Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President Lee at 10:23 a.m. A quorum present—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	

PRAYER

The following prayer was offered by Rabbi Richard Birnholz, Congregation Schaarai Zedek, Tampa:

Almighty God, as the Florida State Senate gathers this morning with a clear vision of what has made our great state a place of opportunity, may we always remember that it is from you that this vision has become a part of us.

We ask, O God, that you bestow your blessings upon all Floridians—from those in our midst who live the American Dream to those in our midst for whom that dream has not yet come true; from those who serve in the highest offices to those who toil unnoticed and unknown.

Being elected to serve carries great honor. It also carries, God, unusual responsibility. Help our lawmakers to realize, that as important as it is to try and apportion money, power, and service, it is just as important to do so with compassion. Help them to appreciate the gift of diversity, which gives character to our cities and our towns. Let them see beyond the needs of today, so that what they do now will bring good to our children tomorrow. Let the length of their vision extend beyond self-interests and their own districts, to the greater needs of the entire state. We know, O God, that it is a great honor to win, but let us know, O God, through collegiality, that it is also a great honor to be nice to one another.

Comfort them with the knowledge that even though they cannot know the ultimate effects of the actions they take, they can rest secure in their decisions if they are made with your blueprint as the basis for their laws. We thank you for all the blessings that you bestow upon us as together we say, Amen.

PLEDGE

Senate Pages Lewis Albright of Apopka; Elisabeth Thomas of Orlando; Andrew Carlton Ferguson of Tallahassee; and Hannah Hodge of Plant City, 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. Dennis Saver of Vero Beach, sponsored by Senator Haridopolos, as doctor of the day. Dr. Saver specializes in Family Practice.

ADOPTION OF RESOLUTIONS

At the request of Senator Alexander—

By Senator Alexander—

SR 1990—A resolution honoring Samuel Bennett as the 2005 Florida Teacher of the Year.

WHEREAS, Samuel Bennett left his job as a police officer in the 1970s to attend school with one goal in mind: influencing young students in a positive way by becoming an elementary school teacher, and

WHEREAS, a skilled communicator who strives to keep learning interesting for his fifth-grade students at Winter Haven's Garner Elementary School and who places a strong emphasis on parental involvement, Mr. Bennett has a master's degree in elementary education, has 12 years of teaching experience in Polk County, and is currently a doctoral candidate in organizational leadership, and

WHEREAS, Mr. Bennett's love for his students and fellow teachers extends far beyond the classroom in that he organized efforts to help staff members whose homes suffered damage or were destroyed in the 2004 hurricanes and organized the school's Single Parent Association, a group that offers resources for single-parent households, the development of which earned him a Disney Teacherrific Award, and

WHEREAS, Samuel Bennett, known to his students as "Mr. B," was, for his outstanding efforts, named 2005 Polk County Teacher of the Year after being selected from five finalists from the ranks of 177,000 public school teachers for the state title and is currently one of four finalists for the title of National Teacher of the Year, NOW, THEREFORE,

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

That Samuel Bennett is recognized for being named Florida's Teacher of the Year for 2005 and for his continued dedication to his students and fellow faculty members as well as for his efforts on behalf of the young citizens who will one day become the future of the great State of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Samuel Bennett as a tangible token of the sentiments expressed herein.

—**SR 1990** was introduced, read and adopted by publication.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 118, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 118—A bill to be entitled An act relating to temporary custody of a child by an extended family member; amending s. 751.01, F.S.; removing provisions related to putative fathers; amending s. 751.011, F.S.; defining the term "extended family member"; amending s. 751.02, F.S.; authorizing an extended family member to bring a proceeding in court to determine the temporary custody of a child; amending s. 751.03, F.S.; specifying the information that must be included in a petition for temporary custody by an extended family member; providing that only an extended family member may file a petition for temporary custody under ch. 751, F.S.; amending s. 751.05, F.S.; authorizing a court to redirect child support payments to an extended family member; requiring that, if possible, the court order payment of arrearages; providing that either or both of the child's parents may petition the court to modify the order granting temporary custody under certain circumstances; providing an effective date.

House Amendment 1 (with title amendment) (222603)—On page 2, line 27, through page 3, line 10, remove all of said lines and insert:

Section 2. Section 751.011, Florida Statutes, is amended to read:

751.011 Definitions.—As used in ss. 751.01-751.05, the term~~:~~

~~(1)~~ "extended family *member*" is any *person who is:*

(1) A relative within the third degree by blood or marriage to the parent; or

(2) The stepparent of a child if the stepparent is currently married to the parent of the child and is not a party in a pending dissolution, separate maintenance, domestic violence, or other civil or criminal proceeding in any court of competent jurisdiction involving one or both of the child's parents as an adverse party ~~family composed of the minor child and a relative of the child who is the child's brother, sister, grandparent, aunt, uncle, or cousin~~.

~~(2) "Putative father" is a man who reasonably believes himself to be the biological father of the minor child, but who is unable to prove his paternity due to the absence of the mother of the child.~~

On page 1, between lines 6 and 7, insert: removing the definition of the term "putative father";

House Amendment 2 (with directory and title amendments) (498289)—On page 6, line 7, remove all of said line and insert:

~~(6) The order granting temporary custody of a minor child to a putative father must not include a determination of the paternity of the child.~~

(6)~~(7)~~ At any time, either or both of the child's parents

On page 5, line 11, remove all of said line and insert:

Section 5. Subsections (5), (6), and (7) of section 751.05,

On page 1, line 19, remove all of said line and insert: order payment of arrearages; removing reference to an order granting temporary custody of a minor child to a putative father; providing that

On motion by Senator Fasano, the Senate concurred in the House amendments.

CS for CS for SB 118 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 258, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 258—A bill to be entitled An act relating to farm labor vehicles; amending s. 316.003, F.S.; providing definitions; repealing s. 316.620, F.S., relating to transportation of migrant farm workers; creating s. 316.622, F.S.; requiring owners and operators of farm labor vehicles to conform such vehicles to certain standards; requiring seat belts at each passenger position in certain vehicles; requiring certain operators to display prescribed stickers on their vehicles; requiring a certain sign to be displayed in such vehicles; providing a presumption for injuries sustained by a worker in a vehicle; providing a penalty; requiring the Department of Highway Safety and Motor Vehicles to provide copies of accident reports to the Department of Business and Professional Regulation; amending s. 318.18, F.S.; creating a penalty for violations regarding farm labor vehicles; amending ss. 320.38, 322.031, and 450.181, F.S.; conforming provisions; amending s. 450.28, F.S.; revising a definition; amending s. 450.33, F.S.; conforming a cross-reference; requiring the department to issue a vehicle authorization sticker denoting the authorization of a vehicle to transport farm workers; requiring the display of the sticker; amending s. 318.21, F.S.; providing for the disposition of fines levied for specified violations of s. 316.622, F.S.; providing an effective date.

Substitute House Amendment 1 (491113)—On page 2, lines 16-17, remove all of said lines and insert:

(62) *FARM LABOR VEHICLE.—Any vehicle equipped and used for the transportation of nine or more migrant*

House Amendment 2 (696163)—On page 7, line 10, remove all of said line and insert: *migrant or seasonal farm workers a display stickerissued by the department, which*

On motion by Senator Alexander, the Senate concurred in the House amendments.

CS for CS for SB 258 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

Smith	Webster	Wise
Villalobos	Wilson	

Nays—None

Vote after roll call:

Yea—Posey

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1620, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1620—A bill to be entitled An act relating to warranty associations; creating s. 634.042, F.S.; prohibiting a motor vehicle service agreement company from investing or lending company funds for specified purposes; amending s. 634.301, F.S.; revising a definition of "home warranty" to specify nonapplication to certain contracts or agreements; creating s. 634.3076, F.S.; prohibiting a home warranty association from investing or lending association funds for specified purposes; amending s. 634.3077, F.S.; specifying an additional requirement for contractual liability insurance purchased by a home warranty association; amending s. 634.312, F.S; revising a prohibition against the Office of Insurance Regulation for nonapproval of certain forms; specifying cancellation requirements for home warranty contracts; providing return of premium requirements; authorizing an administrative fee; specifying refund amounts for a home warranty under certain circumstances; amending s. 634.336, F.S.; removing cancellation practices from the provisions that constitute unfair methods of competition and unfair or deceptive acts or practices; creating s. 634.4062, F.S.; prohibiting a service warranty association from investing or lending association funds for specified purposes; repealing s. 634.345, F.S., relating to a buyer's right to cancel a home warranty; providing an effective date.

House Amendment 1 (653671)(with title amendment)—On page 2, between line(s) 5 and 6, insert:

Section 1. Subsection (6) is added to section 634.031, Florida Statutes, to read:

634.031 License required.—

(6) Any person that is an affiliate of a licensed motor vehicle service agreement company which is domiciled in this state and which uses contractual liability insurance to qualify with the requirements of s. 634.041 is exempt from application of this part if the person does not issue, market, or cause to be marketed motor vehicle service agreements to residents of this state and does not administer motor vehicle service agreements that were originally issued to residents of this state. Any affiliated person operating from this state under this subsection must use a licensed motor vehicle service agreement company to administer all service agreements issued by such person in other states. If the office determines, after notice and opportunity for hearing in accordance with s. 120.569, that a person's intentional business practices do not comply with any part of the exemption requirements of this subsection, the person shall be subject to this part. The motor vehicle service agreement company shall be liable for all acts of and responsible for all violations of this part by an affiliated person operating from this state.

And the title is amended as follows:

On page 1, between line(s) 2 and 3, insert: amending s. 634.031, F.S.; exempting certain licensed motor vehicle service agreement company affiliates from application of motor vehicle service agreement requirements under certain circumstances; providing criteria and requirements for the exemption; providing a circumstance for denying the exemption and subjecting the affiliate to such requirements; providing certain liability;

On motion by Senator Haridopolos, the Senate concurred in the House amendment.

CS for SB 1620 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	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 Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed SB 1400, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1400—A bill to be entitled An act relating to psychotherapist-patient privilege; amending s. 90.503, F.S.; redefining the term "psychotherapist" to include certain advanced registered nurse practitioners for purposes of the psychotherapist-patient privilege of the Florida Evidence Code; providing an effective date.

House Amendment 1 (665643)—On page 2, line 11, remove: *licensed* and insert: *certified*

On motion by Senator Smith, the Senate concurred in the House amendment.

SB 1400 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	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 proceeded to—

SPECIAL ORDER CALENDAR

On motion by Senator Clary—

CS for SB 1310—A bill to be entitled An act relating to the Cancer Drug Donation Program; creating s. 381.94, F.S.; providing a short title; creating the Cancer Drug Donation Program; providing a purpose; providing definitions; providing eligibility criteria for cancer patients for the Cancer Drug Donation Program; providing conditions for the donation

of cancer drugs and supplies to the program; providing conditions for the acceptance of cancer drugs and supplies into the program, inspection of cancer drugs and supplies, and dispensing of cancer drugs and supplies to eligible patients; requiring a participant facility that accepts donated drugs and supplies through the program to comply with certain state and federal laws; authorizing a participant facility to charge fees under certain conditions; requiring the Department of Health, upon recommendation of the Board of Pharmacy, to adopt certain rules; providing for the ineligibility of certain persons to receive donated drugs; requiring the department to establish and maintain a participant facility registry; providing for the contents and availability of the participant facility registry; providing immunity from civil liability for pharmaceutical manufacturers in certain circumstances; providing that in the event of conflict between the provisions in s. 381.94, F.S., and provisions in ch. 465 or ch. 499, F.S., the provisions in s. 381.94, F.S., shall control; providing an appropriation; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1310** to **HB 371**.

Pending further consideration of **CS for SB 1310** as amended, on motion by Senator Clary, by two-thirds vote **HB 371** was withdrawn from the Committees on Health Care; and Judiciary.

