CS for SB 888** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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Consideration of **CS for SB 2526** was deferred.

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On motion by Senator Fasano—

**CS for SB 2290**—A bill to be entitled An act relating to long-term care insurance; creating s. 627.94075, F.S.; requiring long-term care insurance policies to provide for policy incontestability after a certain time; providing an exception; amending s. 627.9403, F.S.; specifying that certain limited benefit policies are a type of long-term care insurance policy; deleting an exemption from a minimum time period coverage requirement for certain limited benefit policies; amending s. 627.9404, F.S.; revising certain definitions; amending s. 627.9407, F.S.; revising certain restrictions on long-term care insurance policies; providing additional rate structure requirements for long-term care insurance policies; amending s. 641.2018, F.S.; correcting a cross-reference; reenacting and amending s. 409.9102, F.S.; directing the Agency for Health Care Administration, in consultation with the Office of Insurance Regulation and the Department of Children and Family Services, to amend the Medicaid state plan that established the Florida Long-Term Care Partnership Program for purposes of compliance with provisions of the Social Security Act; establishing a qualified state Long-Term Care Insurance Partnership Program in Florida; providing duties of the program; requiring consultation with the Office of Insurance Regulation and the Department of Children and Family Services for the creation of standards for certain information; providing rulemaking authority to the agency for implementation of s. 409.9102, F.S.; providing rulemaking authority to the department regarding determination of eligibility for certain services; creating s. 627.94076, F.S.; providing rulemaking authority to the Financial Services Commission for the implementation of a qualified state Long-Term Care Insurance Partnership Program in Florida; repealing ss. 1 and 2 of ch. 2005-252, Laws of Florida, to delete conflicting provisions relating to the determination of eligibility for nursing and rehabilitative services and the establishment of the Florida Long-Term Care Partnership Program that were contingent upon amendment to the Social Security Act; amending s. 4 of ch. 2005-252, Laws of Florida, to delete a contingency in an effective date; requiring the Office of Program Policy Analysis and Government Accountability to submit a report on the implementation of a qualified state Long-Term Care Insurance Partnership Program in Florida to the Governor and Legislature; providing an appropriation; providing application; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 2290** to **HB 947**.

Pending further consideration of **CS for SB 2290** as amended, on motion by Senator Fasano, by two-thirds vote **HB 947** was withdrawn

from the Committees on Banking and Insurance; Health Care; and General Government Appropriations.

On motion by Senator Fasano—

**HB 947**—A bill to be entitled An act relating to long-term care coverage; reenacting and amending s. 409.9102, F.S.; directing the Agency for Health Care Administration, in consultation with the Office of Insurance Regulation and the Department of Children and Family Services, to amend the Medicaid state plan that established the Florida Long-Term Care Partnership Program for purposes of compliance with provisions of the Social Security Act; establishing a qualified state Long-Term Care Insurance Partnership Program in Florida; providing duties of the program; requiring consultation with the Office of Insurance Regulation and the Department of Children and Family Services for the creation of standards for certain information; providing rulemaking authority to the agency for implementation of s. 409.9102, F.S.; providing rulemaking authority to the department regarding determination of eligibility for certain services; creating s. 627.94075, F.S.; providing rulemaking authority to the Financial Services Commission for the implementation of a qualified state Long-Term Care Insurance Partnership Program in Florida; repealing ss. 1 and 2 of ch. 2005-252, Laws of Florida, to delete conflicting provisions relating to the determination of eligibility for nursing and rehabilitative services and the establishment of the Florida Long-Term Care Partnership Program that were contingent upon amendment to the Social Security Act; amending s. 4 of ch. 2005-252, Laws of Florida, to delete a contingency in an effective date; requiring the Office of Program Policy Analysis and Government Accountability to submit a report on the implementation of a qualified state Long-Term Care Insurance Partnership Program in Florida to the Governor and Legislature; creating s. 627.94076, F.S.; requiring long-term care insurance policies to provide incontestability after a certain time period; providing an exception; amending s. 627.9403, F.S.; specifying that certain limited benefit policies are a type of long-term care insurance policy; deleting an exemption from a minimum time period coverage requirement for certain limited benefit policies; amending s. 627.9404, F.S.; revising definitions; amending s. 627.9407, F.S.; revising certain restrictions on long-term care insurance policies; providing additional rate structure requirements for long-term care insurance policies; amending s. 641.2018, F.S.; correcting a cross-reference; providing application; providing an effective date.

—a companion measure, was substituted for **CS for SB 2290** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 947** was placed on the calendar of Bills on Third Reading.

**RECONSIDERATION OF BILL**

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

**CS for CS for SB 1622**—A bill to be entitled An act relating to inmate litigation costs; creating s. 945.6038, F.S.; requiring the Department of Corrections to charge inmates for specified costs relating to inmate civil litigation; authorizing liens on inmate trust funds; requiring rulemaking; providing for application of the act; providing an effective date.

—passed this day.

Pending further consideration of **CS for CS for SB 1622**, on motion by Senator Haridopolos, by two-thirds vote **HB 585** was withdrawn from the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

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

**HB 585**—A bill to be entitled An act relating to inmate litigation costs; creating s. 945.6038, F.S.; requiring the Department of Corrections to charge inmates for specified costs relating to inmate litigation; authorizing liens on inmate trust funds; requiring rulemaking; providing intent; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1622** and read the second time by title.

**MOTION**

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

Senator Haridopolos moved the following amendment which was adopted:

**Amendment 1 (593060)**—Remove lines 19-21 and insert: *evidentiary materials needed to initiate civil proceedings in judicial or administrative forums or that must be filed or served in a pending civil proceeding. The following costs are authorized:*

On motion by Senator Haridopolos, by two-thirds vote **HB 585** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Pruitt

On motion by Senator Bennett—

**CS for SB 1168**—A bill to be entitled An act relating to resale of tickets; creating s. 817.357, F.S.; providing a criminal penalty for purchasing tickets in excess of the maximum number allowed with the intent to resell those tickets; amending s. 817.36, F.S.; increasing the maximum amount above retail price for which specified tickets may be resold without violating statute; providing an exception to the criminal penalty for resale of tickets authorized by the original seller; providing an exception to the criminal penalty for resale of certain tickets through an Internet website in specified circumstances; providing for sales tax collection on ticket resales; amending s. 559.9335, F.S.; revising the prohibition on resale of tickets by sellers of travel; providing that it is a violation to resell or offer for resale a ticket in violation of s. 817.36(2), F.S.; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 1168 to HCB 6003 (for HB's 515, 589)**.

Pending further consideration of **CS for CS for SB 1168** as amended, on motion by Senator Bennett, by two-thirds vote **HCB 6003 (for HB's 515, 589)** was withdrawn from the Committees on Commerce and Consumer Services; Criminal Justice; and General Government Appropriations.

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

**HCB 6003 (for HB's 515, 589)**—A bill to be entitled An act relating to resale of tickets; amending s. 559.9335, F.S.; deleting a provision making the sale or marketing of certain admission tickets at a price in excess of \$1 above the retail admission price charged by the original seller a violation of the Sellers of Travel Act in certain circumstances; creating s. 817.357, F.S.; providing that purchasing tickets in excess of a specified amount with the intent to resell those tickets is a violation of the Florida Deceptive and Unfair Trade Practices Act; providing a definition; amending s. 817.36, F.S.; prohibiting resale of tickets for

more than \$1 above the resale admission price charged therefor by the original seller in specified circumstances; providing that the section does not authorize any individual or entity to sell or purchase tickets at any price on property where an event is being held without the prior express written consent of the owner of the property; providing for sales tax collection on ticket resales; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1168** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HCB 6003 (for HB's 515, 589)** was placed on the calendar of Bills on Third Reading.

## THE PRESIDENT PRESIDING

On motion by Senator Klein, by two-thirds vote **HB 1097** was withdrawn from the Committees on Governmental Oversight and Productivity; and Judiciary.

On motion by Senator Klein—

**HB 1097**—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; requiring an agency head who appoints a designee to act as a custodian of public records to provide notice to the public of such designation; providing notice requirements; prohibiting a person who is not a custodian of public records or a designee from denying the existence of a record or misleading anyone as to the existence of a record; requiring custodians of public records and their designees to respond to requests to inspect and copy public records promptly and in good faith; amending ss. 497.140, 627.311, and 627.351, F.S.; correcting cross-references; providing an effective date.

—a companion measure, was substituted for **CS for SB 2714** and read the second time by title.

Pursuant to Rule 4.19, **HB 1097** was placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg, by two-thirds vote **HB 667** was withdrawn from the Committees on Banking and Insurance; and Commerce and Consumer Services.

On motion by Senator Aronberg—

**HB 667**—A bill to be entitled An act relating to credit counseling services; amending s. 817.801, F.S.; revising and providing definitions; amending s. 817.802, F.S., relating to unlawful fees and costs; limiting application to certain debtors; amending s. 817.804, F.S.; revising annual audit requirements; amending s. 817.805, F.S.; including creditor contributions within an authorized deduction from requirements for disbursement of funds; providing a limitation on creditor contributions; providing an effective date.

—a companion measure, was substituted for **CS for SB 1954** and read the second time by title.

Pursuant to Rule 4.19, **HB 667** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2118, CS for CS for CS for SB 2112** and **CS for CS for CS for SB 2114** was deferred.

On motion by Senator Carlton—

**CS for SB 854**—A bill to be entitled An act relating to taxation studies; requiring the Department of Revenue to commission a study of the state's property tax structure; providing purposes; providing the contents of the study; requiring that the study recommend changes to achieve specified principles of taxation; providing deadlines; requiring the department to submit interim and final reports to legislative leaders by specified dates; providing departmental duties; providing an appropriation; repealing s. 12, ch. 2005-187, Laws of Florida, relating to the Communications Service Tax Task Force; reverting to the General Reve-

nue Fund the unexpended balance of funds appropriated to the task force; providing an effective date.

—was read the second time by title.

Senator Haridopolos moved the following amendment which was adopted:

**Amendment 1 (700168)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Subsection (4) of section 193.155, Florida Statutes, is amended to read:

193.155 Homestead assessments.—Homestead property shall be assessed at just value as of January 1, 1994. Property receiving the homestead exemption after January 1, 1994, shall be assessed at just value as of January 1 of the year in which the property receives the exemption.

(4)(a) *Except as provided in paragraph (b)*, changes, additions, or improvements to homestead property shall be assessed at just value as of the first January 1 after the changes, additions, or improvements are substantially completed.

(b) Changes, additions, or improvements *that replace all or do not include replacement of a portion of homestead real property damaged or destroyed by misfortune or calamity shall not increase the homestead property's assessed value when the square footage of the homestead property as changed or improved does not exceed 110 percent of the square footage of the homestead property before the damage or destruction just value of the damaged or destroyed portion as replaced is not more than 125 percent of the just value of the damaged or destroyed portion. Additionally, the homestead property's assessed value shall not increase if the total square footage of the homestead property as changed or improved does not exceed 1,500 square feet. Changes, additions, or improvements that do not cause the total to exceed 110 percent of the total square footage of the homestead property before the damage or destruction or that do not cause the total to exceed 1,500 total square feet shall be reassessed as provided under subsection (1). The homestead property's assessed value shall be increased by the just value of that portion of the changed or improved homestead property any replaced real property, or portion thereof, which is in excess of 110 125 percent of the square footage of the homestead property before the damage or destruction or of that portion exceeding 1,500 square feet just value of the damaged or destroyed property shall be deemed to be a change, addition, or improvement. Homestead Replaced real property damaged or destroyed by misfortune or calamity which, after being changed or improved, has a square footage with a just value of less than 100 percent of the homestead original property's total square footage before the damage or destruction just value shall be assessed pursuant to subsection (5). This paragraph applies to changes, additions, or improvements commenced within 3 years after the January 1 following the damage or destruction of the homestead.*

(c) *Changes, additions, or improvements that replace all or a portion of real property that was damaged or destroyed by misfortune or calamity shall be assessed upon substantial completion as if such damage or destruction had not occurred and in accordance with paragraph (b) if the owner of such property:*

1. *Was permanently residing on such property when the damage or destruction occurred;*
2. *Was not entitled to receive homestead exemption on such property as of January 1 of that year; and*
3. *Applies for and receives homestead exemption on such property the following year.*

(d)(e) *Changes, additions, or improvements include improvements made to common areas or other improvements made to property other than to the homestead property by the owner or by an owner association, which improvements directly benefit the homestead property. Such changes, additions, or improvements shall be assessed at just value, and the just value shall be apportioned among the parcels benefiting from the improvement.*

Section 2. Subsection (7) is added to section 196.031, Florida Statutes, to read:

## 196.031 Exemption of homesteads.—

(7) When homestead property is damaged or destroyed by misfortune or calamity and the property is uninhabitable on January 1 after the damage or destruction occurs, the homestead exemption may be granted if the property is otherwise qualified and if the property owner notifies the property appraiser that he or she intends to repair or rebuild the property and live in it as his or her primary residence after it is repaired or rebuilt and does not claim a homestead exemption on any other property or otherwise violate this section. Failure by the property owner to commence the repair or rebuilding of the homestead property within 3 years after January 1 following its damage or destruction constitutes abandonment of the property as a homestead.