On motion by Senator Clary—

HB 371—A bill to be entitled An act relating to the Cancer Drug Donation Program; creating s. 499.029, F.S.; providing a short title; creating the Cancer Drug Donation Program; providing a purpose; providing definitions; providing conditions for the donation of cancer drugs and supplies to the program; providing conditions for the acceptance of cancer drugs and supplies into the program, inspection of cancer drugs and supplies, and dispensing of cancer drugs and supplies to eligible patients; requiring a participant facility that accepts donated drugs and supplies through the program to comply with certain state and federal laws; authorizing a participant facility to charge fees under certain conditions; requiring the Department of Health, upon recommendation of the Board of Pharmacy, to adopt certain rules; providing for the ineligibility of certain persons to receive donated drugs; requiring the department to establish and maintain a participant facility registry; providing for the contents and availability of the participant facility registry; providing immunity from civil and criminal liability for donors or pharmaceutical manufacturers in certain circumstances; providing that in the event of conflict between the provisions in s. 499.029, F.S., and provisions in ch. 465 or ch. 499, F.S., the provisions in s. 499.029, F.S., shall control; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for SB 1310** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 371** was placed on the calendar of Bills on Third Reading.

MOTION

Senator Miller moved that pursuant to Article III, Section 7, of the Florida Constitution, **CS for SB 588** be read in full. The motion was adopted by the required constitutional one-third vote of the members present.

The vote was:

Yeas—14

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

Nays—26

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

On motion by Senator Constantine, by two-thirds vote **HB 1443** was withdrawn from the Committees on Regulated Industries; Community Affairs; Criminal Justice; and General Government Appropriations.

On motion by Senator Constantine—

HB 1443—A bill to be entitled An act relating to liens; amending s. 679.705, F.S.; extending the effective date of a financing statement filed under previous law; amending s. 713.135, F.S.; revising certain notice of commencement and applicability of lien requirements for certain authorities issuing building permits; prohibiting private providers performing inspection services from performing or approving certain inspections under certain circumstances; increasing a threshold amount for certain application requirement exemptions; prohibiting issuing authorities from requiring recordation of a notice of commencement for certain purposes; authorizing fees for furnishing copies of certain statements; authorizing authorities issuing building permits to accept permit applications electronically; requiring an electronic submission statement on building permit applications; requiring provision of Internet access; amending s. 713.18, F.S.; providing for electronic evidence of delivery of notices required by the Construction Lien Law; amending s. 713.35, F.S.; revising provisions relating to the making or furnishing of false statements on certain construction documents; providing penalties; providing effective dates.

—a companion measure, was substituted for **CS for SB 588** and read the second time by title.

Pursuant to Rule 4.19, **HB 1443** was placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

CS for SB 826—A bill to be entitled An act relating to trust funds; terminating certain specified trust funds within the Department of Agriculture and Consumer Services and transferring the funds to other trust funds in the department; renaming trust funds within the Department of Agriculture and Consumer Services, the Department of the Lottery, and the Division of Administrative Hearings in the Department of Management Services; transferring certain accounts within the Grants and Donations Trust Fund of the Department of Management Services to the Operating Trust Fund of the Department of Management Services; amending ss. 215.20, 550.2625, 550.2633, 570.382, 215.22, 589.277, 24.114, 24.120, 24.121, 403.518, 403.5365, 403.9421, 552.40, 282.22, 287.042, 287.1345, and 287.057, F.S.; conforming provisions to changes made by the act; reenacting s. 550.0351(4), F.S., relating to charity racing days, to incorporate the amendments made to s. 550.2625, F.S., in a reference thereto; reenacting ss. 43.16(1) and 570.07(41), F.S., relating to exempting the Justice Administrative Commission from certain fees and authorizing the use of the on-line procurement system of the Department of Agriculture and Consumer Services, respectively, to incorporate the amendments made to s. 287.057, F.S., in references thereto; providing effective dates.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 826** to **HB 5043**.

Pending further consideration of **CS for SB 826** as amended, on motion by Senator Clary, by two-thirds vote **HB 5043** was withdrawn from the Committees on General Government Appropriations; and Ways and Means.

On motion by Senator Clary—

HB 5043—A bill to be entitled An act relating to trust funds; terminating certain specified trust funds within the Department of Agriculture and Consumer Services and transferring the funds to other trust

funds in the department; renaming trust funds within the Department of Agriculture and Consumer Services, the Department of the Lottery, and the Division of Administrative Hearings of the Department of Management Services; transferring certain accounts within the Grants and Donations Trust Fund of the Department of Management Services to the Operating Trust Fund of the Department of Management Services; amending ss. 215.20, 550.2625, 550.2633, 570.382, 215.22, 589.277, 24.114, 24.120, 24.121, 403.518, 403.5365, 403.9421, 552.40, 282.22, 287.042, 287.057, and 287.1345, F.S.; conforming provisions to changes made by the act; reenacting s. 550.0351(4), F.S., relating to charity racing days, to incorporate the amendments made to s. 550.2625, F.S., in a reference thereto; reenacting ss. 43.16(1) and 570.07(41), F.S., relating to exempting the Justice Administrative Commission from certain fees and authorizing the use of the on-line procurement system of the Department of Agriculture and Consumer Services, respectively, to incorporate the amendments made to s. 287.057, F.S., in references thereto; amending s. 794.055, F.S.; revising and providing definitions; requiring the Department of Health to contract with a statewide nonprofit association to provide assistance to rape crisis centers; providing for distribution of funds; amending s. 794.056, F.S.; providing for funds to be credited to the Rape Crisis Program Trust Fund; providing effective dates.

—a companion measure, was substituted for **CS for SB 826** as amended.

MOTION

Senator Miller moved that pursuant to Article III, Section 7, of the Florida Constitution, **HB 5043** be read in full. The motion was adopted by the required constitutional one-third vote of the members present.

The vote was:

Yeas—14

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

Nays—25

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

HB 5043 was read the second time in full.

Pursuant to Rule 4.19, **HB 5043** was placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater—

SB 2566—A bill to be entitled An act relating to brain tumor research; creating s. 381.853, F.S.; providing legislative findings and intent; requiring the Department of Health to develop and maintain a brain tumor registry; providing that individuals may choose not to be listed in the registry; establishing the Florida Center for Brain Tumor Research within the Scripps Research Institute; providing purpose and goal of the center; requiring the center to hold an annual brain tumor biomedical technology summit; providing for clinical trials and collaboration between certain entities; providing for funding; establishing a scientific advisory council and providing for composition and terms thereof; providing rulemaking authority to the department; providing an appropriation; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 2566** to **HB 1449**.

Pending further consideration of **SB 2566** as amended, on motion by Senator Atwater, by two-thirds vote **HB 1449** was withdrawn from the Committees on Health Care; Commerce and Consumer Services; Health and Human Services Appropriations; and Ways and Means.

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

HB 1449—A bill to be entitled An act relating to brain tumor research; creating s. 381.853, F.S.; providing legislative findings and intent; requiring the Evelyn F. and William L. McKnight Brain Institute of the University of Florida to develop and maintain a brain tumor registry; providing that individuals may choose not to be listed in the registry; establishing the Florida Center for Brain Tumor Research within the Evelyn F. and William L. McKnight Brain Institute of the University of Florida; providing purpose and goal of the center; providing for a competitive grant process for awarding certain funds; requiring the center to hold an annual brain tumor biomedical technology summit; providing for clinical trials and collaboration between certain entities; requiring the center to submit an annual report to the Governor, Legislature, and Secretary of Health; providing for funding; establishing a scientific advisory council and providing for membership, terms of office, meetings, and compensation; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **SB 2566** as amended and read the second time by title.

Senator Atwater moved the following amendment which was adopted:

Amendment 1 (530128)(with title amendment)—Lines 135-140, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

Lines 19 and 20, delete those lines and insert: terms of office, meetings, and compensation; providing an effective date.

Pursuant to Rule 4.19, **HB 1449** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater—

SB 2564—A bill to be entitled An act relating to public records; creating s. 381.8531, F.S.; providing an exemption from public-records requirements for personal identifying information contained in records of the Florida Center for Brain Tumor Research; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **SB 2564** to **HB 1451**.

Pending further consideration of **SB 2564** as amended, on motion by Senator Atwater, by two-thirds vote **HB 1451** was withdrawn from the Committees on Health Care; Commerce and Consumer Services; Governmental Oversight and Productivity; Ways and Means; and Rules and Calendar.

On motion by Senator Atwater—

HB 1451—A bill to be entitled An act relating to public records; creating s. 381.8531, F.S.; providing an exemption from public records requirements for an individual's medical record or information received from an individual from another state or nation or the Federal Government that is otherwise confidential or exempt that is held by the Florida Center for Brain Tumor Research; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **SB 2564** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1451** was placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

CS for SB 2424—A bill to be entitled An act relating to charter schools; amending s. 1002.33, F.S.; revising the purposes for which a charter school may be established; revising certain requirements following the denial of an application for a conversion charter school by a district school board; providing for mutually agreed upon policies of a sponsor to apply to a charter school; requiring that the director, governing board, and sponsor of a charter school take certain action if the school is graded "D" or "F"; revising certain requirements for applying for a charter school; requiring that the district school board provide documentation of its denial of an application to the applicant and the Department of Education; providing for the district court of appeal to review a decision by the State Board of Education to deny an application for a charter school; removing the authority of the Charter School Appeal Commission to review a dispute that is unresolved following mediation; requiring that the Department of Education provide certain training and assistance to applicants for a charter school; revising the requirements for developing a proposed charter; providing that a charter termination or nonrenewal is not subject to administrative review; requiring that the governing board of the charter school, the sponsor, and the Department of Education be notified if an audit reveals a state of financial emergency with respect to the school; requiring such a school to file a financial-recovery plan with the sponsor; requiring the department to establish guidelines for financial-recovery plans; revising the initial term for a charter school and extending the authorized length of the charter for a school operated by specified entities; revising circumstances under which a charter may be terminated or not renewed; providing notice requirements following the termination of a charter; providing for certain funds to revert to the sponsor rather than the district school board following nonrenewal or termination of a charter; requiring that a charter school notify the sponsor and file a financial-recovery plan following an audit indicating a state of financial emergency; requiring that the Department of Education develop an on-line annual accountability report for charter schools; authorizing a charter school to use certain specified facilities to house the school; exempting a charter school from occupational fees; requiring that a sponsor assist the charter school in fulfilling eligibility requirements for the federal lunch program; revising requirements for the Department of Education in providing information to the public regarding charter schools; requiring the department to provide the staff for a Charter School Review Panel; requiring future legislative review of the operation of charter schools; amending s. 1003.05, F.S.; removing charter schools from the special academic programs provided for students from military families; amending s. 1013.62, F.S.; revising eligibility requirements for a charter school to receive capital outlay funding; providing an order of priority for allocations; providing for such funds to be used for additional purposes; amending s. 218.39, F.S.; including charter schools within provisions governing annual financial audit reports; amending ss. 218.50, 218.501, 218.503, and 218.504, F.S.; designating ss. 218.50-218.504, F.S., as the "Local Governmental Entity, Charter School, and District School Board Financial Emergencies Act"; including charter schools within provisions requiring review and oversight by the Governor, the charter school sponsor, or the Commissioner of Education in the event of a financial emergency; requiring that a charter school notify the charter school sponsor and the Legislative Auditing Committee when certain events occur; prescribing actions to be taken by the charter school; amending s. 1002.32, F.S.; providing for a charter lab school to receive funding for student transportation under certain circumstances; amending s. 1011.71, F.S.; clarifying the use of funds generated through additional millage; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 2424** to **HB 7103**.

Pending further consideration of **CS for SB 2424** as amended, on motion by Senator Webster, by two-thirds vote **HB 7103** was withdrawn from the Committees on Education; and Education Appropriations.

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

HB 7103—A bill to be entitled An act relating to charter schools; amending s. 1002.33, F.S.; revising charter school purposes; modifying provisions relating to duties of sponsors, the application process, denial of an application, and review of appeals; requiring the Department of Education to provide technical assistance to charter school applicants; providing requirements relating to charter contracts; providing procedures when a state of financial emergency exists; revising provisions relating to charter terms and renewal; revising nonrenewal and termination provisions, including procedures for immediate termination; revising provisions relating to the reversion of funds; revising duties of a charter school governing body relating to audits; requiring the department to develop a uniform accountability report; providing procedures with respect to charter schools with deficiencies; requiring a school improvement plan to raise student achievement; providing for probation and corrective actions; requiring consultation with respect to conversion charter school attendance zones; revising provisions relating to payment and reimbursement to a charter school by a school district; requiring conversion charter schools to comply with certain facility requirements under specific situations; authorizing certain zoning and land use designations for certain charter school facilities; revising exemption from assessment of fees; authorizing the department to recommend that school districts make certain space available to charter schools; providing for additional services to charter schools and revising administrative fee requirements; requiring the department to develop a standard format for applications, charters, and charter renewals; requiring legislative review of charter schools in 2010; amending s. 218.39, F.S.; requiring the governing body of a charter school to be notified of certain deteriorating financial conditions; amending s. 218.50, F.S.; modifying a short title; amending s. 218.501, F.S.; including charter schools in the statement of purpose relating to financial management; amending s. 218.503, F.S.; providing for charter schools to be subject to provisions governing financial emergencies; providing procedures; amending s. 218.504, F.S.; providing for cessation of state action related to a state of financial emergency; amending s. 11.45, F.S.; conforming provisions; amending s. 1003.05, F.S.; modifying the list of special academic programs for transitioning students from military families; amending s. 1011.71, F.S.; clarifying the use of funds generated through additional millage; providing an effective date.

—a companion measure, was substituted for **CS for SB 2424** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 7103** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

CS for CS for SB 1766—A bill to be entitled An act relating to transportation; amending s. 112.061, F.S.; authorizing metropolitan planning organizations and certain separate entities to establish per diem and travel reimbursement rates; amending s. 121.021, F.S.; revising the definition of "local agency employer" to include metropolitan planning organizations and certain separate entities for purposes of the Florida Retirement System Act; revising the definition of "regularly established position" to include positions in metropolitan planning organizations; amending s. 121.051, F.S.; providing for metropolitan planning organizations to participate in the Florida Retirement System; amending s. 121.055, F.S.; requiring certain metropolitan planning organization and similar entity staff positions to be in the Senior Management Service Class of the Florida Retirement System; amending s. 121.061, F.S.; providing for enforcement of certain employer funding contributions required under the Florida Retirement System; authorizing deductions of amounts owed from certain funds distributed to a metropolitan planning organization; authorizing the governing body of a metropolitan planning organization to file and maintain an action in court to require an employer to remit retirement or social security member contributions or employer matching payments; amending s. 121.081, F.S.; providing for metropolitan planning organization officers and staff to claim past service for retirement benefits; creating s. 336.68, F.S.; providing that a property owner having real property located within the boundaries of a community development district and a special road and bridge district may select the community development district to be the provider of the road and drainage improvements to the property of the owner; authorizing the owner of the property to withdraw the property from the special road and bridge district; specifying the procedures and criteria required in order to remove the real property from the special road and bridge district; authorizing the governing body of the special road and bridge district to file a written objection to the proposed withdrawal of the property; amending s. 339.155, F.S.; authorizing the development of additional regional transportation plans by regional transportation planning organizations in certain areas; providing membership

requirements for regional transportation planning organizations comprising representatives of transportation planning and economic development interests within a region; authorizing a regional transportation planning organization to be expanded upon agreement of the regional transportation authority and representatives of the area to be expanded into, or mode to be included; providing for the development of by-laws and establishing minimum terms for certain members of the regional transportation authority; creating the Bay Area Transportation Regional Planning Organization in Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota Counties, comprised of representatives of transportation planning and economic development interests within the region; authorizing the Bay Area Regional Transportation Planning Organization to be expanded upon agreement of the regional transportation authority and of the area to be expanded into, or mode to be included; providing for the development of by-laws and establishing minimum terms for certain members of the regional transportation representatives authority; precluding regional transportation organization members from compensation; providing an appropriation; amending s. 339.2819, F.S.; providing that the Transportation Regional Incentive Program may fund up to 75 percent of costs for projects identified in a regional transportation plan developed by a regional transportation planning organization; amending s. 339.175, F.S.; specifying that a metropolitan planning organization is a separate legal entity independent of entities represented on the M.P.O. and signatories to the agreement creating the M.P.O.; providing for transfer of responsibilities and liabilities to the new M.P.O. upon execution of a new interlocal agreement by the governmental entities constituting the M.P.O.; providing for selection of certain officers and an agency clerk; revising requirements for voting membership; specifying that certain constitutional officers are not elected officials of a general-purpose local government for voting membership purposes; establishing a process for appointing alternate members; revising provisions for nonvoting advisers; revising provisions for employment of staff by an M.P.O.; providing for training of certain persons who serve on an M.P.O. for certain purposes; providing additional powers and duties of M.P.O.'s; revising voting requirements for approval of certain plans and programs and amendments thereto; requiring the Florida Transportation Commission to conduct a study of the progress made by M.P.O.'s to establish improved coordinated transportation planning processes; requiring a report; detailing the issues the report must consider; requiring that the report be submitted to the Governor and the Legislature by a specified date; amending s. 20.23, F.S.; providing that the salary and benefits of the executive director of the Florida Transportation Commission shall be set in accordance with the Senior Management Service; amending s. 332.007, F.S.; authorizing the Department of Transportation to provide funds for certain general aviation projects under certain circumstances; amending s. 332.007, F.S., relating to the administration and financing of aviation and airport operational and maintenance projects of publicly owned airports; changing the expiration date of the financial programs to the year 2012 from 2007; amending s. 212.055, F.S.; redesignating the charter county transit system surtax as the charter county transportation system surtax; providing that the proposal to adopt such a discretionary sales surtax and create a trust fund may be placed on the ballot pursuant to an initiative petition if the county charter so provides; providing additional purposes for which the proceeds from the surtax may be used; allowing counties that are not charter counties to levy, by ordinance, a county transportation system surtax; requiring that a discretionary sales surtax that is to be adopted by referendum be placed on the ballot at a time set at the discretion of the governing body of a county; requiring that the proceeds from a surtax be distributed to a county and to each municipality within the county according to an interlocal agreement or an apportionment factor; providing that the proceeds from the surtax be used for certain purposes as considered appropriate by the county commission; providing an effective date.

—was read the second time by title.

Senator Aronberg offered the following amendment which was moved by Senator Sebesta and adopted:

Amendment 1 (505862)(with title amendment)—On page 42, between lines 23 and 24, insert:

Section 17. Paragraph (c) of subsection (1) of section 336.025, Florida Statutes, is amended to read:

336.025 County transportation system; levy of local option fuel tax on motor fuel and diesel fuel.—

(1)

(c) Local governments may use the services of the Division of Bond Finance of the State Board of Administration pursuant to the State Bond Act to issue any bonds through the provisions of this section and may pledge the revenues from local option fuel taxes to secure the payment of the bonds. ~~In no case may a jurisdiction issue bonds pursuant to this section more frequently than once per year.~~ Counties and municipalities may join together for the issuance of bonds issued pursuant to this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, line 2, after the semicolon (;) insert: amending s. 336.025, F.S.; deleting a restriction on the frequency with which bonds may be issued under this section;

Senator Webster moved the following amendment which was adopted:

Amendment 2 (655300)(with title amendment)—On page 42, between lines 23 and 24, insert:

Section 17. Paragraph (j) of subsection (1) of section 339.08, Florida Statutes, is amended to read:

339.08 Use of moneys in State Transportation Trust Fund.—

(1) The department shall expend moneys in the State Transportation Trust Fund accruing to the department, in accordance with its annual budget. The use of such moneys shall be restricted to the following purposes:

(j) To pay the cost of county or municipal road projects selected in accordance with the County Incentive Grant Program created in s. 339.2817, ~~and~~ the Small County Outreach Program created in s. 339.2818*, and the Enhanced Bridge Program created in s. 339.282*.

Section 18. Section 339.282, Florida Statutes, is created to read:

339.282 Enhanced Bridge Program for Sustainable Transportation.—

(1) There is created within the Department of Transportation the Enhanced Bridge Program for Sustainable Transportation for the purpose of providing funds to improve the sufficiency rating of local bridges and to improve congested roads on the State Highway System or local corridors on which high-cost bridges are located in order to improve a corridor or provide an alternative corridor.

(2) Matching funds provided from the program may fund up to 50 percent of project costs.

(3) The department shall allocate a minimum of 25 percent of funding available for the program for local bridge projects to replace, rehabilitate, paint, or install scour countermeasures to highway bridges located on public roads, other than those on the State Highway System. A project to be funded must, at a minimum:

(a) Be classified as a structurally deficient bridge having a poor condition rating for the deck, superstructure, substructure component, or culvert;

(b) Have a sufficiency rating of 35 or below; and

(c) Have average daily traffic of at least 500 vehicles.

(4) Special consideration shall be given to bridges that are closed to all traffic or that have a load restriction of less than 10 tons.

(5) The department shall allocate remaining funding available for the program to improve highly congested roads on the State Highway System or local corridors on which high-cost bridges are located in order to improve the corridor or provide an alternative corridor. A project to be funded must, at a minimum:

(a) Be on or provide direct relief to an existing corridor that is backlogged or constrained; and

(b) Be a major bridge having an estimated cost greater than $25 million.

(6) Preference shall be given to bridge projects located on corridors that connect to the Strategic Intermodal System, created under s. 339.64, and that have been identified as regionally significant in accordance with s. 339.155(5)(c),(d), and (e).

Section 19. Section 339.284, Florida Statutes, is created to read:

339.284 Transportation concurrency incentives.—The Legislature finds that allowing private-sector entities to finance, construct, and improve public transportation facilities can provide significant benefits to the citizens of this state by facilitating transportation of the general public without the need for additional public tax revenues. In order to encourage the more efficient and proactive provision of transportation improvements by the private sector, if a developer or property owner voluntarily contributes right-of-way and physically constructs or expands a state transportation facility or segment and such construction or expansion improves traffic flow, capacity, or safety, the voluntary contribution may be applied as a credit for that property owner or developer against any future transportation concurrency requirements pursuant to chapter 163, provided such contributions and credits are set forth in a legally binding agreement executed by the property owner or developer, the local government within whose jurisdiction the facility is located, and the department. If the developer or property owner voluntarily contributes right-of-way and physically constructs or expands a local government transportation facility or segment and such construction or expansion meets the requirements in this section and in a legally binding agreement between the property owner or developer and the applicable local government, the contribution to the local government collector and arterial system may be applied as a credit against any future transportation concurrency requirements pursuant to chapter 163.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, line 2, after the semicolon (;) insert: amending s. 339.08, F.S.; allowing moneys in the State Transportation Trust Fund to be used to pay the cost of the Enhanced Bridge Program; creating s. 339.282, F.S.; creating the Enhanced Bridge Program for Sustainable Transportation within the Department of Transportation; providing for the use of funds in the program; providing project guidelines for program funding; creating s. 339.284, F.S.; providing certain incentives for certain private-sector contributions to improve transportation facilities; providing for the contribution to be applied as a credit against transportation concurrency requirements; providing procedures and criteria;

MOTION

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

Senator Sebesta moved the following amendment which was adopted:

Amendment 3 (021706)(with title amendment)—On page 42, between lines 23 and 24, insert:

Section 17. Paragraph (b) of subsection (3) of section 316.650, Florida Statutes, is amended to read:

316.650 Traffic citations.—

(3)

(b) If a traffic citation is issued pursuant to s. 316.1001, a traffic enforcement officer may deposit the original and one copy of such traffic citation or, in the case of a traffic enforcement agency that has an automated citation system, may provide an electronic facsimile with a court having jurisdiction over the alleged offense or with its traffic violations bureau within 45 days after the date of issuance of the citation to the violator. *If the person cited for the violation of s. 316.1001 makes the election provided by s. 318.14(12) and pays the fine imposed by the toll authority plus the amount of the unpaid toll which is shown on the traffic citation directly to the governmental entity that issued the citation in accordance with s. 318.14(12), the traffic citation will not be submitted to the court, the disposition will be reported to the department by the governmental entity that issued the citation, and no points will be assessed against the person's driver's license.*

Section 18. Subsection (12) of section 318.14, Florida Statutes, is amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(12) Any person cited for a violation of s. 316.1001 may, in lieu of making an election as set forth in subsection (4) or s. 318.18(7), elect to pay *a* ~~his or her~~ fine *of $25 or, such other amount as imposed by the toll authority, plus the amount of the unpaid toll which is shown on the traffic citation* directly to the governmental entity that issued the citation~~,~~ within 30 days after the date of issuance of the citation. Any person cited for a violation of s. 316.1001 who does not elect to pay the fine *imposed by the toll authority plus the amount of the unpaid toll which is shown on the traffic citation* directly to the governmental entity that issued the citation as described in this *subsection* ~~section~~ shall have an additional 45 days after the date of the issuance of the citation in which to *request a court hearing or to* pay the civil penalty and delinquent fee, if applicable, as provided in s. 318.18(7), either by mail or in person, in accordance with subsection (4).