Section 3. (1) The Department of Revenue shall conduct a study of the state's property tax structure to analyze the impact of the current homestead exemptions and homestead assessment limitations on different types of property.

(a) The study shall include:

1. An analysis of the effects of Save Our Homes provisions of s. 4(c), Art. VII of the State Constitution on the distribution of property taxes among and between homestead properties as well as between homesteads and other types of property;

2. An analysis of the effect of the Save Our Homes provisions of s. 4(c), Art. VII of the State Constitution on affordable housing, as evidenced by the differential tax burden on first-time homestead property owners and long-term homestead property owners and the amendment's effect on property taxes paid by nonhomestead residential property owners;

3. The identification and analysis of the impact of the differential under the Save Our Homes provisions of s. 4(c), Art. VII of the State Constitution on each county;

4. An analysis of the effects of the Save Our Homes provisions of s. 4(c), Art. VII of the State Constitution on the distribution of the school property taxes, including the required local effort levy for the Florida Education Finance Program, and other school levies;

5. An analysis of the fiscal impacts of allowing the assessments under the Save Our Homes provisions of s. 4(c), Art. VII of the State Constitution to be transferred to newly acquired homes, the resulting changes in the relative taxes levied on all other classes of property, including other homestead properties, nonhomestead properties and properties purchased by first-time homestead owners, and in the distribution of the required local effort for school funding; and

6. An analysis of the millage rates adopted by local governments compared to the rolled back rate as advertised in the Truth In Millage (TRIM) Notices required under s. 200.069, Florida Statutes.

(b) The Department of Revenue shall prepare a draft of the study by November 15, 2006, and conclude the study by January 2, 2007.

(2) The Office of Economic and Demographic Research shall prepare a report summarizing the study conducted by the Department of Revenue. The report must also contain findings and policy options that may be available to the state. In preparing the report, the Office of Economic and Demographic Research may consider other available information.

(a) In addition to findings and policy options, the report must include:

1. An evaluation of the assessment differentials under the Save Our Homes provisions of s. 4(c), Art. VII of the State Constitution on homeowners' willingness to purchase a new homestead.

2. An evaluation of the effects of the Save Our Homes provisions of s. 4(c), Art. VII of the State Constitution on local government budget decisions, including whether the Truth In Millage (TRIM) notification process under s. 200.069, Florida Statutes, adequately informs taxpayers of local governments' tax and budget decisions.

3. An evaluation of the effectiveness of the notice of proposed property taxes and non-ad valorem assessments created under s. 200.069, Florida Statutes. If the current notice is deemed ineffective, the evaluation should propose alternative methods of conveying the information contained in the notice.

(b) The findings and policy options must apply and consider the following principles of taxation described in the 2002 Florida State Tax Reform Task Force Final Report:

1. *Equity.*—The Florida tax system should treat individuals equitably. It should impose similar tax burdens on people in similar circumstances and should minimize regressivity.

2. *Compliance.*—The Florida tax system should facilitate taxpayer compliance. The system should be simple and easy to understand so as to minimize compliance costs and increase the visibility and awareness of the taxes being paid. Enforcement and collection of tax revenues should be accomplished in a fair, consistent, professional, predictable, and cost-effective manner.

3. *Pro-competitiveness.*—The Florida tax system should be responsive to interstate and international competition in order to encourage savings and investment in physical plants, equipment, people, and technology in this state.

4. *Neutrality.*—The Florida tax system should affect competitors uniformly and not become a tool for social engineering. The system should minimize government involvement in investment decisions, making any such involvement explicit, and should minimize pyramiding.

5. *Stability.*—The Florida tax system should produce, in a stable and reliable manner, revenues that are sufficient to fund appropriate governmental functions and expenditures.

6. *Integration.*—The Florida tax system should balance the need for integration of federal, state, and local taxation.

(c) The Office of Economic and Demographic Research shall submit a progress report to the President of the Senate and the Speaker of the House of Representatives by February 15, 2007. The progress report may include preliminary findings and any policy options that may be considered during the 2007 regular legislative session.

(d) The final report must be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chair of the Taxation and Budget Reform Commission no later than September 1, 2007.

(e) The Office of Economic and Demographic Research may contract with state universities or a nationally recognized property appraisal education and certification organization for the purpose of developing findings and policy options to be included in the report.

Section 4. Section 12 of chapter 2005-187, Laws of Florida, is repealed.

Section 5. The sum of \$300,000 in nonrecurring general revenue is hereby appropriated to the Department of Revenue for the purpose of conducting the study required by this act.

Section 6. The sum of \$500,000 in nonrecurring general revenue is hereby appropriated to the Office of Economic and Demographic Research for the purpose of preparing the report required by this act.

Section 7. The unexpended balance of funds appropriated in section 13 of chapter 2005-187, Laws of Florida, shall revert immediately to the General Revenue Fund.

Section 8. Sections 1 and 2 of this act shall apply retroactively to homestead property replaced on or after January 1, 2006.

Section 9. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to taxation; amending s. 193.155, F.S.; revising exceptions applicable to damaged or destroyed homestead property to a requirement that changes, additions, or improvements to homestead property be assessed at just value under certain circumstances; providing for application to certain changes, additions, and improvements; providing for assessment of homestead property after substantial completion of changes, additions, and improvements; providing criteria; amending s. 196.031, F.S.; providing for the continued granting of a

homestead exemption for certain damaged or destroyed homestead property under certain circumstances; specifying circumstances for abandonment of property as homestead; requiring the Department of Revenue to study the state's property tax structure; providing the contents of the study; requiring the Office of Economic and Demographic Research to prepare a report; requiring that the report recommend changes to achieve specified principles of taxation; providing deadlines; requiring a report to the Governor and the Legislature; repealing s. 12, ch. 2005-187, Laws of Florida, relating to dissolving the Communications Services Tax Task Force; providing appropriations; providing for reversion of unused funds to the General Revenue Fund; providing for retroactive application; providing effective dates.

Pursuant to Rule 4.19, **CS for SB 854** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater—

**CS for CS for SJR 1436**—A joint resolution proposing an amendment to Section 7 of Article XI of the State Constitution, relating to state tax or fee limitations, to specify application to imposition of new state taxes or fees, an increase or decrease in or elimination of existing state taxes or fees, and imposition of significant financial impact on state government.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SJR 1436** 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

The Senate resumed consideration of—

**SJR 2788**—A joint resolution rescinding and withdrawing House Joint Resolution 1177 (2005), which relates to limitations on the number of consecutive years during which certain elected constitutional officers may hold office before being denied the right to have their names appear on the ballot.

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

That House Joint Resolution 1177, adopted in the 2005 Regular Session and entitled "A joint resolution proposing an amendment to Section 4 of Article VI and the creation of Section 26 of Article XII of the State Constitution relating to limitations on the number of consecutive years during which certain elected constitutional officers may hold office before being denied the right to have their names appear on the ballot," is rescinded and withdrawn.

**BE IT FURTHER RESOLVED** that the proposed amendment to Section 4 of Article VI and the creation of Section 26 of Article XII of the State Constitution shall not be submitted to the electors of this state for approval or rejection at the general election to be held in November 2006, and the Secretary of State shall withhold House Joint Resolution 1177 (2005) from the ballot of the 2006 general election.

—which was previously considered this day.

On motions by Senator Posey, **SJR 2788** was passed by the required constitutional three-fifths vote of the membership and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—26

Mr. President	Clary	King
Alexander	Constantine	Lynn
Argenziano	Crist	Miller
Atwater	Diaz de la Portilla	Peadar
Baker	Dockery	Posey
Bennett	Fasano	Pruitt
Carlton	Haridopolos	Rich

Saunders	Villalobos	Wise
Sebesta	Webster	

Nays—14

Aronberg	Geller	Margolis
Bullard	Hill	Siplin
Campbell	Jones	Smith
Dawson	Klein	Wilson
Garcia	Lawson	

Vote after roll call:

Nay to Yea—Aronberg, Campbell, Garcia

On motion by Senator Fasano, by two-thirds vote **HB 1435** was withdrawn from the Committees on Domestic Security; Community Affairs; Governmental Oversight and Productivity; and Transportation and Economic Development Appropriations.

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

**HB 1435**—A bill to be entitled An act relating to the Division of Emergency Management of the Department of Community Affairs; amending s. 20.18, F.S.; providing that the director of the Division of Emergency Management be designated as agency head of the division; providing for appointment of the director by the Governor; providing that the division is a separate budget entity, not subject to control by the department; providing for an agreement between the division and department for certain services; prescribing duties of the division; providing an effective date.

—a companion measure, was substituted for **CS for SB 1888** and by two-thirds vote read the second time by title. On motion by Senator Fasano, by two-thirds vote **HB 1435** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	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	

Nays—None

**CS for CS for SB's 716 and 2660**—A bill to be entitled An act relating to campaign finance; amending s. 106.011, F.S.; redefining the terms "political committee," "contribution," "expenditure," "communications media," and "electioneering communication"; defining the term "electioneering communications organization"; amending s. 106.022, F.S.; conforming a reference to an electioneering communications organization; amending s. 106.03, F.S.; revising the registration requirements for political committees and electioneering communications organizations; creating s. 106.0701; establishing campaign finance reporting requirements for certain officers and candidates soliciting contributions for certain committees and organizations; providing penalties; creating s. 106.0703, F.S.; establishing campaign finance reporting requirements for electioneering communications organizations; amending s. 106.0705, F.S.; incorporating the new campaign finance reporting requirements for electioneering communications organizations into the Department of State's electronic campaign finance reporting system; amending s. 106.08, F.S.; prohibiting the use of certain contributions received by an electioneering communications organization proximate to an election; limiting contributions to certain committees of continuous existence,

electioneering communications organizations, and tax-exempt organizations pursuant to 26 U.S.C. s. 527 and 501(c)(4); reenacting ss. 106.07, 106.08(8), and 106.19, F.S., relating to reports, certification and filing, and penalty provisions, to incorporate the amendments made by this act to ss. 106.03 and 106.08, F.S., in references thereto; providing effective dates.

—was read the third time by title.