Section 19. Subsection (7) of section 318.18, Florida Statutes, is amended to read:

318.18 Amount of civil penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 are as follows:

(7) *A mandatory fine of $100* ~~One hundred dollars~~ for *each* ~~a~~ violation of s. 316.1001 *plus the amount of the unpaid toll shown on the traffic citation for each citation issued. The clerk of the court shall forward $25 of the $100 fine received plus the amount of the unpaid toll which is shown on the citation to the governmental entity that issued the citation. If adjudication is withheld or there is a plea arrangement prior to a hearing, there shall be a minimum mandatory fine assessed per citation of $100 plus the amount of the unpaid toll for each citation issued. The clerk of the court shall forward $25 of the $100 plus the amount of the unpaid toll as shown on the citation to the governmental entity that issued the citation. The court shall have specific authority to consolidate issued citations for the same defendant for the purpose of sentencing and aggregate jurisdiction. In addition, the department shall suspend for 60 days the driver's license of a person who is convicted of 10 violations of s. 316.1001 within a 36-month period.* ~~However, a person may elect to pay $30 to the clerk of the court, in which case adjudication is withheld, and no points are assessed under s. 322.27. Upon receipt of the fine, the clerk of the court must retain $5 for administrative purposes and must forward the $25 to the governmental entity that issued the citation.~~ Any funds received by a governmental entity for this violation may be used for any lawful purpose related to the operation or maintenance of a toll facility.

Section 20. Subsection (6) is added to section 348.754, Florida Statutes, to read:

348.754 Purposes and powers.—

(6)(a) Notwithstanding s. 255.05, the Orlando-Orange County Expressway Authority may waive payment and performance bonds on construction contracts for the construction of a public building, for the prosecution and completion of a public work, or for repairs on a public building or public work that has a cost of $500,000 or less and when the project is awarded pursuant to an economic development program for the encouragement of local small businesses which has been adopted by the governing body of the Orlando-Orange County Expressway Authority pursuant to a resolution or policy.

(b) The authority's adopted criteria for participation in the economic development program for local small businesses requires that a participant:

1. Be an independent business.

2. Be principally domiciled in the Orange County Standard Metropolitan Statistical Area.

3. Employ 25 or fewer full-time employees.

4. Have gross annual sales averaging $3 million or less over the immediately preceding 3 calendar years with regard to any construction element of the program.

5. Be accepted as a participant in the Orlando-Orange County Expressway Authority's microcontracts program or such other small business program as may be hereinafter enacted by the Orlando-Orange County Expressway Authority.

6. Participate in an educational curriculum or technical assistance program for business development which will assist the small business in becoming eligible for bonding.

(c) The authority's adopted procedures for waiving payment and performance bonds on projects having values not less than $200,000 and not exceeding $500,000 shall provide that payment and performance bonds may be waived only on projects that have been set aside to be competitively bid on by participants in an economic development program for local small businesses. The authority's executive director or his or her designee shall determine whether specific construction projects are suitable for:

1. Bidding under the authority's microcontracts program by registered local small businesses; and

2. Waiver of the payment and performance bond.

The decision of the authority's executive director or deputy executive director to waive the payment and performance bond shall be based upon his or her investigation and conclusion that there exists sufficient competition so that the authority receives a fair price and does not undertake any unusual risk with respect to such project.

(d) For any contract for which a payment and performance bond has been waived pursuant to the authority set forth in this section, the Orlando-Orange County Expressway Authority shall pay all persons defined in s. 713.01 who furnish labor, services, or materials for the prosecution of the work provided for in the contract to the same extent and upon the same conditions that a surety on the payment bond under s. 255.05 would have been obligated to pay such persons if the payment and performance bond had not been waived. The authority shall record notice of this obligation in the manner in which and at the location where surety bonds are recorded. The notice must include the information describing the contract that s. 255.05(1) requires be stated on the front page of the bond. Notwithstanding that s. 255.05(9) generally applies when a performance and payment bond is required, s. 255.05(9) shall apply under this subsection to any contract for which performance or payment bonds are waived, and any claim to payment under this subsection shall be treated as a contract claim pursuant to s. 255.05(9).

(e) A small business that has been the successful bidder on six projects for which the payment and performance bond was waived by the authority pursuant to paragraph (a) shall be ineligible to bid on additional projects for which the payment and performance bond is to be waived. The local small business may continue to participate in other elements of the economic development program for local small businesses as long as it is eligible to do so.

(f) The authority shall conduct bond-eligibility training for businesses qualifying for bond waiver under this subsection to encourage and promote bond eligibility for such businesses.

(g) The authority shall prepare a biennial report on the activities undertaken pursuant to this subsection to be submitted to the Orange County legislative delegation. The initial report shall be due December 31, 2008.

Section 21. Subsection (9) of section 348.0004, Florida Statutes, is amended to read:

348.0004 Purposes and powers.—

(9) The Legislature declares that there is a public need for rapid construction of safe and efficient transportation facilities for travel within the state and that it is in the public's interest to provide for public-private partnership agreements to effectuate the construction of additional safe, convenient, and economical transportation facilities.

(a) Notwithstanding any other provision of the Florida Expressway Authority Act, any expressway authority*, transportation authority, bridge authority, or toll authority established under this part or any other statute* may receive or solicit proposals and enter into agreements with private entities, or consortia thereof, for the building, operation, ownership, or financing of ~~expressway~~ authority transportation facilities or new transportation facilities within the jurisdiction of the ~~expressway~~ authority. An ~~expressway~~ authority is authorized to adopt rules to implement this subsection and shall, by rule, establish an application fee for the submission of unsolicited proposals under this subsection. The fee must be sufficient to pay the costs of evaluating the proposals. An ~~expressway~~ authority may engage private consultants to assist in the evaluation. Before approval, an ~~expressway~~ authority must determine that a proposed project:

1. Is in the public's best interest.

2. Would not require state funds to be used unless the project is on or provides increased mobility on the State Highway System.

3. Would have adequate safeguards to ensure that no additional costs or service disruptions would be realized by the traveling public and *residents* ~~citizens~~ of the state in the event of default or the cancellation of the agreement by the ~~expressway~~ authority.

(b) An ~~expressway~~ authority shall ensure that all reasonable costs to the state *which are*~~,~~ related to transportation facilities that are not part of the State Highway System~~,~~ are borne by the private entity. An ~~expressway~~ authority shall also ensure that all reasonable costs to the state and substantially affected local governments and utilities related to the private transportation facility are borne by the private entity for transportation facilities that are owned by private entities. For projects on the State Highway System, the department may use state resources to participate in funding and financing the project as provided for under the department's enabling legislation.

(c) The ~~expressway~~ authority may request proposals for public-private transportation projects or, if it receives an unsolicited proposal, it must publish a notice in the Florida Administrative Weekly and a newspaper of general circulation in the county in which it is located at least once a week for 2 weeks~~,~~ stating that it has received the proposal and will accept, for 60 days after the initial date of publication, other proposals for the same project purpose. A copy of the notice must be mailed to each local government in the affected areas. After the public notification period has expired, the ~~expressway~~ authority shall rank the proposals in order of preference. In ranking the proposals, the ~~expressway~~ authority shall consider professional qualifications, general business terms, innovative engineering or cost-reduction terms, finance plans, and the need for state funds to deliver the proposal. If the ~~expressway~~ authority is not satisfied with the results of the negotiations, it may, at its sole discretion, terminate negotiations with the proposer. If these negotiations are unsuccessful, the ~~expressway~~ authority may go to the second and lower-ranked firms, in order, using the same procedure. If only one proposal is received, the ~~expressway~~ authority may negotiate in good faith, and if it is not satisfied with the results, it may, at its sole discretion, terminate negotiations with the proposer. Notwithstanding this paragraph, the ~~expressway~~ authority may, at its discretion, reject all proposals at any point in the process up to completion of a contract with the proposer.

(d) The department may lend funds from the Toll Facilities Revolving Trust Fund, as outlined in s. 338.251, to public-private partnerships. To be eligible a private entity must comply with s. 338.251 and must provide an indication from a nationally recognized rating agency that the senior bonds for the project will be investment grade or must provide credit support, such as a letter of credit or other means acceptable to the department, to ensure that the loans will be fully repaid.

(e) Agreements entered into pursuant to this subsection may authorize the public-private entity to impose tolls or fares for the use of the facility. However, the amount and use of toll or fare revenues shall be regulated by the ~~expressway~~ authority to avoid unreasonable costs to users of the facility.

(f) Each public-private transportation facility constructed pursuant to this subsection shall comply with all requirements of federal, state, and local laws; state, regional, and local comprehensive plans; the ~~expressway~~ authority's rules, policies, procedures, and standards for transportation facilities; and any other conditions that the ~~expressway~~ authority determines to be in the public's best interest.

(g) An ~~expressway~~ authority may exercise any power possessed by it, including eminent domain, to facilitate the development and construction of transportation projects pursuant to this subsection. An ~~expressway~~ authority may pay all or part of the cost of operating and maintain-

ing the facility or may provide services to the private entity for which it receives full or partial reimbursement for services rendered.

(h) Except as herein provided, this subsection is not intended to amend existing laws by granting additional powers to or further restricting the governmental entities from regulating and entering into cooperative arrangements with the private sector for the planning, construction, and operation of transportation facilities. *Use of the powers granted in this subsection may not subject a statutorily created expressway authority, transportation authority, bridge authority, or toll authority, other than one statutorily created under this part, to any of the requirements of this part other than those contained in this subsection.*

Section 22. Section 348.0012, Florida Statutes, is amended to read:

348.0012 Exemptions from applicability.—The Florida Expressway Authority Act does not apply:

(1) In a county in which an expressway authority has been created pursuant to *other* parts ~~II-IX~~ of this chapter*, except as expressly provided in this part*; or

(2) To a transportation authority created pursuant to chapter 349.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, line 2, after the semicolon (;) insert: amending s. 316.650, F.S.; revising procedures for disposition of citations issued for failure to pay toll; providing that the citation will not be submitted to the court and no points will be assessed on the driver's license if the person cited elects to make payment directly to the governmental entity that issued the citation; providing for reporting of the citation by the governmental entity to the Department of Highway Safety and Motor Vehicles; amending s. 318.14, F.S.; providing for the amount required to be paid under certain procedures for disposition of a citation issued for failure to pay a toll; providing for the person cited to request a court hearing; amending s. 318.18, F.S.; revising penalties for failure to pay a prescribed toll; providing for disposition of amounts received by the clerk of court; revising procedures for withholding of adjudication; providing for suspension of a driver's license under certain circumstances; amending s. 348.754, F.S.; authorizing the Orlando-Orange County Expressway Authority to waive payment and performance bonds on certain construction contracts if the contract is awarded pursuant to an economic development program for the encouragement of local small businesses; providing criteria for participation in the program; providing criteria for the bond waiver; providing for certain determinations by the authority's executive director or a designee as to the suitability of a project; providing for certain payment obligations if a payment and performance bond is waived; requiring the authority to record notice of the obligation; limiting eligibility to bid on the projects; providing for the authority to conduct bond-eligibility training for certain businesses; requiring the authority to submit biennial reports to the Orange County legislative delegation; amending s. 348.0004, F.S.; authorizing transportation authorities, bridge authorities, or toll authorities to enter agreements with private entities to provide transportation facilities; amending s. 348.0012, F.S.; clarifying certain exemptions from the Florida Expressway Authority Act;

MOTION

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

Senator Bennett moved the following amendment which was adopted:

Amendment 4 (684316)(with title amendment)—On page 42, between lines 23 and 24, insert:

Section 17. *The Legislative Committee on Intergovernmental Relations shall study methods to incentivize and reward local governments that demonstrate maximum local effort in funding local transportation needs to the benefit of the state transportation system through the use of local-option revenue sources. The Department of Revenue, the Department of Transportation, and other state agencies shall provide data and support as requested by the committee for the purpose of the study. All local governments are encouraged to assist and cooperate with the committee as necessary. The committee shall submit a report summarizing its research findings and proposed policy options to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2006.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, line 2, after the semicolon (;) insert: requiring the Legislative Committee on Intergovernmental Relations to study methods to incentivize and reward certain local governments; requiring state agencies to provide data for the study; requiring the committee to submit a report summarizing its findings;

MOTION

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

Senator Sebesta moved the following amendment which was adopted:

Amendment 5 (762110)—On page 16, line 17 through page 21, line 20, delete those lines and insert:

Section 8. Paragraph (c) of subsection (5) of section 339.155, Florida Statutes, is amended to read:

339.155 Transportation planning.—

(5) ADDITIONAL TRANSPORTATION PLANS.—

(c) Regional transportation plans may be developed in regional transportation areas in accordance with an interlocal agreement entered into pursuant to s. 163.01 by*:*

1. Two or more contiguous metropolitan planning organizations; one or more metropolitan planning organizations and one or more contiguous counties, none of which is a member of a metropolitan planning organization; a multicounty regional transportation authority created by or pursuant to law; two or more contiguous counties that are not members of a metropolitan planning organization; or metropolitan planning organizations comprised of three or more counties*; and*~~.~~

2. A regional transportation planning organization, referred to as a RTPO. A RTPO may be formed in any census-designated urbanized area of 1 million or more persons to develop a regional transportation plan and to advise the department regarding the programming of regional transportation projects within the area.

a. Voting membership of the RTPO must include, but is not limited to:

(I) A representative of the metropolitan planning organizations serving the urbanized area. The member must be an elected official and a member of a metropolitan planning organization when elected and for the full extent of his or her term on the board.

(II) A representative of the public economic development agencies in the region who is not an elected official but who is a resident and a qualified elector in the region served by the RTPO.

(III) A representative of any private economic development agencies in the region who is not an elected official but who is a resident and a qualified elector in the region served by the RTPO.

(IV) A non-voting representative appointed by the Secretary of Transportation, who shall be the district secretary, or his or her designee, for each district, or part of a district, within the region served by the RTPO.

(V) The executive director of the Turnpike Enterprise or his or her designee as a non-voting representative.

(VI) A representative of the public transit providers, as defined in chapter 341, operating within the region served by the RTPO.

(VII) A representative of the airports designated as strategic intermodal system facilities located within the region served by the RTPO.

(VIII) A representative of the affected seaports designated as strategic intermodal system facilities, located in the region served by the RTPO.

(IX) A representative of the rail lines, designated as strategic intermodal system facilities, operating in the region served by the RTPO.

(X) A representative of the expressway or bridge authority, created under chapter 348, operating in the region served by the RTPO.

(XI) A member of the Florida Senate or House of Representatives in his or her capacity as the chair of the local legislative delegation.

b. The geographic area of the RTPO may be expanded by agreement of the voting membership of the organization and the metropolitan planning organization serving the area to be included, or board of county commissioners if no metropolitan planning organization exists. Representatives of additional transportation-related activities may be included by agreement of the voting membership of the RTPO.

c. The RTPO shall develop by-laws that provide for the election of a chair and terms of members. However, for the members representing the collective bodies listed in sub-sub-subparagraphs a.(I), (II), (III), (VI), (VII), (VIII), (IX), and (X), the initial terms must be 2 years.

d. The voting members of the RTPO are not entitled to compensation, but shall be reimbursed for travel expenses actually incurred in their duties as provided by law.

3. A regional transportation planning organization is created to be known as the Bay Area Regional Transportation Planning Organization. The purpose of the organization is to develop a regional transportation plan and to advise the department regarding the programming of regional transportation projects within Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas, and Sarasota Counties.

a. The voting membership of the organization consists of the following members:

(I) A representative of the chair's coordinating committee created under s. 339.175(5). The member must be an elected official and a member of a metropolitan planning organization when elected and for the full extent of his or her term on the board.

(II) A representative of the Tampa Bay Partnership who is not an elected official but who is a resident and a qualified elector in the region served by the organization.

(III) A non-voting representative appointed by the Secretary of Transportation, who shall be the district secretary, or his or her designee, for each district or part of a district in the counties served by the organization.

(IV) The executive director of the Turnpike Enterprise or his or her designee as a non-voting representative.

(V) A representative of the Tampa Bay Commuter Transit Authority.

(VI) A representative of the Tampa-Hillsborough County Expressway Authority.

(VII) A representative of the Tampa Bay Regional Planning Council.

(VIII) A representative of the airports, collectively representing the interests of Tampa International Airport, St. Petersburg/Clearwater International Airport, and Sarasota/Bradenton International Airport.

(IX) A representative collectively representing the rail interests in the region.

(X) A representative collectively representing the governing boards of the Port of Tampa, Port Manatee, and the Port of St. Petersburg.

(XI) A representative collectively representing the public economic development agencies representing Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas, and Sarasota Counties.

(XII) A member of the Florida Senate or House of Representatives in his or her capacity as the chair of the Bay Area legislative delegation.

b. The geographic area may be expanded by agreement of the voting membership of the organization and the metropolitan planning organization serving the area to be included, or the board of county commissioners if no metropolitan planning organization exists. Representatives of additional transportation-related activities may be included by agreement of the voting membership of the organization.

c. The organization shall develop by-laws that provide for the election of a chair and terms of members. However, for the members representing the collective bodies listed in sub-sub-subparagraphs a.(I), (V), (VIII), (IX), and (XI), the initial terms must be 2 years.

d. The voting members of the organization are not entitled to compensation, but shall be reimbursed for travel expenses actually incurred in their duties as provided by law.

Section 9. *The sum of $100,000 is appropriated from the State Transportation Trust Fund to the Department of Transportation for the purpose of funding the Bay Area Regional Transportation Planning Organization for the purpose of transportation planning for the 2006-2007 fiscal year.*

Section 10. Subsection (2) of section 339.2819, Florida Statutes, is amended to read:

339.2819 Transportation Regional Incentive Program.—

(2)*(a) For improvements to regionally significant facilities identified in a regional transportation plan developed under s. 339.155(5)(c)1.,* the percentage of matching funds provided from the Transportation Regional Incentive Program shall be 50 percent of project costs~~, or up to 75 percent of the nonfederal share of the eligible project cost for the public transportation facility project~~.

(b) For improvements to regionally significant facilities identified in a regional transportation plan developed under s. 339.155(5)(c)2. or 3., by a regional transportation planning organization, the percentage of matching funds provided from the transportation regional incentive program shall be up to 75 percent of project costs.

MOTION

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

Senator King moved the following amendment which was adopted:

Amendment 6 (732680)(with title amendment)—On page 14, between lines 26 and 27, insert:

Section 7. Subsection (1) of section 311.22, Florida Statutes, is amended to read:

311.22 Additional authorization for funding certain dredging projects.—

(1) The Florida Seaport Transportation and Economic Development Council shall establish a program to fund dredging projects in counties having a population of fewer than 300,000 according to the last official census. Funds made available under this program may be used to fund approved projects for the dredging or deepening of channels, turning basins, or harbors on a *25-percent local* ~~50-50~~ matching basis with any port authority, as such term is defined in s. 315.02(2), which complies with the permitting requirements in part IV of chapter 373 and the local financial management and reporting provisions of part III of chapter 218.

Section 8. Section 320.20, Florida Statutes, is amended to read:

320.20 Disposition of license tax moneys.—The revenue derived from the registration of motor vehicles, including any delinquent fees and excluding those revenues collected and distributed under the provisions of s. 320.081, must be distributed monthly, as collected, as follows:

(1) The first proceeds, to the extent necessary to comply with the provisions of s. 18, Art. XII of the State Constitution of 1885, as adopted by s. 9(d), Art. XII, 1968 revised constitution, and the additional provisions of s. 9(d) and s. 1010.57, must be deposited in the district Capital Outlay and Debt Service School Trust Fund.

(2) Twenty-five million dollars per year of such revenues must be deposited in the State Transportation Trust Fund, with priority use assigned to completion of the interstate highway system. However, any

excess funds may be utilized for general transportation purposes, consistent with the Department of Transportation's legislatively approved objectives.

(3) Notwithstanding any other provision of law except subsections (1) and (2), on July 1, 1996, and annually thereafter, $15 million shall be deposited in the State Transportation Trust Fund solely for the purposes of funding the Florida Seaport Transportation and Economic Development Program as provided for in chapter 311. Such revenues shall be distributed *to any port listed in s. 311.09(1), to be used for funding projects as follows:*

(a) For any seaport intermodal access projects that are identified in the tentative work program of the Department of Transportation for the 2006-2007 to 2010-2011 fiscal years, up to the amounts needed to offset the funding requirements of this section.

(b) For seaport intermodal access projects as described in s. 341.053(5) which are identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3), funding shall require at least a 25-percent match of the funds received pursuant to this subsection. Matching funds shall come from any port funds, federal funds, local funds, or private funds.

(c) For seaport projects as described in s. 311.07(3)(b), funds shall be provided on a 50-50 matching basis.

(d) For seaport intermodal access projects that involve the dredging or deepening of channels, turning basins, or harbors, or the construction or rehabilitation of wharves, docks, or similar structures, funding shall require at least a 25-percent match of the funds received pursuant to this subsection. Matching funds shall come from any port funds, federal funds, local funds, or private funds. ~~on a 50-50 matching basis to any port listed in s. 311.09(1) to be used for funding projects as described in s. 311.07(3)(b).~~

Such revenues may be assigned, pledged, or set aside as a trust for the payment of principal or interest on bonds, tax anticipation certificates, or any other form of indebtedness issued by an individual port or appropriate local government having jurisdiction thereof, or collectively by interlocal agreement among any of the ports, or used to purchase credit support to permit such borrowings. However, such debt shall not constitute a general obligation of the State of Florida. The state does hereby covenant with holders of such revenue bonds or other instruments of indebtedness issued hereunder that it will not repeal or impair or amend in any manner which will materially and adversely affect the rights of such holders so long as bonds authorized by this section are outstanding. Any revenues which are not pledged to the repayment of bonds as authorized by this section may be utilized for purposes authorized under the Florida Seaport Transportation and Economic Development Program. This revenue source is in addition to any amounts provided for and appropriated in accordance with s. 311.07. The Florida Seaport Transportation and Economic Development Council shall *submit to the Department of Transportation a list of strategic transportation, economic development, and freight mobility projects that contribute to the economic growth of the state and that* ~~approve distribution of funds to ports for projects which~~ have been approved pursuant to s. 311.09(5)-(9). *The council and the Department of Transportation shall mutually agree upon the prioritization and selection of projects for funding. The Department of Transportation shall include the selected projects for funding in the tentative work program developed pursuant to s. 339.135.* The council and the Department of Transportation are authorized to perform such acts as are required to facilitate and implement the provisions of this subsection*, including the funding of approved projects by the use of other state funding programs, local contributions from seaports, and the creative use of federal funds*. To better enable the ports to cooperate to their mutual advantage, the governing body of each port may exercise powers provided to municipalities or counties in s. 163.01(7)(d) subject to the provisions of chapter 311 and special acts, if any, pertaining to a port. The use of funds provided pursuant to this subsection are limited to eligible projects listed in this subsection. Income derived from a project completed with the use of program funds, beyond operating costs and debt service, shall be restricted to further port capital improvements consistent with maritime purposes and for no other purpose. Use of such income for nonmaritime purposes is prohibited. The provisions of s. 311.07(4) do not apply to any funds received pursuant to this subsection. The revenues available under this subsection shall not be pledged to the payment of any bonds other than the Florida Ports Financing Commission Series 1996 and Series 1999 Bonds currently outstanding; provided, however, such revenues may be pledged to secure payment of refunding bonds to refinance the Florida Ports Financing Commission Series 1996 and Series 1999 Bonds. ~~No refunding bonds secured by revenues available under this subsection may be issued with a final maturity later than the final maturity of the Florida Ports Financing Commission Series 1996 and Series 1999 Bonds or which provide for higher debt service in any year than is currently payable on such bonds.~~ Any revenue bonds or other indebtedness issued after July 1, 2000, *including* ~~other than~~ refunding bonds*,* shall be issued by the Division of Bond Finance at the request of the Department of Transportation pursuant to the State Bond Act.