**MOTION**

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

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

**Amendment 1 (491976)(with title amendment)**—On page 13, line 4 through page 14, line 8, delete those lines and insert:

Section 4. Section 106.0701, Florida Statutes, is created to read:

*106.0701 Statewide and legislative officer's and candidate's solicitation of contributions; reporting requirements.—*

*(1) The Governor, the Lieutenant Governor, a member of the Cabinet, a state legislator, or a candidate for any of these offices that solicits or causes to be solicited a contribution for a committee of continuous existence, electioneering communications organization, organization exempt from taxation under 26 U.S.C. s. 527 other than a political party or the campaign depository of the solicitor, or an organization exempt from taxation under 26 U.S.C. s. 501(c)(4) shall, within 48 hours of such solicitation, file a statement with the division pursuant to s. 106.0705. The statement shall contain the following information:*

- (a) The name, street address, and office held or sought of the officer or candidate making or causing the solicitation to be made.*
- (b) The date the solicitation was made.*
- (c) The name, street address, and type of organization for whom the solicitation was made.*
- (d) A description of the relationship between the officer or candidate and the organization for whom the solicitation was made.*

*(2) If an officer or candidate has not been issued a secure sign-on to the division's electronic reporting system pursuant to s. 106.0705, the officer or candidate making the solicitation or causing the solicitation to be made shall, within 24 hours of the solicitation, request one from the division and file a report of the solicitation within 48 hours after receiving the sign-on.*

*(3) For purposes of this section, "solicits or causes to be solicited a contribution for a committee of continuous existence, electioneering communications organization, organization exempt from taxation under 26 U.S.C. s. 527 other than a political party or the campaign depository of the solicitor, or an organization exempt from taxation under 26 U.S.C. s. 501(c)(4)" means to expressly seek, ask, petition, beseech, or request, directly or indirectly, that a gift, subscription, conveyance, deposit, loan, payment, or distribution of money or anything of value, including contributions in kind having an attributable monetary value in any form, be given, directly or indirectly, to the committee or organization; however, the term does not include a general appeal to support the committee or organization if the appeal fails to expressly seek, ask, petition, beseech, or request that something with a monetary value be given to the committee or organization.*

*(4) Any officer or employee who fails to timely file a solicitation report required by this section shall be subject to the penalties for late-filed campaign finance reports pursuant to s. 106.07(8).*

And the title is amended as follows:

On page 1, line 18, after the first semicolon (;) insert: providing definitions;

On motions by Senator Posey, **CS for CS for SB's 716 and 2660** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—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	

Nays—None

**CS for SJR 1150**—A joint resolution proposing an amendment to Section 1 of Article IX of the State Constitution relating to public education.

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

That the following amendment to Section 1 of Article IX 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 IX  
EDUCATION**

Section 1. Public education.—

(a) The education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require.

(b) To assure that children attending public schools obtain a high quality education, the legislature shall make adequate provision to ensure that, by the beginning of the 2009-2010 ~~2010~~ school year and for each school year thereafter, there are a sufficient number of classrooms so that:

(1) The school district average ~~maximum~~ number of students who are assigned to each teacher who is teaching in public school classrooms for prekindergarten through grade 3 does not exceed 18 students and the number of students who are assigned to one teacher in an individual class does not exceed 23 students;

(2) The school district average ~~maximum~~ number of students who are assigned to each teacher who is teaching in public school classrooms for grades 4 through 8 does not exceed 22 students and the number of students who are assigned to one teacher in an individual class does not exceed 27 students; and

(3) The school district average ~~maximum~~ number of students who are assigned to each teacher who is teaching in public school classrooms for grades 9 through 12 does not exceed 25 students and the number of students who are assigned to one teacher in an individual class does not exceed 30 students.

The class size requirements of this subsection do not apply to extracurricular or virtual classes. Payment of the costs associated with reducing class size to meet these requirements is the responsibility of the state and not of local school districts. Beginning with the 2003-2004 fiscal year, the legislature shall provide sufficient funds to reduce the school district average class size ~~number of students in each classroom~~ by at least two students per year until the school district average class size for each of the grade groupings ~~maximum number of students per classroom~~ does not exceed the requirements of this subsection.

(c) By the beginning of the 2009-2010 school year and for each school year thereafter, at least sixty-five percent of total funds, as defined by law, received by school districts for operational expenditures shall be expended for purposes directly related to classroom instruction, as defined by law.

(d) In exceptional circumstances a school district may request from the governor a temporary waiver of the class size requirements of subsection (b) or the classroom instruction expenditure requirement of subsection (c), which the governor may grant, partially grant, or deny.

(e)(1)(b) Every four-year old child in Florida shall be provided by the state a high quality prekindergarten pre-kindergarten learning opportunity in the form of an early childhood development and education program which shall be voluntary, high quality, free, and delivered according to professionally accepted standards. An early childhood development and education program means an organized program designed to address and enhance each child's ability to make age appropriate progress in an appropriate range of settings in the development of language and cognitive capabilities and emotional, social, regulatory, and moral capacities through education in basic skills and such other skills as the legislature may determine to be appropriate.

(2)(e) The early childhood education and development programs provided by reason of this subsection subparagraph (b) shall be implemented no later than the beginning of the 2005 school year through funds generated in addition to those used for existing education, health, and development programs. Existing education, health, and development programs are those funded by the state as of January 1, 2002, that provided for child or adult education, health care, or development.

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

CONSTITUTIONAL AMENDMENT  
ARTICLE IX, SECTION 1

REQUIRING 65 PERCENT OF EDUCATION FUNDS FOR CLASSROOM RELATED INSTRUCTION; FLEXIBLE CLASS SIZE REDUCTION IMPLEMENTATION.—Proposing an amendment to the State Constitution to require school districts to expend at least 65 percent of their operational funds for classroom related instruction as defined by law; to provide flexibility for school districts in meeting class size reduction requirements by calculating compliance at a school district average number of students who are assigned to a teacher in specified grades; to specify the maximum number of students who may be assigned to one teacher in an individual class; to require implementation of the class size reduction requirements and the classroom instruction expenditure requirement by the beginning of the 2009-2010 school year and for each school year thereafter; to exempt virtual classes from the class size requirements; and to authorize, in exceptional circumstances, a school district to request from the Governor a temporary waiver of the class size reduction requirements or the 65-percent classroom instruction expenditure requirement.

—was read the third time in full.

On motion by Senator Pruitt, CS for SJR 1150 failed to receive the required constitutional three-fifths vote of the membership. The vote was:

Yeas—20

Mr. President	Constantine	Posey
Alexander	Crist	Pruitt
Atwater	Diaz de la Portilla	Saunders
Baker	Fasano	Sebesta
Bennett	Haridopolos	Webster
Carlton	King	Wise
Clary	Peaden	

Nays—20

Argenziano	Geller	Miller
Aronberg	Hill	Rich
Bullard	Jones	Siplin
Campbell	Klein	Smith
Dawson	Lawson	Villalobos
Dockery	Lynn	Wilson
Garcia	Margolis	

CS for SB 1146—A bill to be entitled An act relating to maximum class size; amending s. 1003.03, F.S.; providing that each teacher assigned to any classroom must be included in the calculation for compliance with constitutional class-size limits; providing criteria for teaching strategies that involve assigning more than one teacher to a classroom; providing for retroactive application; prohibiting the imposition of penalties for the use of any legal strategy relating to the implementation of class-size reduction; providing an effective date.

—was read the third time by title.

On motion by Senator King, CS for SB 1146 was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	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	Villalobos
Carlton	King	Webster
Clary	Klein	Wilson
Constantine	Lawson	Wise
Crist	Margolis	
Dawson	Miller	

Nays—None

Vote after roll call:

Yea—Alexander, Lynn, Smith

SPECIAL ORDER CALENDAR, continued

On motion by Senator Webster—

CS for CS for CS for SJR 2170—A joint resolution proposing the creation of Section 8 of Article IX of the State Constitution relating to education.

—was read the second time by title.

Pursuant to Rule 4.19, CS for CS for SJR 2170 was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

CS for SB 2000—A bill to be entitled An act relating to ethics for public officers and employees; amending s. 104.31, F.S.; prohibiting employees of the state and its political subdivisions from participating in a political campaign; amending s. 112.313, F.S.; prohibiting certain disclosures or use by a former public officer, agency employee, or local government attorney; redefining the term “employee” to include certain other-personal-services employees for certain postemployment activities; clarifying that existing postemployment restrictions apply to certain agency employees; providing an exemption from provisions prohibiting conflicts in employment to a person who, after serving on an advisory board, files a statement with the Commission on Ethics relating to a bid or submission; amending s. 112.3144, F.S.; specifying how assets and liabilities valued in excess of \$1,000 are to be reported by a reporting individual; conforming a cross-reference; amending s. 112.3145, F.S.; requiring that a delinquency notice be sent to certain officeholders by certified mail, return receipt requested; amending s. 112.3147, F.S.; deleting certain provisions relating to reporting the value of assets; amending s. 112.3148, F.S.; providing requirements for persons who have left office or employment as to filing a report relating to gifts; revising certain filing deadlines; amending s. 112.3149, F.S.; requiring that a report of honoraria by a person who left office or employment be filed by a specified date; amending s. 112.317, F.S.; authorizing the commission to recommend a restitution penalty be paid to the agency or the General Revenue Fund; authorizing the Attorney General to recover costs for filing suit to collect penalties and fines; deleting provisions

imposing a penalty for the disclosure of information concerning a complaint or an investigation; amending s. 112.3185, F.S.; providing additional standards for state agency employees relating to procurement of goods and services by a state agency; authorizing an employee whose position was eliminated to engage in certain contractual activities; amending s. 112.321, F.S.; prohibiting an individual who qualifies as a lobbyist from serving on the commission; prohibiting a member of the commission from lobbying any state or local governmental entity; providing exceptions for individuals who are members of the commission on July 1, 2006, until the expiration of their current terms; amending s. 112.3215, F.S.; requiring the commission to adopt a rule detailing the grounds for waiving a fine and the procedures when a lobbyist fails to timely file his or her report; requiring automatic suspension of certain lobbyist registrations if the fine is not timely paid; requiring the commission to provide written notice to affected principals when a lobbyist's registration is automatically suspended and reinstated; amending s. 112.322, F.S.; authorizing travel and per diem expenses for certain witnesses; amending s. 914.21, F.S.; redefining the terms "official investigation" and "official proceeding," for purposes of provisions relating to tampering with witnesses, to include an investigation by or proceeding before the Commission on Ethics; providing effective dates.

—which was previously considered and amended this day with pending **Amendment 3 (170474)** by Senator Posey and pending point of order by Senator Geller.

### 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.

Senator Posey moved the following amendment which was adopted:

**Amendment 4 (413458)**—On page 31, lines 4 and 5, delete those lines and insert:

Section 15. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect October 1, 2006.

### 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 5 (113284)(with title amendment)**—On page 25, line 8 through page 27, line 21, delete those lines and insert:

Section 11. Section 112.3215, Florida Statutes, as amended by section 5 of chapter 2005-359, Laws of Florida, and section 1 of chapter 2005-361, Laws of Florida, is amended to read:

112.3215 Lobbying before the executive branch, *county officers*, 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 a *county officer and the Constitution Revision Commission* as provided by s. 2, Art. XI of the State Constitution.

(b) "Agency official" or "employee" means any individual who is required by law to file full or limited public disclosure of his or her financial interests.

(c) "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 for any lobbying activity.

(d) "*County officer*" means a *sheriff, a tax collector, a property appraiser, a supervisor of elections, or a clerk of the circuit court.*

(e)(~~f~~) "Expenditure" means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying. A contribution made to a political party regulated under chapter 103 is not deemed an expenditure for purposes of this section.

(f)(~~e~~) "Fund" means the Executive Branch Lobby Registration Trust Fund.

(g)(~~f~~) "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.

(h)(~~g~~) "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.

(i)(~~h~~) "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).

(j)(~~i~~) "Principal" means the person, firm, corporation, or other entity which has employed or retained a lobbyist.

(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 identify and designate its main business on the statement authorizing that lobbyist pursuant to a classification system approved by the commission. The registration shall require each 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)1. Each lobbying firm shall file a compensation report 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; \$1 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 lobbying firm's compensation report shall also include the:

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

b. Total compensation provided or owed to the lobbying firm for the reporting period, reported in one of the following categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999; \$20,000 to \$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or \$50,000 or more. If the category "\$50,000 or more" is selected, the specific dollar amount of compensation must be reported, rounded up or down to the nearest \$1,000.

3. If the lobbying firm subcontracts work from another lobbying firm and not from the original principal:

a. The lobbying firm providing the work to be subcontracted shall be treated as the reporting lobbying firm's principal for reporting purposes under this paragraph; and

b. The reporting lobbying firm shall, for each lobbying firm identified under subparagraph 2., identify the name and address of the principal originating the lobbying work.

4. 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, and certify that no compensation has been omitted from this report by deeming such compensation as "consulting services," "media services," "professional services," or anything other than compensation, and certify that no officer or employee of the firm has made an expenditure in violation of this section.

(b) For each principal represented by more than one lobbying firm, the commission shall aggregate the reporting-period and calendar-year compensation reported as provided or owed by the principal.

(c) The 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.

(d) 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.