(4) Notwithstanding any other provision of law except subsections (1), (2), and (3), on July 1, 1999, and annually thereafter, $10 million shall be deposited in the State Transportation Trust Fund solely for the purposes of funding the Florida Seaport Transportation and Economic Development Program as provided in chapter 311 and for funding seaport intermodal access projects of statewide significance as provided in s. 341.053. Such revenues shall be distributed to any port listed in s. 311.09(1), to be used for funding projects as follows:

(a) For any seaport intermodal access projects that are identified in the 1997-1998 Tentative Work Program of the Department of Transportation, up to the amounts needed to offset the funding requirements of this section.

(b) For seaport intermodal access projects as described in s. 341.053(5) that are identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3). Funding for such projects shall be on a matching basis as mutually determined by the Florida Seaport Transportation and Economic Development Council and the Department of Transportation, provided a minimum of 25 percent of total project funds shall come from any port funds, local funds, private funds, or specifically earmarked federal funds.

(c) On a 50-50 matching basis for projects as described in s. 311.07(3)(b).

(d) For seaport intermodal access projects that involve the dredging or deepening of channels, turning basins, or harbors*,*~~;~~ or the *construction or* rehabilitation of wharves, docks, or similar structures. Funding for such projects shall require a 25-percent match of the funds received pursuant to this subsection. Matching funds shall come from any port funds, federal funds, local funds, or private funds.

Such revenues may be assigned, pledged, or set aside as a trust for the payment of principal or interest on bonds, tax anticipation certificates, or any other form of indebtedness issued by an individual port or appropriate local government having jurisdiction thereof, or collectively by interlocal agreement among any of the ports, or used to purchase credit support to permit such borrowings. However, such debt shall not constitute a general obligation of the state. This state does hereby covenant with holders of such revenue bonds or other instruments of indebtedness issued hereunder that it will not repeal or impair or amend this subsection in any manner which will materially and adversely affect the rights of holders so long as bonds authorized by this subsection are outstanding. Any revenues that are not pledged to the repayment of bonds as authorized by this section may be utilized for purposes authorized under the Florida Seaport Transportation and Economic Development Program. This revenue source is in addition to any amounts provided for and appropriated in accordance with s. 311.07 and subsection (3). The Florida Seaport Transportation and Economic Development Council shall *submit to the Department of Transportation a list of strategic transportation, economic development, and freight mobility projects that contribute to the economic growth of the state and that* ~~approve distribution of funds to ports for projects that~~ have been approved pursuant to s. 311.09(5)-(9), or *that have been approved* for seaport intermodal access projects identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3) ~~and mutually agreed upon by the FSTED Council and the Department of Transportation~~. *The council and the Department of Transportation shall mutually agree upon the prioritization and selection of projects for funding. The Department of Transportation shall include the selected projects for funding in the tentative work program developed pursuant to s. 339.135.* All contracts for actual construction of projects authorized by this subsection must include a provision encouraging employment of participants in the welfare transition program. The goal for employment of participants in the welfare transition program is 25 percent of all new employees employed specifically for the project, unless the Department of Transportation and the Florida Seaport

Transportation and Economic Development Council demonstrate that such a requirement would severely hamper the successful completion of the project. In such an instance, Workforce Florida, Inc., shall establish an appropriate percentage of employees that must be participants in the welfare transition program. The council and the Department of Transportation are authorized to perform such acts as are required to facilitate and implement the provisions of this subsection*, including the funding of approved projects by the use of other state funding programs, local contributions from seaports, and the creative use of federal funds*. To better enable the ports to cooperate to their mutual advantage, the governing body of each port may exercise powers provided to municipalities or counties in s. 163.01(7)(d) subject to the provisions of chapter 311 and special acts, if any, pertaining to a port. The use of funds provided pursuant to this subsection is limited to eligible projects listed in this subsection. The provisions of s. 311.07(4) do not apply to any funds received pursuant to this subsection. The revenues available under this subsection shall not be pledged to the payment of any bonds other than the Florida Ports Financing Commission Series 1996 and Series 1999 Bonds currently outstanding; provided, however, such revenues may be pledged to secure payment of refunding bonds to refinance the Florida Ports Financing Commission Series 1996 and Series 1999 Bonds. ~~No refunding bonds secured by revenues available under this subsection may be issued with a final maturity later than the final maturity of the Florida Ports Financing Commission Series 1996 and Series 1999 Bonds or which provide for higher debt service in any year than is currently payable on such bonds.~~ Any revenue bonds or other indebtedness issued after July 1, 2000, *including* ~~other than~~ refunding bonds*,* shall be issued by the Division of Bond Finance at the request of the Department of Transportation pursuant to the State Bond Act.

(5) Notwithstanding any other provision of law except subsections (1), (2), (3), and (4), on July 1, 2006, and annually thereafter, $5 million shall be deposited in the State Transportation Trust Fund solely for the purposes of funding the Florida Seaport Transportation and Economic Development Program as provided in chapter 311 and for funding seaport intermodal access projects of statewide significance as provided in s. 341.053. Such revenues shall be distributed to any port listed in s. 311.09(1), to be used for funding projects as follows:

(a) For any seaport intermodal access projects that are identified in the Tentative Work Program of the Department of Transportation for the 2006-2007 to 2010-2011 fiscal years, up to the amounts needed to offset the funding requirements of this section.

(b) For seaport intermodal access projects as described in s. 341.053(5) which are identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3), funding shall require at least a 25-percent match of the funds received pursuant to this subsection. Matching funds shall come from any port funds, federal funds, local funds, or private funds.

(c) For seaport projects as described in s. 311.07(3)(b), funds shall be provided on a 50-50 matching basis.

(d) For seaport intermodal access projects that involve the dredging or deepening of channels, turning basins, or harbors, or the construction or rehabilitation of wharves, docks, or similar structures, funding shall require at least a 25-percent match of the funds received pursuant to this subsection. Matching funds shall come from any port funds, federal funds, local funds, or private funds.

Such revenues may be assigned, pledged, or set aside as a trust for the payment of principal or interest on bonds, tax anticipation certificates, or any other form of indebtedness issued by the Division of Bond Finance at the request of the Department of Transportation pursuant to the State Bond Act. However, such debt does not constitute a general obligation of the state. This state covenants with holders of such revenue bonds or other instruments of indebtedness issued under this subsection that it will not repeal or impair or amend this subsection in any manner that will materially and adversely affect the rights of holders so long as bonds authorized by this subsection are outstanding. Any revenues that are not pledged to the repayment of bonds as authorized by this subsection may be used for purposes authorized under the Florida Seaport Transportation and Economic Development Program. This revenue source is in addition to any amounts provided for and appropriated in accordance with s. 311.07 and subsections (3) and (4). The Florida Seaport Transportation and Economic Development Council shall submit to the Department of Transportation a list of strategic transportation, economic development, and freight mobility projects that contribute to the economic growth of the state and that have been approved pursuant to s. 311.09(5)-(9), or that have been approved for seaport intermodal access projects identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3). The council and the Department of Transportation shall mutually agree upon the prioritization and selection of projects for funding. The Department of Transportation shall include the selected projects for funding in the tentative work program developed pursuant to s. 339.135. The council and the Department of Transportation may perform such acts as are required to facilitate and implement the provisions of this subsection, including the funding of approved projects by the use of other state funding programs, local contributions from seaports, and the creative use of federal funds. To better enable the ports to cooperate to their mutual advantage, the governing body of each port may exercise powers provided to municipalities or counties in s. 163.01(7)(d), subject to the provisions of chapter 311 and special acts, if any, pertaining to the port. The use of funds provided under this subsection is limited to eligible projects listed in this subsection. Section 311.07(4) does not apply to any funds received pursuant to this subsection.

(6)(a)~~(5)(a)~~ Except as provided in paragraph (c), the remainder of such revenues must be deposited in the State Transportation Trust Fund.

(b) The Chief Financial Officer each month shall deposit in the State Transportation Trust Fund an amount, drawn from other funds in the State Treasury which are not immediately needed or are otherwise in excess of the amount necessary to meet the requirements of the State Treasury, which when added to such remaining revenues each month will equal one-twelfth of the amount of the anticipated annual revenues to be deposited in the State Transportation Trust Fund under paragraph (a) as determined by the Chief Financial Officer after consultation with the revenue estimating conference held pursuant to s. 216.136(3). The transfers required hereunder may be suspended by action of the Legislative Budget Commission in the event of a significant shortfall of state revenues.

(c) In any month in which the remaining revenues derived from the registration of motor vehicles exceed one-twelfth of those anticipated annual remaining revenues as determined by the Chief Financial Officer after consultation with the revenue estimating conference, the excess shall be credited to those state funds in the State Treasury from which the amount was originally drawn, up to the amount which was deposited in the State Transportation Trust Fund under paragraph (b). A final adjustment must be made in the last months of a fiscal year so that the total revenue deposited in the State Transportation Trust Fund each year equals the amount derived from the registration of motor vehicles, less the amount distributed under subsection (1). For the purposes of this paragraph and paragraph (b), the term "remaining revenues" means all revenues deposited into the State Transportation Trust Fund under paragraph (a) and subsections (2) and (3). In order that interest earnings continue to accrue to the General Revenue Fund, the Department of Transportation may not invest an amount equal to the cumulative amount of funds deposited in the State Transportation Trust Fund under paragraph (b) less funds credited under this paragraph as computed on a monthly basis. The amounts to be credited under this and the preceding paragraph must be calculated and certified to the Chief Financial Officer by the Executive Office of the Governor.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 4, after the first semicolon (;) insert: amending s. 311.22, F.S.; revising the funding for certain dredging projects; amending s. 320.20, F.S.; revising the distribution of license tax moneys deposited in the State Transportation Trust Fund for the funding of the Florida Seaport Transportation and Economic Development program and certain seaport intermodal access projects; requiring the Florida Seaport Transportation and Economic Development Council to submit a list of certain freight mobility projects to the Department of Transportation; requiring the council and the department to agree upon the projects selected for funding; requiring the department to include the selected projects for funding in the tentative work program; providing that refunding bonds shall be issued by the Division of Bond Finance at the request of the department; providing for funding the construction of wharves and docks; requiring that a certain sum of money be deposited in the State Transportation Trust Fund for the funding of the Florida Seaport Transportation and Economic Development program and certain seaport intermodal access projects; providing for distribution of revenues for the funding of certain seaport intermodal access projects;

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 7 (443408)(with title amendment)—On page 36, line 25 through page 39, line 21, delete those lines and insert:

Section 16. Paragraph (e) of subsection (2) of section 212.055, Florida Statutes, is amended, and subsection (8) is added to that section, to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(e) School districts, counties, and municipalities receiving proceeds under the provisions of this subsection may pledge such proceeds for the purpose of servicing new bond indebtedness incurred pursuant to law. Local governments may use the services of the Division of Bond Finance of the State Board of Administration pursuant to the State Bond Act to issue any bonds through the provisions of this subsection. ~~In no case may a jurisdiction issue bonds pursuant to this subsection more frequently than once per year.~~ Counties and municipalities may join together for the issuance of bonds authorized by this subsection.

And the title is amended as follows:

On page 5, lines 10-18, delete those lines and insert: amending s. 212.055, F.S.; deleting a restriction on the frequency with which bonds may be issued under s. 212.055(2), F.S.;

Pursuant to Rule 4.19, **CS for CS for SB 1766** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Baker, by two-thirds vote **HB 1325** was withdrawn from the Committees on Judiciary; Justice Appropriations; Banking and Insurance; and Health and Human Services Appropriations.

On motion by Senator Baker—

HB 1325—A bill to be entitled An act relating to controlled substances; amending s. 39.301, F.S.; requiring the Department of Children and Family Services to file a petition for dependency for the children of parents involved in certain controlled substance crimes; amending s. 893.13, F.S.; revising provisions relating to criminal penalties for controlled substance violations that result in serious injury to specified individuals; creating s. 627.4107, F.S.; prohibiting cancellation or nonrenewal of life or health insurance policies or certificates of insurance providing coverage to specified local, state, or federal employees due to exposure to toxic chemicals or due to disease or injury incurred in their duties related to controlled substance law violations committed by others; providing penalties; permitting cancellations or nonrenewals for specified fraud or misrepresentation; amending s. 907.041, F.S.; revising a definition; revising provisions relating to pretrial release of certain defendants charged with certain controlled substance offenses; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2356** and read the second time by title.

Pursuant to Rule 4.19, **HB 1325** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lynn, by two-thirds vote **HB 7063** was withdrawn from the Committees on Education; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Lynn—

HB 7063—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute; amending s. 1004.445, F.S., which provides an exemption from public records requirements for personal identifying information relating to clients of programs created or funded through the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute and held by the institute, the University of South Florida, or the State Board of Education, medical or health records relating to patients held by the institute, materials that relate to methods of manufacture or production, potential trade secrets, potentially patentable material, actual trade secrets, or proprietary information received, generated, ascertained, or discovered during the course of research conducted by or through the institute and business transactions resulting from such research, personal identifying information of a donor or prospective donor to the institute who wishes to remain anonymous, and any information received by the institute from a person from another state or nation or the Federal Government that is otherwise confidential or exempt pursuant to the laws of that state or nation or pursuant to federal law; narrowing the exemption; making editorial changes; removing superfluous language; removing the scheduled repeal of the exemption; providing an effective date.

—a companion measure, was substituted for **CS for SB 2066** and read the second time by title.

Pursuant to Rule 4.19, **HB 7063** was placed on the calendar of Bills on Third Reading.

On motion by Senator Webster, by two-thirds vote **HB 841** was withdrawn from the Committee on Judiciary.

On motion by Senator Webster—

HB 841—A bill to be entitled An act relating to supersedeas bond; creating s. 45.045, F.S.; limiting the amount of supersedeas bond required for certain appellants; providing that a party may move the court to reduce the supersedeas bond; providing an exception to limits if an appellant engages in certain conduct for the purpose of avoiding payment of the judgment; providing applicability; providing an effective date.

—a companion measure, was substituted for **CS for SB 2250** and read the second time by title.

Pursuant to Rule 4.19, **HB 841** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2358** was deferred.

On motion by Senator Baker, by two-thirds vote **HB 471** was withdrawn from the Committees on Environmental Preservation; Judiciary; Criminal Justice; Governmental Oversight and Productivity; and General Government Appropriations.

On motion by Senator Baker—

HB 471—A bill to be entitled An act relating to fish and wildlife; amending s. 370.01, F.S.; defining the term "commercial harvester"; amending s. 370.021, F.S.; providing for base penalties; conforming penalty provisions for commercial harvesters; providing penalties for persons other than commercial harvesters; conforming provisions relating to the spiny lobster; amending s. 370.028, F.S.; conforming penalty provisions; amending s. 370.061, F.S.; correcting a cross-reference; amending ss. 370.063, 370.08, 370.081, 370.1105, 370.1121, 370.13, 370.135, 370.14, and 370.142, F.S.; conforming penalty provisions for commercial harvesters; providing penalties for persons other than commercial harvesters; conforming provisions relating to the spiny lobster; deleting obsolete provisions; amending s. 372.562, F.S.; conforming a provision

providing an exemption from fees and requirements; amending s. 372.57, F.S.; specifying seasonal recreational activities for which a license or permit is required; increasing fees for certain licenses to conform; providing a fee for a crossbow season permit; providing for crossbow season permits; providing penalties for the production, possession, and use of fraudulent fishing and hunting licenses; providing penalties for the taking of game and fish with a suspended or revoked license; conforming provisions relating to the spiny lobster; amending s. 372.5704, F.S.; conforming penalty provisions; amending ss. 372.571 and 372.573, F.S.; correcting cross-references; amending s. 372.5717, F.S.; authorizing the Fish and Wildlife Conservation Commission to defer the hunter safety education course requirement for a specified time period and for a specified number of times; providing for a special authorization and conditions to hunt using a hunter safety education deferral; deleting the mandatory minimum number of instructional hours for persons required to take the hunter safety education course; providing an exemption for the display of hunter safety education certificates; providing penalties; amending s. 372.83, F.S.; revising the penalties for violations of rules, orders, and regulations of the Fish and Wildlife Conservation Commission; creating penalties for recreational violations of certain saltwater fishing regulations established in ch. 370, F.S.; providing for court appearances in certain circumstances; providing for Level One, Level Two, Level Three, and Level Four offenses; providing for enhanced penalties for multiple violations; providing for suspension and revocation of licenses and permits, including exemptions from licensing and permit requirements; defining the term "conviction" for purposes of penalty provisions; creating s. 372.935, F.S.; providing penalties for violations involving captive wildlife and poisonous or venomous reptiles; specifying violations that constitute noncriminal infractions or second-degree misdemeanors; amending ss. 372.26, 372.265, 372.661, 372.662, 372.667, 372.705, 372.988, 372.99022, 372.99, and 372.9903, F.S.; conforming penalty provisions; amending s. 921.0022, F.S.; deleting certain Level One offense designations; creating s. 372.831, F.S.; creating the Wildlife Violators Compact; providing findings and purposes; providing definitions; providing procedures for states issuing citations for wildlife violations; providing requirements for the home state of a violator; providing for reciprocal recognition of a license suspension; providing procedures for administering the compact; providing for entry into and withdrawal from the compact; providing for construction of the compact and for severability; creating s. 372.8311, F.S.; providing for enforcement of the compact by the Fish and Wildlife Conservation Commission; providing that actions committed or omitted by the Fish and Wildlife Conservation Commission in enforcing the compact are subject to review under ch. 120, F.S.; requiring that the Fish and Wildlife Conservation Commission update the automated licensing system by August 1, 2006; repealing s. 372.711, F.S., relating to noncriminal infractions; repealing s. 372.912, F.S.; relating to poisonous or venomous reptile hunts; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2202** and read the second time by title.

Pursuant to Rule 4.19, **HB 471** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

CS for CS for SB 954—A bill to be entitled An act relating to transportation; amending s. 316.650, F.S.; revising procedures for disposition of citations issued for failure to pay toll; providing that the citation will not be submitted to the court and no points will be assessed on the driver's license if the person cited elects to make payment directly to the governmental entity that issued the citation; providing for reporting of the citation by the governmental entity to the Department of Highway Safety and Motor Vehicles; amending s. 318.14, F.S.; providing for the amount required to be paid under certain procedures for disposition of a citation issued for failure to pay a toll; providing for the person cited to request a court hearing; amending s. 318.18, F.S.; revising penalties for failure to pay a prescribed toll; providing for disposition of amounts received by the clerk of court; revising procedures for withholding of adjudication; providing for suspension of a driver's license under certain circumstances; amending s. 348.754, F.S.; authorizing the Orlando-Orange County Expressway Authority to waive payment and performance bonds on certain construction contracts if the contract is awarded pursuant to an economic development program for the encouragement of local small businesses; providing criteria for participation in the program; providing criteria for the bond waiver; providing for certain determinations by the authority's executive director or a designee as to the suitability of a project; providing for certain payment obligations if a payment and performance bond is waived; requiring the authority to record notice of the obligation; limiting eligibility to bid on the projects; providing for the authority to conduct bond-eligibility training for certain businesses; requiring the authority to submit biennial reports to the Orange County legislative delegation; amending s. 348.0004, F.S.; authorizing transportation authorities, bridge authorities, or toll authorities to enter agreements with private entities to provide transportation facilities; amending s. 348.0012, F.S.; clarifying certain exemptions from the Florida Expressway Authority Act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 954** was placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia—

CS for CS for SB 1306—A bill to be entitled An act relating to the Miami-Dade County Lake Belt Area; amending s. 373.4149, F.S.; revising the geographic boundaries of the Miami-Dade County Lake Belt Area; amending s. 373.41492, F.S.; revising the geographic boundaries for mining areas subject to the mitigation fees under the Miami-Dade County Lake Belt Mitigation Plan; providing for mitigation fee increases; imposing a water treatment plant upgrade fee; authorizing proceeds of mitigation fees to be allocated to the South Florida Water Management District and Miami-Dade County for specific purposes; authorizing the proceeds of the water treatment plant upgrade fee to be used for updating a water treatment plant near the Lake Belt Area; revising the reporting requirements for the interagency committee; designating the Site 1 Impoundment project of the Comprehensive Everglades Restoration Plan sponsored by the South Florida Water Management District as the "Fran Reich Preserve"; directing the South Florida Water Management District to erect suitable markers; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1306** to **HB 1039**.

Pending further consideration of **CS for CS for SB 1306** as amended, on motion by Senator Garcia, by two-thirds vote **HB 1039** was withdrawn from the Committees on Environmental Preservation; Community Affairs; and General Government Appropriations.

On motion by Senator Garcia—

HB 1039—A bill to be entitled An act relating to the planned east coast buffer water resources management plan of the South Florida Water Management District; amending s. 373.4149, F.S.; revising the geographic boundaries of the Miami-Dade County Lake Belt Area; amending s. 373.41492, F.S.; revising the geographic boundaries for mining areas subject to mitigation fees under the Miami-Dade County Lake Belt Mitigation Plan; providing for mitigation fee increases and imposing a water treatment plant upgrade fee; authorizing proceeds of mitigation fees to be allocated to the South Florida Water Management District and Miami-Dade County for specific purposes; authorizing the proceeds of the water treatment plant upgrade fee to be used for updating a water treatment plant near the Lake Belt Area; revising the reporting requirements for the interagency committee; designating the Site 1 Impoundment project of the Comprehensive Everglades Restoration Plan sponsored by the South Florida Water Management District as the Fran Reich Preserve; directing the South Florida Water Management District to erect suitable markers; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1306** as amended and read the second time by title.

MOTION

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

Senator Garcia moved the following amendment which was adopted:

Amendment 1 (284426)—Lines 83-85, delete "*$112.5 million or the amount of the actual moneys necessary to design and construct the treatment plant upgrade, whichever is less.*" and insert: *the amount of the actual moneys necessary to design and construct the water treatment plant upgrade, as determined in an open, public solicitation process.*

Pursuant to Rule 4.19, **HB 1039** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Bullard—

SB 1022—A bill to be entitled An act relating to motor vehicle safety; requiring that guardrails or other barriers be installed between a highway and an adjacent canal or waterway; requiring that the Department of Transportation adopt rules establishing certain standards governing the installation of the barriers; requiring that barriers be installed for existing highways by a specified date; defining the term "highway"; providing for installation and maintenance of required barriers by the department or the local governmental entity that maintains the highway adjacent to the barriers; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1022** to **HB 959**.

Pending further consideration of **SB 1022** as amended, on motion by Senator Bullard, by two-thirds vote **HB 959** was withdrawn from the Committees on Transportation; Community Affairs; and Transportation and Economic Development Appropriations.

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

HB 959—A bill to be entitled An act relating to a motor vehicle safety pilot program; requiring certain limited access facilities that are adjacent to a canal or other water body to have a system of guardrails, retention cables, or other barriers between the highway and the canal or water body; providing for the Department of Transportation to establish certain standards governing the installation and maintenance of the barriers; requiring that barriers be installed for existing highways by a specified date; providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for **SB 1022** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 959** was placed on the calendar of Bills on Third Reading.