(e) The commission shall provide by rule *the grounds for waiving a fine, the procedures a procedure* by which a lobbying firm that fails to timely file a report shall be notified and assessed fines, and *the procedure for appealing the 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 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 the first time any reports for which the lobbying firm is responsible are not timely filed. However, to receive the one-time fine waiver, all reports for which the lobbying firm 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 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 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 to file a report after notice or of the failure of a lobbying firm to pay the fine imposed. *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, and the commission shall promptly notify all affected principals of each suspension and each reinstatement.*

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 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.

(f) The commission shall adopt a rule which allows reporting statements to be filed by electronic means, when feasible.

(g) 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 Legislative Auditing Committee pursuant to s. 11.40, 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 expenditure.

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

(7) 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.

(8)(a) 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 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, agency, officer, or employee upon receipt of information from a sworn complaint or from a random audit of lobbying reports indicating a possible violation other than a late-filed report.

(d) Records relating to an audit conducted pursuant to this section or an investigation conducted 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 such an investigation or at which such an audit is discussed are exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution either until the lobbying firm requests in writing that such investigation and associated records and meetings be made public or until the commission determines there is probable cause that the audit reflects a violation of the reporting laws. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2011, unless reviewed and saved from repeal through reenactment by the Legislature.

(9) 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 information from a random audit of lobbying reports, 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 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) 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) 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) 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) Upon discovery of violations of this section an agency or any person may file a sworn complaint with the commission.

(14) The commission shall adopt rules to administer this section, which shall prescribe forms for registration and compensation reports, procedures for registration, and procedures that will prevent disclosure of information that is confidential as provided in this section.

Section 12. Effective April 1, 2007, paragraph (d) of subsection (5) of section 112.3215, Florida Statutes, as amended by this act, section 6 of chapter 2005-359, Laws of Florida, and section 1 of chapter 2005-361, Laws of Florida, is amended to read:

112.3215 Lobbying before the executive branch, county officers, or the

And the title is amended as follows:

On page 2, delete line 28 and insert: current terms; amending s. 112.3215, F.S.; applying requirements concerning lobbying to county officers; defining the term "county officer";

On motions by Senator Posey, by two-thirds vote **CS for SB 2000** as amended was read the third time by title, passed, ordered engrossed and immediately 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

On motion by Senator Posey—

**CS for SB 2526**—A bill to be entitled An act relating to insurance agents; amending s. 626.171, F.S.; providing additional requirements for applications for certain licenses; requiring applicants to submit fingerprints and pay a processing fee; providing for fingerprints to be taken by a designated examination center; requiring the Department of Financial Services to require designated examination centers to have certain equipment; prohibiting the department from approving licensure applications without submitted fingerprints; amending s. 626.211, F.S.; deleting a prohibition against the department denying, delaying, or withholding approval of applications lacking a criminal history report; revising circumstances under which the department must notify an applicant about examinations; amending s. 626.221, F.S.; expanding the authorized adjuster designations for exemptions from adjuster license examinations; amending s. 626.231, F.S.; providing authorization and procedures for applying on the department's Internet website to take a licensure examination prior to applying for licensure; specifying required application information; requiring an application disclosure statement; requiring payment of an examination fee with an application; amending s. 626.241, F.S.; providing for application of certain examination provisions to certain persons; creating s. 626.2415, F.S.; requiring the department to annually prepare, publicly announce, and publish reports of certain examination statistical information; providing report requirements; authorizing the department to provide certain contracted testing service providers with certain demographic application information under certain circumstances; amending s. 626.251, F.S.; requiring the department to provide certain information to examination applicants; amending s. 626.261, F.S.; requiring examination applicants to personally take the examination; amending s. 626.281, F.S.; applying reexamination provisions to examination applicants; amending s. 626.291, F.S.; requiring the department to issue a license for certain applicants after

the department approves the application; specifying a period of validity of a passing examination grade; prohibiting the department from issuing a license based on an examination taken more than 1 year prior to filing an application; providing appropriations; authorizing additional positions; providing effective dates.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 2526** to **HB 1113**.

Pending further consideration of **CS for SB 2526** as amended, on motion by Senator Posey, by two-thirds vote **HB 1113** was withdrawn from the Committees on Banking and Insurance; and Criminal Justice.

On motion by Senator Posey—

**HB 1113**—A bill to be entitled An act relating to insurance agents; amending s. 626.171, F.S.; providing additional requirements for applications for certain licenses; requiring applicants to submit fingerprints and pay a processing fee; providing for fingerprints to be taken by a designated examination center; requiring the Department of Financial Services to require designated examination centers to have fingerprinting equipment and take fingerprints; prohibiting the department from approving licensure applications without submitted fingerprints; amending s. 626.211, F.S.; deleting a prohibition against the department denying, delaying, or withholding approval of applications lacking a criminal history report; revising circumstances under which the department must notify an applicant about examinations; amending s. 626.221, F.S.; expanding the authorized adjuster designations for exemptions from adjuster license examinations; amending s. 626.231, F.S.; providing authorization and procedures for applying on the department's Internet website to take a licensure examination prior to applying for licensure; specifying required application information; requiring an application disclosure statement; requiring payment of an examination fee with an application; amending s. 626.241, F.S.; providing for application of certain examination provisions to certain persons; creating s. 626.2415, F.S.; requiring the department to annually prepare, publicly announce, and publish reports of certain examination statistical information; providing report requirements; authorizing the department to provide certain contracted testing service providers with certain demographic application information under certain circumstances; amending s. 626.251, F.S.; requiring the department to provide certain information to examination applicants; amending s. 626.261, F.S.; specifying required conduct for examination applicants; amending s. 626.281, F.S.; applying reexamination provisions to examination applicants; amending s. 626.291, F.S.; requiring the department to issue a license for certain applicants after the department approves the application; specifying a period of validity of a passing examination grade; prohibiting the department from issuing a license based on an examination taken more than 1 year prior to filing an application; providing appropriations; authorizing additional positions; providing effective dates.

—a companion measure, was substituted for **CS for SB 2526** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1113** was placed on the calendar of Bills on Third Reading.

## MOTIONS RELATING TO COMMITTEE MEETINGS

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 and to meet later than 7:00 p.m., if necessary.

## 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 Monday, May 1.

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 Monday, May 1.

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Saunders, by two-thirds vote **SB 8, SB 146, SB 150, SB 180, SB 182, SB 236, SB 238, SB 240, SB 364, SB 602, SB 760, SB 768, SB 1600, SB 1852, SB 1854, SB 2166** and **SB 2228** were withdrawn from the committees of reference and further consideration.

On motion by Senator Pruitt, by two-thirds vote **SB 2472** was withdrawn from the Committee on Community Affairs; **CS for SB 430** and **CS for CS for SB 2412** were withdrawn from the Committee on General Government Appropriations; **CS for CS for SB 1412** was withdrawn from the Committee on Health and Human Services Appropriations; **SB 490** and **CS for SB 2116** were withdrawn from the Committee on Rules and Calendar; **CS for SB 568** was withdrawn from the Committee on Judiciary; **CS for SB 1162** was withdrawn from the Committees on Governmental Oversight and Productivity; and Rules and Calendar; **CS for CS for SB 1858** was withdrawn from the Committee on Ways and Means; and **CS for CS for SB 2062** was withdrawn from the Committees on 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 Friday, April 28, 2006: **CS for CS for CS for SJR 2170, CS for SB 2000, CS for SB 1430, CS for CS for SB 2216, SB 198, CS for CS for CS for SB 190, CS for CS for SB 1324, CS for SB 432, CS for SB 784, CS for SB 2178, CS for SB 918, CS for SB 252, CS for SB 2522, SB 658, CS for SB 1190, CS for CS for CS for SB 166, CS for SB 1940, CS for SB 2014, CS for SB 2526, CS for SB 2290, CS for CS for SB 1168, CS for SB 2714, CS for SB 1954, CS for SB 2118, CS for CS for CS for SB 2112, CS for CS for CS for SB 2114**

Respectfully submitted,  
Ken Pruitt, Chair

## 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 547, HB 757, HB 847, HB 925, HB 927, HB 929, HB 931, HB 1051, HB 1053, HB 1085, HB 1133, HB 1151, HB 1161, HB 1189, HB 1195, HB 1219, HB 1245, HB 1303, HB 1335, HB 1355, HB 1481, HB 1585** and **HB 1631**; has passed as amended **HB 65, HB 67, HB 263, HB 479, HB 495, HB 561, HB 683, HB 921, HB 993, HB 1079, HB 1081, HB 1127, HB 1137, HB 1157, HB 1183, HB 1207, HB 1217, HB 1237, HB 1319, HB 1351, HB 1359, HB 1361, HB 1375, HB 1399, HB 1413, HB 1435, HB 1445, HB 1531, HB 1633, HCB 6003** (for **HB's 515, 589**), **HB 7055, HB 7075, HB 7109, HB 7121, HB 7139, HB 7201** and **HB 7237** and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Kreegel—

**HB 547**—A bill to be entitled An act relating to the East County Water Control District, Lee and Hendry Counties; amending ch. 2000-423, Laws of Florida; amending the boundaries of the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Stargel—

**HB 757**—A bill to be entitled An act relating to Polk County; amending chapter 88-443, Laws of Florida, as amended; excluding certain positions from the classified service of the Sheriff's Office of Polk County; removing legislative intent; revising names of units and titles of persons in the Sheriff's Office; revising terminology; revising the effective date

of appointments to the personnel board; reducing the term of the chairperson of the board; specifying the office and departments from which members are elected to the Members Nominating Committee; revising the effective date of the initial probationary period; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Mahon—

**HB 847**—A bill to be entitled An act relating to the City of Jacksonville, Duval County; amending chapter 97-339, Laws of Florida, as amended; defining terms; restructuring the Jacksonville Economic Development Commission by increasing the number of members of the commission; revising membership qualification requirements; removing provisions relating to staggering of terms; revising provisions pertaining to ex officio and technical support advisors; removing provisions relating to duties of the executive director and to a prior transfer of certain functions and personnel; authorizing the chair of the commission to appoint special or standing committees for certain purposes; providing duties of the chair of the commission; providing for appointment of committee members and terms thereof; creating a downtown committee; providing duties and responsibilities of the downtown committee; repealing Article 20 of chapter 92-341, Laws of Florida, as amended, relating to the Jacksonville Downtown Development Authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Anderson—

**HB 925**—A bill to be entitled An act relating to the Pinellas County Tourist Development Council, Pinellas County; amending chapter 2001-307, Laws of Florida; revising the membership of the council; providing the effective date for such changes in council membership; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Berfield—

**HB 927**—A bill to be entitled An act relating to the mosquito control district of Pinellas County; repealing chapter 18792, Laws of Florida, 1937, and chapter 67-1920, Laws of Florida; abolishing the mosquito control district of Pinellas County; transferring all assets and liabilities of the district to the county; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Berfield—

**HB 929**—A bill to be entitled An act relating to Pinellas County; repealing chapter 77-635, Laws of Florida, as amended; abolishing the Pinellas Sports Authority and providing for disposition of its assets and assumption of its liabilities; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Farkas—

**HB 931**—A bill to be entitled An act relating to the Pinellas Suncoast Transit Authority, Pinellas County; amending chapter 2000-424, Laws

of Florida; providing for additional members of the authority's governing body; providing for appointment of additional members; providing for staggering of initial terms of additional members; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Domino—

**HB 1051**—A bill to be entitled An act relating to the Northern Palm Beach County Improvement District, Palm Beach County; amending chapter 2000-467, Laws of Florida, as amended; requiring prior written notice of candidacy to be eligible for election to the Board of Supervisors; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative D. Davis—

**HB 1053**—A bill to be entitled An act relating to the City of Jacksonville, Duval County; amending chapter 92-341, Laws of Florida, as amended; expanding the mayor's power to transfer certain appropriations, subject to authorization by ordinance adopted and approved by extraordinary vote of the council; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Traviesa and others—

**HB 1085**—A bill to be entitled An act relating to the Hillsborough County School District; providing for a seven-member district school board, with five members elected from single-member residence areas and two members elected from the district at large; providing for reapportionment; providing that elections shall be held in accordance with general law; repealing chapter 98-465, Laws of Florida, relating to the calling of a referendum to authorize such a district school board, to conform; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sorensen—

**HB 1133**—A bill to be entitled An act relating to Key Largo Wastewater Treatment District, Monroe County; amending chapter 2002-337, Laws of Florida; providing for liens against real property under certain circumstances involving delinquent fees, rentals, or other charges; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative M. Davis—

**HB 1151**—A bill to be entitled An act relating to Collier County; amending chapter 89-449, Laws of Florida, as amended; providing for persons cited by county park enforcement officers to appear before the Collier County Code Enforcement Special Master instead of in county court; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Machek—

**HB 1161**—A bill to be entitled An act relating to Okeechobee County; providing for career service for employees of the Okeechobee County Sheriff's Office; providing for application of the act, permanent status of employees, suspension or dismissal, transition of career service employees, and administration; providing for a procedure with respect to complaints against employees; providing for ad hoc career service appeal boards and membership and responsibilities thereof; providing for a disciplinary procedure and for appeals; providing for status as permanent employees; prohibiting certain actions to circumvent the act; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative Legg—

**HB 1189**—A bill to be entitled An act relating to Pasco County; providing that a resolution of the District School Board of Pasco County which provides for receipt of proceeds from the local government infrastructure surtax authorized under s. 212.055(2), F.S., may include a covenant to limit the levy of capital local school property taxes; ratifying and confirming a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative Galvano—

**HB 1195**—A bill to be entitled An act relating to Manatee County; amending chapter 85-461, Laws of Florida, as amended, which created the Manatee County Fire Prevention Code Enforcement Board and the Manatee County Fire Marshal Appeals Board; revising the repeal date of the act, to continue such boards; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative Joyner and others—

**HB 1219**—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending s. 8, chapter 23559, Laws of Florida, 1945, as amended; revising longevity retirement provisions to provide for a multiplier of 1.20 percent for employees in Division B, as amended; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative Sobel—

**HB 1245**—A bill to be entitled An act relating the North Broward Hospital District, Broward County; codifying, amending, reenacting, and repealing chapters 27438 (1951), 61-1931, 61-1937, 63-1192, 65-1316, 65-1319, 67-1170, 67-1171, 69-895, 69-898, 69-914, 70-622, 71-567, 71-576, 71-578, 73-411, 73-412, 73-413, 74-449, 75-347, 75-348, 76-338, 77-508, 78-481, 80-464, 80-468, 81-354, 84-399, 86-369, 87-508, 90-485, 91-351, 97-372, and 2002-363, Laws of Florida; codifying the district charter; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative Troutman—

**HB 1303**—A bill to be entitled An act relating to the Hardee County Economic Development Authority, Hardee County; amending chapter 2004-394, Laws of Florida; revising the membership of the Hardee County Economic Development Authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative Sorensen—

**HB 1335**—A bill to be entitled An act relating to Monroe County; providing definitions; authorizing teleconferencing attendance by county commissioners to qualify for a quorum at certain meetings; requiring compliance with certain public meetings laws; providing for future repeal; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative Sobel—

**HB 1355**—A bill to be entitled An act relating to the City of Lauderhill, Broward County; extending and enlarging the corporate limits of the City of Lauderhill to include specific unincorporated lands within said corporate limits; providing for transfer of public roads and rights-of-way; providing for powers and services over annexed area; providing for continuation of contracts in effect prior to annexation; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative Dean—

**HB 1481**—A bill to be entitled An act relating to the Homosassa Special Water District, Citrus County; providing for annexation of specified areas; requiring a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative Sobel—

**HB 1585**—A bill to be entitled An act relating to Broward County; providing for annexation and deannexation of certain described lands within the municipal limits of the City of Pembroke Pines and the Town of Southwest Ranches; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative Domino—

**HB 1631**—A bill to be entitled An act relating to the Village of North Palm Beach, Palm Beach County; designating a portion of State Road A1A within the village as Jack Nicklaus Drive; authorizing and directing the village to change street signs and markers, mailing addresses, and 911 emergency telephone system listings and to erect signs and markers accordingly; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative Porth and others—

**HB 65**—A bill to be entitled An act relating to foreclosure proceedings; amending s. 45.031, F.S.; revising procedures and requirements for judicial sales; creating s. 45.032, F.S.; providing for disbursement of surplus funds after a judicial sale; providing definitions; establishing a rebuttable presumption of entitlement to surplus funds in certain filings; providing legislative intent; providing requirements and procedures for disbursement of surplus funds by the clerk of court; providing for appointment of a surplus trustee under certain circumstances; providing for notice of appointment; providing for termination of appointment; providing for treatment of surplus funds as unclaimed property under certain circumstances; providing construction relating to title of property in a foreclosure sale; creating s. 45.033, F.S.; providing for a sale or assignment of rights to surplus funds in a property subject to foreclosure; establishing a rebuttable presumption of entitlement to surplus funds; providing requirements for proof; providing legislative intent; providing requirements for rebutting the presumption; providing requirements for transfers or assignments of surplus funds; providing duties and authority of a court in payment of surplus funds under a transfer or assignment; providing for nonapplication to certain instruments; specifying absence of effect on title or marketability of certain property or validity of certain liens; creating s. 45.034, F.S.; providing qualifications for appointment as a surplus trustee by the Department of Financial Services; providing requirements for appointment as a surplus trustee; providing for application and renewal fees; providing duties of the department in certifying surplus trustees; requiring the department to establish a rotation system for assignment of cases to surplus trustees; providing duties of a surplus trustee; providing entitlement of a surplus trustee to certain service charges and fees; creating s. 45.035, F.S.; specifying service charges for clerks of court for administering judicial sales and surplus funds; creating s. 501.2078, F.S.; providing definitions; providing a civil penalty for knowingly using unfair or deceptive homeowner victimization methods, acts, or practices in residential foreclosure proceedings; specifying higher priority of an order of restitution or reimbursement over imposition of a civil penalty; providing for deposit of civil penalties into the Legal Affairs Revolving Trust Fund of the Department of Legal Affairs; allocating such funds for certain purposes; specifying nonapplication to certain encumbrances, deeds, or actions; amending s. 702.035, F.S.; specifying different newspaper legal notice and process requirements for counties above a certain population size; limiting certain costs chargeable in a foreclosure proceeding; amending s. 201.02, F.S.; correcting a cross-reference; providing effective dates.

—was referred to the Committees on Judiciary; Banking and Insurance; and Justice Appropriations.

By Representative Sobel and others—

**HB 67**—A bill to be entitled An act relating to automated external defibrillator devices; providing a short title; amending s. 401.107, F.S.; defining the terms “youth athletic organization” and “automated external defibrillator device”; amending s. 401.111, F.S.; providing for grants to youth athletic organizations for automated external defibrillator devices; amending s. 401.113, F.S.; providing for disbursement of funds from the Emergency Medical Services Trust Fund; requiring the Department of Health to implement an educational campaign to inform persons who acquire automated external defibrillator devices of the scope and limitations of the immunity from liability provided under the Cardiac Arrest Survival Act; providing an effective date.

—was referred to the Committees on Health Care; Judiciary; and Health and Human Services Appropriations.

By Representative Mealor and others—

**HB 263**—A bill to be entitled An act relating to the Florida Prepaid College Board programs; amending s. 1009.97, F.S.; renaming the Florida Prepaid College Program; amending s. 1009.972, F.S.; authorizing funds in the Florida Prepaid Tuition Scholarship Program to be used for certain approved scholarship programs; amending s. 1009.98, F.S.; deleting a restriction on the types of postsecondary educational institutions to which a qualified beneficiary may apply his or her benefits under the Florida Prepaid College Program; requiring certain advertisements to contain a disclaimer regarding the program; conforming provisions;

amending s. 1009.983, F.S.; requiring the direct-support organization of the Florida Prepaid College Board to administer the Florida Prepaid Tuitions Scholarship Program; authorizing the board to establish and administer additional scholarship programs supported from escheated funds retained by the board if the matching funds used for the scholarships are obtained from the private sector; amending s. 732.402, F.S.; conforming provisions; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

By Representative Littlefield and others—

**HB 479**—A bill to be entitled An act relating to Pasco County; creating the Lake Padgett Estates Independent Special District; providing a popular name; providing definitions; stating legislative policy regarding creation of the district; providing for creation and establishment of the district and legal boundaries of the district; providing for the jurisdiction and charter of the district; providing for an initial governing board, a board of supervisors, and board membership, meetings, organization, powers, duties, terms of office, per diem, salary, and election requirements; providing for administrative duties of the board, district employees, selection of a public depository, district budgets, financial reports, and reviews; providing for the general powers of the district; providing for the special powers of the district to maintain, operate, and improve community recreational amenities and associated infrastructure and services within the district; providing for borrowing and revenue sources including a referendum to allow for the levying of an ad valorem tax within the district; providing for competitive procurement; providing for required notices to purchasers of real property within the district; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Bean—

**HB 495**—A bill to be entitled An act relating to Baker County; providing career service status for certain employees of the Baker County Sheriff's Office; providing definitions; providing for transition between administrations; providing for appeals procedures; providing for career service appeals boards; providing proceedings and provisions with respect to disciplinary suspension and dismissal; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Rivera and others—

**HB 561**—A bill to be entitled An act relating to offenses involving insurance; amending s. 316.068, F.S.; specifying information to be included in a crash report; creating a rebuttable presumption relating to the absence of certain information in such reports; amending s. 322.21, F.S.; providing an additional fee for certain offenses relating to insurance crimes; providing for deposit of the fee into the Highway Safety Operating Trust Fund; amending s. 322.26, F.S.; providing an additional circumstance relating to insurance crimes for mandatory revocation of a person's driver's license; amending s. 400.9935, F.S.; prohibiting medical directors from referring specified patients to certain clinics for specified medical examinations and tests; providing a definition; providing criminal penalties; requiring health care clinics to display signs containing certain information relating to insurance fraud; authorizing compliance inspections by the Division of Insurance Fraud; requiring clinics to allow inspection access; amending s. 440.105, F.S.; deleting the provision that a violation of a stop-work order is a misdemeanor of the first degree; making unlawful a failure to secure required workers' compensation insurance coverage; providing criminal penalties; amending s. 456.054, F.S.; revising the definition of the term “kickback” for criminal prosecution purposes; amending s. 624.15, F.S.; specifying violations of rules of the Department of Financial Services, Office of Insurance Regulation, or Financial Services Commission as misdemeanors; specifying

a violation of emergency rules or orders as a felony of the third degree; providing penalties; providing for nonapplication to certain persons; amending s. 626.112, F.S.; providing a criminal penalty for knowingly transacting insurance without a license; amending s. 626.938, F.S.; revising provisions requiring a report and taxation of independently procured coverages; specifying nonauthorization of independent procurement of workers' compensation, life, or health insurance; amending s. 626.9891, F.S.; expanding authorization to impose administrative fines on insurers for failure to comply with certain anti-fraud plan or anti-fraud investigative unit description requirements; creating s. 626.9893, F.S.; authorizing the division to deposit certain revenues into the Insurance Regulatory Trust Fund; specifying accounting and uses of such revenues; providing for appropriation and use of such revenues; amending s. 627.4133, F.S.; providing a limitation on retroactive assumption of certain coverages and liabilities; amending s. 627.736, F.S.; requiring insurers to provide certain persons with notice of the department's Anti-Fraud Reward Program and the criminal violations that may be reported in pursuit of a reward; amending s. 627.7401, F.S.; specifying additional requirements for Financial Services Commission notification of an insured's rights; amending s. 627.912, F.S.; authorizing the office to impose fines; authorizing the office to adjust such fines under certain circumstances; amending s. 817.234, F.S.; revising provisions specifying material omission and insurance fraud; prohibiting scheming to create documentation of a motor vehicle crash that did not occur; providing a criminal penalty; amending s. 817.2361, F.S.; providing that creating, marketing, or presenting fraudulent proof of motor vehicle insurance is a felony of the third degree; amending s. 817.50, F.S.; specifying nonapplication of provisions specifying evidence of intent to defraud to certain investigative actions taken by law enforcement officers; amending s. 817.505, F.S.; providing an additional patient brokering prohibition, to which penalties apply; revising a definition; amending s. 843.08, F.S.; providing a criminal penalty for falsely assuming or pretending to be an officer of the Department of Financial Services; amending s. 932.7055, F.S.; requiring certain proceeds seized by the division under the Florida Contraband Forfeiture Act to be deposited into certain trust funds; providing severability; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health Care; Criminal Justice; Government Efficiency Appropriations; and General Government Appropriations.

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By Representative Traviesa and others—

**HB 683**—A bill to be entitled An act relating to growth management; amending s. 163.01, F.S.; revising provisions for filing certain interlocal agreements and amendments; amending s. 163.3177, F.S.; encouraging local governments to adopt recreational surface water use policies; providing criteria and exemptions for such policies; authorizing assistance for the development of such policies; directing the Office of Program Policy Analysis and Government Accountability to submit a report to the Legislature; revising a provision relating to the amount of transferrable land use credits; amending s. 163.3180, F.S.; conforming a cross-reference; amending s. 197.303, F.S.; revising the criteria for ad valorem tax deferral waterfront properties; amending s. 342.07, F.S.; including hotels and motels within the definition of the term “recreational and commercial working waterfront”; creating s. 373.4132, F.S.; directing water management district governing boards and the Department of Environmental Protection to require permits for certain activities relating to certain dry storage facilities; providing criteria for application of such permits; preserving regulatory authority for the department and governing boards; amending s. 380.06, F.S.; providing for the state land planning agency to determine the amount of development that remains to be built in certain circumstances; specifying certain requirements for a development order; revising the circumstances in which a local government may issue permits for development subsequent to the buildout date; revising the definition of an essentially built-out development; revising the criteria under which a proposed change constitutes a substantial deviation; providing criteria for calculating certain deviations; clarifying the criteria under which the extension of a buildout date is presumed to create a substantial deviation; requiring that notice of any change to certain set-aside areas be submitted to the local government; requiring that notice of certain changes be given to the state land planning agency, regional planning agency, and local government; revising the statutory exemptions from development-of-regional-impact review for certain facilities; removing waterport and marina developments from development-of-regional-impact review; providing statutory exemptions

and partial statutory exemptions for the development of certain facilities; providing that the impacts from an exempt use that will be part of a larger project be included in the development-of-regional-impact review of the larger project; providing that vesting provisions relating to authorized developments of regional impact are not applicable to certain projects; revising provisions for the abandonment of developments of regional impact; providing an exemption from such provisions for certain developments of regional impact; providing requirements for developments following abandonment; amending s. 380.0651, F.S.; revising the statewide guidelines and standards for development-of-regional-impact review of office developments; deleting such guidelines and standards for port facilities; revising such guidelines and standards for residential developments; providing such guidelines and standards for workforce housing; amending s. 380.07, F.S.; revising the appellate procedures for development orders within a development of regional impact to the Florida Land and Water Adjudicatory Commission; amending s. 380.115, F.S.; providing that a change in a development-of-regional-impact guideline and standard does not abridge or modify any vested right or duty under a development order; providing a process for the rescission of a development order by the local government in certain circumstances; providing an exemption for certain applications for development approval and notices of proposed changes; amending s. 403.813, F.S.; revising permitting exceptions for the construction of private docks in certain waterways; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Productivity; Environmental Preservation; Transportation and Economic Development Appropriations; and Ways and Means.

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By Representative Berfield—

**HB 921**—A bill to be entitled An act relating to the Pinellas County Water and Navigation Control Authority; repealing chapter 31182, Laws of Florida, 1955, section 3 of chapter 74-588, Laws of Florida, and chapters 72-664, 78-602, 81-471, and 85-493, Laws of Florida; abolishing the Pinellas County Water and Navigation Control Authority; transferring all assets and liabilities of the authority to the county; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative Coley—

**HB 993**—A bill to be entitled An act relating to the City of Southport, Bay County; creating the City of Southport; providing a charter; providing legislative intent; providing for a commission-manager form of government; providing municipal powers; providing boundaries; providing for a city commission and its composition and qualifications; providing terms of office, powers, and duties of commissioners; providing for a mayor and vice mayor and their powers and duties; providing for compensation and expenses of the commission; providing for vacancies, forfeiture of office, and filling of vacancies; providing for commission meetings; providing for a city manager and city attorney and their qualifications, powers, and duties; providing for elections; providing for elections to be held at large until the commission creates voting districts; providing for municipal services; providing for charter amendment and review; providing for standards of conduct; providing severability; providing a transition schedule, including initial elections; providing for state-shared revenue; providing for gas tax revenues; requiring a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative Altman and others—

**HB 1079**—A bill to be entitled An act relating to an exemption from the tax on sales, use, and other transactions; amending s. 212.02, F.S.; defining the term “qualified aircraft”; amending s. 212.08, F.S.; including qualified aircraft under certain miscellaneous exemption provisions

relating to aircraft; exempting certain advertising materials distributed free of charge by mail in an envelope; creating s. 212.0801, F.S.; providing criteria, requirements, and limitations on exemptions for purchases or leases of qualified aircraft; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; and Ways and Means.

By Representative Kyle—

**HB 1081**—A bill to be entitled An act relating to the Lee County Hyacinth Control District, Lee County; amending chapter 98-462, Laws of Florida; providing that all work done under the provisions of the district's charter shall be under the supervision of a person determined qualified by the Hyacinth Board; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sobel—

**HB 1127**—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the Town of Davie; providing for annexation of the unincorporated area known as Broadview Park; providing for an election; providing boundaries; providing for an effective date of annexation; providing for an interlocal agreement; providing for a continuation of certain Broward County regulations; providing for the transfer of public roads and rights-of-way; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Harrell—

**HB 1137**—A bill to be entitled An act relating to the Rupert J. Smith Law Library, St. Lucie County; amending chapter 2001-326, Laws of Florida; providing for the appointment of additional members to the board of trustees; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Mayfield and others—

**HB 1157**—A bill to be entitled An act relating to dental charting; amending s. 466.023, F.S.; expanding the scope and area of practice of dental hygienists to include dental charting; creating s. 466.0235, F.S.; providing for regulation of dental charting; providing a definition; authorizing dental hygienists to perform dental charting under certain conditions; regulating the use and content of disclosure and charting forms; requiring the Board of Dentistry to approve disclosure and charting forms; limiting the applicability of dental charting; providing restrictions on periodontal probe use in dental charting; providing restrictions on dental charting reimbursement, referrals made in conjunction with the provision of dental charting services, and the provision of dental charting by a dental hygienist without supervision; providing an effective date.

—was referred to the Committees on Health Care; and Banking and Insurance.

By Representative Russell—

**HB 1183**—A bill to be entitled An act relating to Hernando County special election validation; validating all acts and proceedings had and taken in connection with the special election held in the county on March

9, 2004, to authorize the levy of a discretionary sales surtax in the county for the purpose of providing funds to finance the cost of new facilities consisting of new schools, equipment, and such improvements associated with such schools within the county; declaring such special election legal and valid; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Poppell—

**HB 1207**—A bill to be entitled An act relating to Indian River Mosquito Control District, Indian River County; codifying, amending, reenacting, and repealing special acts relating to the district; fixing and prescribing the boundaries of said district; providing for the government and administration of the district; providing and defining the powers and purposes of such district and of the board of commissioners thereof; authorizing and empowering said board to construct and maintain canals, ditches, drains, and dikes and to fill depressions, lakes, ponds, or marshes in order to eliminate breeding places of mosquitoes and sandflies and to control and eradicate mosquitoes and sandflies; providing for spraying or otherwise disbursing substances and materials over the area of such district for the purpose of controlling and eradicating mosquitoes and sandflies and diseases transmitted by the same; authorizing said board to do any and all acts or things necessary for the control and complete elimination of mosquitoes and sandflies in said district; authorizing and providing for the levy and collection of taxes upon all the real and personal taxable property in said district for carrying out the purposes of this act; authorizing the borrowing by the board of commissioners of said district in any one tax year of a sum not to exceed 80 percent of the estimated taxes to be collected on behalf of said district within such year and to evidence the indebtedness represented by any money so borrowed by written obligation of the district and providing for the payment of interest thereon and for the repayment thereof prior to the borrowing of any further sums in any subsequent year; limiting the amount of taxes that may be so levied by said board upon the taxable property within such district; prohibiting injury to any works controlled under or in pursuance of this act, to be punishable as provided by general law; legalizing and validating the acts of the Indian River Mosquito Control District herewith abolished and making all contracts of said Indian River Mosquito Control District so abolished binding upon the new Indian River Mosquito Control District; authorizing and prescribing generally the powers and duties of the Board of Commissioners of said new Indian River Mosquito Control District; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Galvano—

**HB 1217**—A bill to be entitled An act relating to the City of Bradenton Beach, Manatee County; amending chapter 28915, Laws of Florida, 1953; amending the city's boundaries; authorizing the city to exercise certain police powers and jurisdictional authority 500 feet into the waters of the Gulf of Mexico adjacent to its established corporate limits and within Sarasota Bay from the eastern municipal boundary of the city to the west right-of-way line of the Intracoastal Waterway; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Mealor and others—

**HB 1237**—A bill to be entitled An act relating to special postsecondary education programs; creating s. 1004.226, F.S.; creating the 21st Century Technology, Research, and Scholarship Enhancement Act; providing legislative findings and intent; providing definitions; creating the Florida Technology, Research, and Scholarship Board within the Board of Governors of the State University System; providing for members of

the board; providing for terms; providing for board members to be reimbursed for per diem and expenses incurred in the performance of their duties; requiring that the Board of Governors of the State University System provide staff support and other support for the board; requiring that the board provide recommendations for the 21st Century World Class Scholars Program and the Centers of Excellence Program; authorizing the board to form committees and consult with certain other entities; providing for the 21st Century World Class Scholars Program to provide matching funds to state universities; providing guidelines for the board in the development of criteria for recommendation to the Board of Governors; requiring a minimum investment of funds; specifying the purposes of the Centers of Excellence; specifying entities eligible to submit proposals; requiring the board to recommend to the Board of Governors criteria for approving proposals to create or expand a Center of Excellence, to solicit proposals, and to recommend proposals that meet such criteria; requiring documentation if funds are approved for a Center of Excellence in excess of a specified amount; requiring reports by Centers of Excellence and the Board of Governors; providing for expiration of the act; creating s. 1004.635, F.S.; creating the State University System Research and Economic Development Investment Program to provide matching funds to institutions to construct and acquire facilities and equipment to support research programs and foster economic development; providing for administration by the Board of Governors of the State University System; specifying eligibility criteria for state university participation; providing for the matching of appropriated funds; providing appropriations; creating s. 1004.384, F.S.; authorizing a College of Medicine at the University of Central Florida; creating s. 1004.385, F.S.; authorizing a College of Medicine at Florida International University; providing an effective date.

—was referred to the Committees on Education; Judiciary; and Ways and Means.

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By Representative Goldstein and others—

**HB 1319**—A bill to be entitled An act relating to swimming pools; creating s. 514.072, F.S.; requiring additional certification of swimming instructors specializing in training people who have developmental disabilities; requiring the Dan Marino Foundation, Inc., to develop certification requirements and a training curriculum and to submit the certification requirements to the Department of Health for review; providing deadlines for certification; amending s. 514.075, F.S.; deleting an exception to the requirement that a public pool be serviced by a certified technician; providing a contingent effective date.

—was referred to the Committees on Health Care; and Community Affairs.

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By Representative Reagan and others—

**HB 1351**—A bill to be entitled An act relating to contracting; amending s. 489.516, F.S.; exempting certain electrical and alarm system contractors from ordinances or codes of local governments or special districts requiring various types of recognition by certain national entities; authorizing local governments or special districts to require such contractors to provide certain documentation at the final inspection of an alarm system; reserving the authority of local governments and special districts to require compliance with the Florida Fire Prevention Code and NFPA No. 72; amending ss. 489.128 and 489.532, F.S.; providing that individuals performing certain construction contracting or electrical and alarm system contracting work are not considered unlicensed for purposes of contract enforceability; providing for retroactive application; amending s. 489.503, F.S.; exempting nationally recognized testing laboratories and persons who install or repair lightning rods from certain alarm system contracting provisions; amending s. 489.505, F.S.; revising definitions; defining the term “nationally recognized testing laboratory”; amending s. 489.513, F.S.; providing eligibility requirements for registering with the Department of Business and Professional Regulation as an electrical contractor or alarm system contractor; amending s. 489.529, F.S.; requiring a central monitoring station to employ call-verification methods under certain circumstances; amending s. 489.530, F.S.; exempting a fire alarm system from the requirement that it have

a device that automatically terminates its audible signal after a certain period; providing an effective date.

—was referred to the Committees on Regulated Industries; and Banking and Insurance.

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By Representative Benson and others—

**HB 1359**—A bill to be entitled An act relating to hazard mitigation for coastal redevelopment; amending s. 161.085, F.S.; specifying entities that are authorized to install or authorize installation of rigid coastal armoring structures; authorizing the Department of Environmental Protection to revoke certain authority; authorizing the installation of certain structures as the core of a restored dune feature under specified conditions; amending s. 163.3178, F.S.; requiring the Division of Emergency Management to manage certain hurricane evacuation studies; requiring that such studies be performed in a specified manner; defining the term “coastal high-hazard area”; providing that the application of development policies shall be at the discretion of local government; authorizing local governments to amend comprehensive plans to increase residential densities for certain properties; providing criteria for certain comprehensive plan compliance; requiring local governments to adopt a certain level of service for out-of-county hurricane evacuation under certain circumstances; requiring local governments and developers to enter into certain agreements; providing a deadline for local governments to amend coastal management elements and future land use maps; amending 163.336, F.S., relating to the coastal resort area redevelopment pilot project; revising the requirements for placement of certain coastal redevelopment materials; authorizing the Department of Environmental Protection to consider certain information during certain permit review; deferring the expiration date of the pilot project; requiring the department and local governments to provide a specified analysis of certain projects and to provide a report to the Legislature by a certain date; amending s. 381.0065, F.S.; requiring the issuance of certain permits by the Department of Health to be contingent upon the receipt of certain permits issued by the Department of Environmental Protection; providing an effective date.

—was referred to the Committees on Domestic Security; Environmental Preservation; and General Government Appropriations.

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By Representative Brown—

**HB 1361**—A bill to be entitled An act relating to insurance; amending s. 624.605, F.S.; including debt cancellation products within the definition of the term “casualty insurance”; describing debt cancellation products; authorizing certain entities to offer debt cancellation products under certain circumstances; specifying such products as not constituting insurance; amending ss. 627.553 and 627.679, F.S.; revising certain limitations on certain amounts of life insurance on a debtor; amending s. 627.681, F.S.; revising a limitation on the term of credit disability insurance; amending 627.681, F.S.; revising a provision relating to the term and evidence of insurance; amending s. 627.902, F.S.; exempting certain lump-sum premium payments from provisions relating to premium financing; amending s. 628.511, F.S.; revising the definitions of the terms “clearing corporation” and “custodian”; deleting definitions of the terms “book entry system” and “member bank”; conforming changes; amending s. 655.947, F.S.; providing what constitutes a debt cancellation product; providing a definition; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Judiciary.

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By Representative Reagan—

**HB 1375**—A bill to be entitled An act relating to Manatee County; creating the Duette Fire and Rescue District, an independent special district; creating a district charter; providing a short title; providing definitions; providing territorial boundaries of the district; providing purposes and intent; providing for a board of commissioners of the district; providing for qualification, election, membership, terms of office, and compensation of the board; providing for the filling of vacancies;

providing for meetings; providing powers and duties of the board; providing for use of district funds; authorizing the district to issue bonds and levy ad valorem taxes, non-ad valorem assessments, impact fees, and user charges; providing for a 5-year plan; providing for modification of district boundaries; providing for merger with certain other districts under certain circumstances; providing for amendment of the charter by special act of the Legislature; providing requirements for merger or dissolution; providing severability; requiring a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative M. Davis—

**HB 1399**—A bill to be entitled An act relating to the North Naples Fire Control and Rescue District, Collier County; amending chapter 99-450, Laws of Florida; providing for the applicability of s. 171.093, F.S., in the event of annexation by a municipality within the boundaries of the district; authorizing the district to provide housing or housing assistance for district employees; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative Brown—

**HB 1413**—A bill to be entitled An act relating to Argyle Fire District, Walton County; creating a special district; providing definitions; providing for creation, status, charter amendments, boundaries, and purposes; providing for a board of commissioners; providing for election and terms of commissioners; providing for employment of board personnel; providing for election of board officers; providing for compensation and bonds of commissioners; providing for powers, duties, and responsibilities of the board; preserving the authority to impose special assessments; providing for impact fees; providing legislative intent; providing for duties of the property appraiser; providing for special assessment as a lien; providing for deposit of such special assessments; providing for authority to disburse funds; authorizing the board to borrow money; providing for use of district funds; requiring a record of all board meetings; authorizing the board to adopt rules and regulations; providing for the board to make an annual budget; requiring an annual report; authorizing the board to enact fire prevention ordinances, appoint a district fire chief, acquire land, enter contracts, establish salaries, and establish and operate a fire rescue service; providing for dissolution; providing for district expansion; providing for construction and effect; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative Harrell and others—

**HB 1435**—A bill to be entitled An act relating to the Division of Emergency Management of the Department of Community Affairs; amending s. 20.18, F.S.; providing that the director of the Division of Emergency Management be designated as agency head of the division; providing for appointment of the director by the Governor; providing that the division is a separate budget entity, not subject to control by the department; providing for an agreement between the division and department for certain services; prescribing duties of the division; providing an effective date.

—was referred to the Committees on Domestic Security; Community Affairs; Governmental Oversight and Productivity; and Transportation and Economic Development Appropriations.

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By Representative Reagan—

**HB 1445**—A bill to be entitled An act relating to the West Villages Improvement District, Sarasota County; amending chapter 2004-456, Laws of Florida; expanding the territorial boundaries of the district; supplementing the conditions and requirements for the exercise of its powers, functions, and duties; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative Brandenburg—

**HB 1531**—A bill to be entitled An act relating to the West Palm Beach Water Catchment Area, Palm Beach County; amending chapter 67-2169, Laws of Florida, as amended; revising the legal description of the water catchment area; authorizing the licensing or permitting of certain uses within the water catchment area; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative Cretel—

**HB 1633**—A bill to be entitled An act relating to the Alachua County Housing Authority; amending chapter 71-526, Laws of Florida; providing that the Alachua County Commission may appoint two alternate members to the Alachua County Housing Authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By the Committee on Criminal Justice; and Representative Stargel and others—

**HCB 6003 (for HB's 515, 589)**—A bill to be entitled An act relating to resale of tickets; amending s. 559.9335, F.S.; deleting a provision making the sale or marketing of certain admission tickets at a price in excess of \$1 above the retail admission price charged by the original seller a violation of the Sellers of Travel Act in certain circumstances; creating s. 817.357, F.S.; providing that purchasing tickets in excess of a specified amount with the intent to resell those tickets is a violation of the Florida Deceptive and Unfair Trade Practices Act; providing a definition; amending s. 817.36, F.S.; prohibiting resale of tickets for more than \$1 above the resale admission price charged therefor by the original seller in specified circumstances; providing that the section does not authorize any individual or entity to sell or purchase tickets at any price on property where an event is being held without the prior express written consent of the owner of the property; providing for sales tax collection on ticket resales; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Committee on Criminal Justice; Government Efficiency Appropriations .

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By the Committee on Economic Development, Trade and Banking; and Representative Bilirakis—

**HB 7055**—A bill to be entitled An act relating to enterprise zones; amending s. 195.099, F.S.; reenacting a periodic review requirement; providing for future expiration; amending s. 220.03, F.S.; revising a definition; amending s. 212.08, F.S.; limiting the exemption by refund of certain taxes for rehabilitation of certain property in an enterprise zone; providing an exception; providing for retroactive application; amending s. 212.096, F.S.; revising definitions; revising an information requirement for claiming an enterprise zone jobs tax credit; amending s. 220.13, F.S.; reenacting a definitional provision; providing for future expiration

of provisions relating to enterprise zone credits; amending s. 220.181, F.S.; revising certain criteria for granting an enterprise zone jobs tax credit; amending s. 290.0055, F.S.; providing a meeting notice requirement for a governing body adopting an enterprise zone boundary change resolution; providing for time-limited continuing eligibility for a building materials tax exemption for certain businesses; specifying eligibility requirements; providing for retroactive application; providing for future repeal; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

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By the Committee on Agriculture; and Representative Poppell and others—

**HB 7075**—A bill to be entitled An act relating to agriculture; amending s. 403.067, F.S.; clarifying rulemaking authority relating to pollution reduction; granting presumption of compliance with water quality standards for certain research; releasing certain research from penalties relating to the discharge of pollutants; limiting eligibility for presumption of compliance and release; amending s. 482.021, F.S.; revising the definitions of the terms “employee” and “independent contractor” for purposes of pest control regulation; amending s. 482.051, F.S.; revising certain requirements of the department to adopt rules relating to the use of pesticides for preventing subterranean termites in new construction; amending s. 482.091, F.S.; clarifying provisions governing the performance of pest control services; amending s. 482.156, F.S.; requiring certification of individual commercial landscape maintenance personnel; revising the types of materials such personnel may use; removing obsolete provisions relating to fees; revising requirements relating to proof of education and insurance; revising the amount of required continuing education; removing a requirement for certain business experience; amending s. 482.211, F.S.; clarifying exemption of certain mosquito control activities from regulation; amending s. 500.033, F.S.; renaming the Florida Food Safety and Food Security Advisory Council as the Florida Food Safety and Food Defense Advisory Council and revising duties accordingly; amending s. 500.12, F.S.; providing an exemption from certain food inspections by the department; amending s. 570.249, F.S.; expanding the conditions under which loan funds to certain agricultural producers may be granted; increasing the amount of funds that may be granted; defining “losses” and “essential physical property”; creating s. 570.954, F.S.; authorizing the department, in consultation with the state energy office within the Department of Environmental Protection, to develop a farm-to-fuel initiative; providing purposes of the initiative; providing for a statewide information and education program; amending s. 582.06, F.S.; revising the membership of the Soil and Water Conservation Council; amending s. 810.09, F.S.; providing criminal penalties for trespassing on certain property; requiring warning signage; amending s. 810.011, F.S.; defining “agricultural chemicals manufacturing facility”; amending s. 828.30, F.S.; updating references to the Rabies Vaccination Certificate; designating the Austin Dewey Gay Memorial Agricultural Inspection Station in Escambia County; directing the department to erect suitable markers; prohibiting any person from remaining on certain property or in certain structures for commercial purposes under certain circumstances; prohibiting a person from lawfully remaining on any property or in any structure under certain circumstances; providing for certain ad valorem taxation for agriculture equipment under certain circumstances; providing effective dates.

—was referred to the Committees on Agriculture; and Commerce and Consumer Services.

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By the Committee on Finance and Tax; and Representative Brummer and others—

**HB 7109**—A bill to be entitled An act relating to taxation; amending s. 193.155, F.S.; revising exceptions applicable to damaged or destroyed homestead property to a requirement that changes, additions, or improvements to homestead property be assessed at just value under certain circumstances; providing for application to certain changes, additions, and improvements; providing for assessment of homestead property after substantial completion of changes, additions, and improvements; providing criteria; amending s. 196.031, F.S.; providing for the

continued granting of a homestead exemption for certain damaged or destroyed homestead property under certain circumstances; specifying circumstances for abandonment of property as homestead; requiring the Department of Revenue to study the state’s property tax structure; providing the contents of the study; requiring the Office of Economic and Demographic Research to prepare a report; requiring that the report recommend changes to achieve specified principles of taxation; providing deadlines; requiring a report to the Governor and the Legislature; repealing s. 12, ch. 2005-187, Laws of Florida, relating to dissolving the Communications Services Tax Task Force; providing appropriations; providing for reversion of unused funds to the General Revenue Fund; providing for retroactive application; providing effective dates.

—was referred to the Committees on Government Efficiency Appropriations; Community Affairs; General Government Appropriations; and Ways and Means.

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By the Committee on Domestic Security; and Representative Adams and others—

**HB 7121**—A bill to be entitled An act relating to disaster preparedness response and recovery; providing legislative findings with respect to the coordination of emergency response capabilities; directing the Division of Emergency Management to conduct a feasibility study relating to the supply and distribution of essential commodities by nongovernmental and private entities; creating s. 526.143, F.S.; providing that each motor fuel terminal facility and wholesaler that sells motor fuel in the state must be capable of operating its distribution loading racks using an alternate generated power source for a specified period by a certain date; providing requirements with respect to the operation of such equipment following a major disaster; providing requirements with respect to the installation of specified components; requiring specified documentation; requiring newly constructed or substantially renovated motor fuel retail outlets to be capable of operation using an alternate generated power source; defining “substantially renovated”; providing requirements with respect to required documentation; requiring certain motor fuel retail outlets located within a specified distance from an interstate highway or state or federally designated evacuation route to be capable of operation using an alternate generated power source by a specified date; providing requirements with respect to the installation of specified components; requiring specified documentation; providing applicability; creating s. 526.144, F.S.; creating the Florida Disaster Motor Fuel Supplier Program within the Department of Community Affairs; providing that participation in the program shall be at the option of each county; providing for administration of the program; providing purpose of the program; providing requirements for and authority of retail motor fuel outlets doing business in participating counties that choose to become members of the program; providing a restriction on nonparticipating motor fuel retail outlets; authorizing counties that choose to participate in the program to charge a fee to cover specified costs; providing for deposit of such fees; providing procedures and requirements with respect to operation under the program; providing that the regulation of and requirements for the siting and placement of an alternate power source and any related equipment at motor fuel terminal facilities, wholesalers, and retail sales outlets shall be exclusively controlled by the state; providing for review of the program; providing a report; amending s. 501.160, F.S.; providing that the prohibition against the rental or sale of essential commodities during a declared state of emergency at unconscionable prices shall remain in effect for a specified period of time; providing for renewal thereof; amending s. 553.509, F.S., relating to requirements with respect to vertical accessibility under pt. II of ch. 553, F.S., the “Florida Americans With Disabilities Accessibility Implementation Act”; requiring specified existing and newly constructed residential multifamily dwellings to have at least one public elevator that is capable of operating on an alternate power source for emergency purposes; providing requirements with respect to the alternate power source; providing for verification of compliance by specified dates; providing requirements with respect to emergency operations plans and inspection records; providing requirements with respect to compliance with the act for specified multistory affordable residential dwellings; requiring the development of an evacuation plan for such a dwelling in the absence of compliance with the act; providing additional inspection requirements under ch. 399, F.S., the “Elevator Safety Act”; amending s. 252.35, F.S.; expanding the duty of the Division of Emergency Management to conduct a public educational campaign on emergency preparedness issues; providing an additional duty of the division

with respect to educational outreach concerning disaster preparedness; requiring the Division of Emergency Management to complete and maintain specified inventories of emergency generators; providing legislative findings with respect to minimum criteria for county emergency operations centers; specifying criteria for county emergency operations centers; providing priority and restrictions for funding; providing an appropriation to the Department of Community Affairs to establish a competitive award process; providing an appropriation to the Department of Community Affairs for logistical improvements and technology; providing uses of appropriated funds; providing an appropriation to the Department of Community Affairs to update regional hurricane evacuation plans; providing for use of appropriated funds; providing that the procurement of technologies with appropriated funds is subject to competitive bid requirements; providing an appropriation to the Department of Community Affairs to conduct a feasibility study; providing an appropriation to the Department of Community Affairs for the Division of Emergency Management's public awareness campaign; providing severability; providing an effective date.

—was referred to the Committees on Domestic Security; Community Affairs; Commerce and Consumer Services; and Ways and Means.

By the Committee on Health Care General; and Representative Harrell and others—

**HB 7139**—A bill to be entitled An act relating to emergency management; amending s. 252.355, F.S.; specifying additional entities and agencies that are required to provide registration information to persons with special needs for purposes of inclusion within the registry of persons with special needs maintained by local emergency management agencies; providing that the Department of Community Affairs shall be the designated lead agency responsible for community education and outreach to the general public, including persons with special needs, regarding registration as a person with special needs, special needs shelters, and general information regarding shelter stays; providing that a person with special needs shall be allowed to bring his or her service animal into a special needs shelter; revising provisions with respect to the required notification of residential utility customers of the availability of the special needs registration program; providing that special needs shelter roster information shall be provided to local law enforcement agencies upon request; creating s. 252.3568, F.S.; requiring the Division of Emergency Management to address strategies for the evacuation of persons with pets in the shelter component of the state comprehensive emergency management plan; providing for the inclusion of the requirement for similar strategies within local comprehensive emergency management plans; requiring the Department of Agriculture and Consumer Services to provide specified assistance to the division; creating s. 252.357, F.S., requiring the Florida Comprehensive Emergency Management Plan to permit the Agency for Health Care Administration to make initial contact with each nursing home and assisted living facility in a disaster area; requiring the agency to annually publish an emergency telephone number that may be used by nursing homes and assisted living facilities to contact the agency; amending s. 252.385, F.S., relating to public shelter space; requiring the Division of Emergency Management of the Department of Community Affairs to biennially prepare and submit a statewide emergency shelter plan to the Governor and the Cabinet for approval; providing plan requirements; requiring the Department of Health to provide specified assistance to the division; revising those facilities which are excluded as being suitable for use as public hurricane evacuation shelters; requiring local emergency management agencies to coordinate with public facilities to determine readiness prior to activation; amending s. 381.0303, F.S.; providing for the operation and closure of special needs shelters; providing that local Children's Medical Services offices shall assume lead responsibility for specified coordination with respect to the development of a plan for the staffing and medical management of pediatric special needs shelters; requiring such plans to conform to the local comprehensive emergency management plan; requiring county governments to assist the Department of Health with nonmedical staffing and operation of special needs shelters; requiring county health departments and emergency management agencies to coordinate such efforts to ensure appropriate staffing; providing that the appropriate county health department, Children's Medical Services office, and local emergency management agency shall jointly determine the responsibility for medical supervision in a special needs shelter; requiring the local health department and emergency management agency to coordinate efforts to ensure appropriate designa-

tion, operation, and closure of special needs shelters; requiring the Secretary of Elderly Affairs to convene multiagency special needs shelter discharge planning teams to assist local areas that are severely impacted by a natural or manmade disaster that requires the use of special needs shelters; providing duties and responsibilities of such discharge planning teams; providing for the inclusion of specified state agency representatives on each discharge planning team; revising provisions relating to reimbursement of health care practitioners; providing for eligibility of specified health care facilities for reimbursement when a multiagency special needs shelter discharge planning team discharges persons with special needs to such receiving facilities; providing procedures and requirements with respect to such reimbursement; requiring the department to specify by rule expenses that are reimbursable and the rate of reimbursement for services; revising provisions which prescribe means of and procedures for reimbursement; disallowing specified reimbursements; revising provisions with respect to the organization, role, duties, and composition of the special needs shelter interagency committee; requiring the department to adopt specified rules with respect to special needs shelters; amending ss. 400.492, 400.497, 400.506, 400.610, and 400.934, F.S.; revising requirements with respect to the comprehensive emergency management plans of home health agencies, nurse registries, and hospices, and providing such requirements with respect to home medical equipment providers, to include the means by which continuing services will be provided to patients who evacuate to special needs shelters; authorizing the establishment of links to local emergency operations centers for specified purposes; revising requirements of a county health department with respect to review of a comprehensive emergency management plan submitted by a home health agency, nurse registry, or hospice; providing requirements upon failure to submit a plan or requested information to the department; providing for imposition of a fine; revising requirements of the Department of Health with respect to review of the plan of a home health agency or hospice that operates in more than one county; providing that the preparation and maintenance of a comprehensive emergency management plan by a home medical equipment provider is a requirement for licensure and must meet minimum criteria established by the Agency for Health Care Administration; providing plan requirements; providing that the plan is subject to review and approval by the county health department; requiring each home medical equipment provider to maintain a current prioritized list of patients who need continued services during an emergency; amending s. 400.925, F.S.; defining "life-supporting or life-sustaining equipment" for purposes of pt. X of ch. 400, F.S., relating to home medical equipment providers; amending s. 400.935, F.S.; requiring the Agency for Health Care Administration to adopt rules with respect to the comprehensive emergency management plan prepared by a home medical equipment services provider; amending s. 408.831, F.S.; providing that entities regulated or licensed by the Agency for Health Care Administration may exceed their licensed capacity to act as a receiving facility under specified circumstances; providing requirements while such entities are in an overcapacity status; providing for issuance of an inactive license to such licensees under specified conditions; providing requirements and procedures with respect to the issuance and reactivation of an inactive license; providing fees; requiring certain health insurance entities to waive time restrictions on refilling prescriptions for medication during specified emergency conditions; providing legislative findings with respect to the equipping of all designated public special needs hurricane evacuation shelters with permanent emergency power generating capacity by a specified date; requiring the Department of Community Affairs to work with local communities to ensure a sufficient number of public special needs shelters designated to meet anticipated demand; specifying the percentage of local match for such projects; providing an appropriation to the Department of Community Affairs to establish a competitive award process; specifying a limit with respect to administration of the funding; providing legislative findings with respect to retrofitting public hurricane evacuation shelters; providing criteria for the retrofitting of a public hurricane evacuation shelter; providing an appropriation to the Department of Community Affairs to establish a competitive award process; specifying a limit with respect to administration of the funding; providing an appropriation to implement the provisions of emergency management plan reviews for home health agencies and nurse registry, hospice, and home medical equipment providers; providing an effective date.

—was referred to the Committees on Domestic Security; Community Affairs; Health Care; and Transportation and Economic Development Appropriations.

By the Committee on Criminal Justice; and Representative Kravitz and others—

**HB 7201**—A bill to be entitled An act relating to sexual offenses; amending s. 796.07, F.S.; providing enhanced penalties for certain violations committed within a specified distance of certain locations; amending s. 810.14, F.S.; revising the elements of the offense of voyeurism in order to eliminate acts of photographing, filming, videotaping, or recording, which are elements of the separate offense of video voyeurism; providing that a person commits the offense of voyeurism when he or she, with certain intent, secretly observes another person when the other person is in a location that provides a reasonable expectation of privacy; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

By the Committee on Utilities and Telecommunications; and Representative Littlefield—

**HB 7237**—A bill to be entitled An act relating to the Public Service Commission; amending s. 350.01, F.S.; correcting cross-references; revising provisions for terms of commissioners on the Public Service Commission; revising a reference to the office of hearing examiners; amending s. 350.011, F.S.; deleting obsolete provisions relating to a transfer of certain functions and duties to the Public Service Commission; amending s. 350.012, F.S.; removing a provision for governance of the Committee on Public Service Commission Oversight; repealing s. 350.051, F.S., relating to qualifications of the Chief Auditor of the commission; amending s. 350.06, F.S.; deleting certain provisions relating to the employment of reporters and furnishing of transcripts by the commission; revising provisions for the collection and accounting of fees for furnishing

transcripts and other documents or instruments; amending s. 350.113, F.S.; removing limits on the amount of certain regulatory fees; amending s. 350.117, F.S.; removing an exception for railroads from certain audits by the commission; repealing s. 350.80, F.S., relating to regulation of certain coal slurry pipeline companies; amending s. 361.08, F.S.; removing a provision for consideration by the court of certain findings by the commission relating to coal slurry pipeline companies, to conform to changes made by the act; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; and Rules and Calendar.

## CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 27 was corrected and approved.

## CO-INTRODUCERS

Senators Crist—CS for SB 1528, CS for CS for SB 2580; Klein—CS for SB 508, CS for SB 640, SB 768, SB 1666, CS for SB 1834, CS for SB 2278, CS for CS for CS for SB 2280; Saunders—CS for SB 430, CS for SB 568; Wilson—SB 692, CS for CS for SB 860, CS for CS for SB 862, CS for CS for CS for CS for SB 1058

## RECESS

On motion by Senator Pruitt, the Senate recessed at 5:30 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Monday, May 1 or upon call of the President.