SENATOR CARLTON PRESIDING

CS for SB 1162—A bill to be entitled An act relating to public records; creating s. 790.0601, F.S.; creating an exemption from public-records requirements for certain personal identifying information held by the Division of Licensing of the Department of Agriculture and Consumer Services; providing for retroactive application of the exemption; providing for disclosure of such information under specified conditions; providing for review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Haridopolos moved the following amendment:

Amendment 1 (913430)—On page 2, lines 4 and 5, delete those lines and insert:

(c) Upon request by a law enforcement agency in connection with the performance of lawful duties, including access to any automated database containing such information maintained by the Department of Agriculture and Consumer Services.

On motion by Senator Haridopolos, further consideration of **CS for SB 1162** with pending **Amendment 1 (913430)** was deferred.

Consideration of **SB 1152** was deferred.

On motion by Senator Lynn—

CS for CS for SB 2048—A bill to be entitled An act relating to education; providing guidelines for implementing the E-COMP plan or a comparable performance pay plan, policy, or rule adopted by the State Board of Education after a specified date; providing for the implementation of the Ready to Work Initiative; amending s. 20.15, F.S.; establishing the Division of Accountability, Research, and Measurement in the Department of Education; repealing s. 446.609, F.S., relating to the "Jobs for Florida's Graduates Act"; amending s. 1000.03, F.S.; specifying that the mission of the state's K-20 education system is to provide rigorous and relevant learning opportunities for students; repealing s. 1000.041, F.S., to conform provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program; amending s. 1001.03, F.S.; requiring the State Board of Education to facilitate the review of the Sunshine State Standards and provide a report to the Governor and Legislature; requiring the maintenance of a uniform school district personnel classification system; creating s. 1001.215, F.S.; creating the Just Read, Florida! Office in the Department of Education; providing duties; amending s. 1001.33, F.S.; conforming provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program; amending s. 1001.41, F.S.; requiring district school boards to adopt standards and policies to provide to each student a complete education program; amending s. 1001.42, F.S., relating to requirements of district plans for school improvement; providing requirements for district school boards in developing the plans; providing that the opening date for the school year may not be earlier than a specified date; repealing s. 1001.51(24), F.S., and amending s. 1001.54, F.S.; conforming provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program; requiring each secondary school principal to implement a school redesign component; amending s. 1003.01, F.S.; revising the definition of the terms "special education services" and "career education"; amending s. 1003.03, F.S.; requiring that each teacher assigned to any classroom 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; amending s. 1003.05, F.S.; deleting the requirement that certain children receive preference for admission to special academic programs; revising programs defined as "special academic programs" for purposes of such preference; amending s. 1003.21, F.S.; requiring student exit interviews prior to terminating school enrollment; amending s. 1003.415, F.S.; renaming the Middle Grades Reform Act as the "Florida Secondary Schools Redesign Act"; providing legislative purpose and intent; requiring that school boards adopt policies for the secondary school redesign component; providing requirements for the middle school plans and high school plans; requiring each middle school to develop a personalized academic and career plan for each student; requiring that the plan be refined each year; providing requirements for remediation; requiring that the Department of Education provide model personalized academic and career plans; requiring public schools and charter schools to provide a progress monitoring plan for students who score below a specified level on the FCAT; creating s. 1003.4156, F.S.; specifying general requirements for middle school promotion; requiring an intensive reading course under certain circumstances; requiring school district policies for implementation and authorizing alternative methods for progression; amending s. 1003.42, F.S., relating to required instruction; revising the requirements for studying U.S. history and free enterprise; creating s. 1003.428, F.S.; providing revised requirements for high school graduation; specifying the required courses; requiring that certain courses be based on the student's performance on the FCAT; requiring that district school boards establish policies for implementing secondary school reform; requiring the Department of Education to increase the number of courses that are available to school districts; providing for the State Board of Education to adopt rules; amending s. 1003.429, F.S.; revising requirements applicable to selecting an option for accelerated high school graduation; revising required courses for the 3-year standard college preparatory program; revising requirements for grades that must be earned

to participate in the accelerated program; providing for default to the standard graduation requirements in certain circumstances; amending s. 1003.437, F.S.; including middle grades in the uniform grading system; amending s. 1003.491, F.S.; including within career education personal and career plans; creating s. 1003.493, F.S.; defining the term "career and professional academy"; providing academy goals and duties; providing types of career and professional academies; providing for the approval of career education courses as core curricula courses under certain circumstances; creating s. 1003.494, F.S.; requiring the Department of Education to establish a Career High-Skill Occupational Initiative for Career Education (CHOICE) project as a competitive process for the designation of school district participants and CHOICE academies; providing eligibility criteria for such designation; providing duties of school districts and the department; providing for the award to certain school districts of startup funds for the development of CHOICE academies; creating s. 1003.495, F.S.; requiring the department to establish a comprehensive career academy project to provide for the designation of comprehensive career academies; providing duties of the department; providing for assessment of academies; amending s. 1003.43, F.S.; requiring district school board student progression plans to provide for the substitution of certain courses for credit requirements for high school graduation; amending ss. 288.9015 and 445.004, F.S.; providing duties of Enterprise Florida, Inc., and Workforce Florida, Inc., to conform; amending s. 1003.51, F.S.; modifying guidelines for funding requirements that must be included in a rule adopted by the State Board of Education and relating to education programs for youth in Department of Juvenile Justice programs; amending s. 1003.57, F.S.; providing guidelines for determining the residency of a student who receives instruction as an exceptional student with a disability; requiring the student's placing authority or parent to pay the cost of such instruction, facilities, and services; providing responsibilities of the Department of Education; providing responsibilities of residential facilities that educate exceptional students with disabilities; providing applicability; creating s. 1003.576, F.S.; requiring the Department of Education to develop an individual education plan form for use in developing and implementing individual education plans for exceptional students; requiring school districts to use the form; amending s. 1003.58, F.S.; correcting a cross-reference; amending s. 1003.62, F.S.; conforming provisions relating to the designation of school grades and differentiated-pay polices; creating s. 1004.64, F.S.; establishing the Florida Center for Reading Research; specifying the duties of the center; amending s. 1006.09, F.S.; conforming a cross-reference; amending s. 1007.21, F.S.; revising the readiness requirements for postsecondary education and the workplace; amending s. 1007.2615, F.S.; revising the date by which a teacher of American Sign Language must be certified; deleting a provision allowing alternative certification; amending s. 1007.271, F.S.; revising the weighting systems for certain high school courses; amending s. 1008.22, F.S.; specifying FCAT grade level and subject area testing requirements; requiring documentation of procedures that ensure test difficulty under certain circumstances; requiring the State Board of Education to conduct concordance studies to determine FCAT equivalencies for high school graduation; deleting a limitation on and specifying requirements for the use of alternative assessments to the grade 10 FCAT; requiring an annual report on student performance; amending s. 1008.25, F.S.; revising requirements for assessment and remediation; requiring that students be provided with strategies for intervention and instruction; repealing s. 1008.301, F.S., relating to a concordance study of FCAT equivalencies for high school graduation; amending s. 1008.31, F.S.; revising goals and measures of the K-20 performance accountability system and requiring data quality improvements; providing for development of reporting or data collection requirements; amending s. 1008.33, F.S.; conforming a cross-reference and provisions relating to the designation of school grades; prohibiting, in a contract that provides for a private entity to administer an alternative school, a provision that changes certain characteristics of the student population as it existed when the school was a public school; amending s. 1008.34, F.S.; revising terminology and provisions relating to designation and determination of school grades; providing for the designation of school grades for feeder pattern schools under certain circumstances; requiring that a school performance grade category designation include achievement scores and, by a specified deadline, include learning gains for students seeking a special diploma; specifying use of assessment data with respect to alternative schools; defining the term "home school"; requiring an annual school report card to be published by the department and distributed by school districts; creating s. 1008.341, F.S.; requiring improvement ratings for certain alternative schools; providing the basis for such ratings and requiring annual performance reports; providing for determination of school improvement ratings, identification of learning gains, and eligibility for school recognition awards; requiring the development and distribution of an annual school report card; amending s. 1008.345, F.S.; conforming cross-references and provisions relating to the designation of school grades; amending s. 1009.24, F.S.; providing that undergraduate tuition be set annually in the General Appropriations Act; providing authority, procedures, and guidelines for determining tuition for graduate and professional programs and for determining out-of-state fees for all programs; amending s. 1011.62, F.S.; providing FTE funding for juveniles enrolled in specified education programs; providing funding for supplemental educational programs; providing funding for supplemental educational services for certain students; conforming cross-references and provisions relating to the designation of school grades; establishing a research-based reading instruction allocation to provide funds for a comprehensive reading instruction system; requiring school district plans for use of the allocation and approval thereof; including the allocation in the total amount allocated to each school district for current operation; amending s. 1011.64, F.S.; conforming terminology and a cross-reference; amending s. 1011.685, F.S.; conforming provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program and implementation of a differentiated-pay policy; amending s. 1011.71, F.S.; correcting a cross-reference; amending s. 1012.21, F.S.; requiring the department to annually post online school district collective bargaining contracts and the salary and benefits of certain personnel; amending s. 1012.22, F.S.; requiring that each school district adopt a differentiated-pay policy meeting specified criteria; requiring each district school board to annually provide to the department its negotiated collective bargaining contract and the salary and benefits of certain personnel; creating s. 1012.2315, F.S.; providing school district requirements for the assignment of teachers and authorizing incentives; providing procedures for noncompliance; providing requirements relating to collective bargaining; requiring reporting by certain schools; amending s. 1012.27, F.S.; conforming provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program and implementation of a differentiated-pay policy; amending s. 1012.28, F.S.; conforming a cross-reference; amending s. 1012.34, F.S.; conforming provisions relating to deletion of a rigorous reading requirement; amending s. 1012.56, F.S., relating to middle grades certification; encouraging school districts to provide for additional certification for teachers; amending s. 1012.98, F.S., relating to the School Community Professional Development Act; revising the purpose of the professional development system; providing for additional activities; requiring instructional strategies and methods that support rigorous, relevant, and challenging curriculum; providing requirements for followup support and the master plan for inservice activities; providing requirements for the individual professional development plan for instructional employees; requiring the department to disseminate best-practice methods and model professional development programs; creating s. 1012.986, F.S.; providing for a statewide system for the professional development of school leaders consisting of a collaborative network of professional organizations; providing goals of the network; repealing s. 1012.987, F.S., which requires the State Board of Education to adopt rules through which school principals may earn a leadership designation; providing an effective date.

—was read the second time by title.

An amendment was considered and failed and amendments were considered and adopted to conform **CS for CS for SB 2048** to **HB 7087**.

Pending further consideration of **CS for CS for SB 2048** as amended, on motion by Senator Lynn, by two-thirds vote **HB 7087** was withdrawn from the Committees on Education; Judiciary; and Education Appropriations.

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

HB 7087—A bill to be entitled An act relating to education; amending s. 11.90, F.S.; authorizing the Legislative Budget Commission to review a state plan to implement federal requirements; amending s. 20.15, F.S.; establishing the Division of Accountability, Research, and Measurement in the Department of Education; amending s. 411.227, F.S.; conforming provisions relating to student progress monitoring plans; amending s. 1000.03, F.S.; revising the mission of the state's K-20 education system; repealing s. 1000.041, F.S., to conform provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program; amending s. 1001.02, F.S.; requiring legislative review of a revised state plan to implement certain federal requirements; amending s. 1001.03, F.S.; requiring periodic review of Sunshine State Standards subject areas and an annual status report; requiring rules for certain teachers

to earn a reading credential equivalent; requiring the maintenance of a uniform school district personnel classification system; amending s. 1001.10, F.S.; requiring legislative review of a revised state plan to implement certain federal requirements; creating s. 1001.215, F.S.; creating the Just Read, Florida! Office in the Department of Education; providing duties; amending s. 1001.33, F.S.; conforming provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program; amending s. 1001.41, F.S.; requiring district school boards to adopt standards and policies to provide each student a complete education program; amending s. 1001.42, F.S.; providing a district school board requirement relating to the opening date of the school year; conforming provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program; providing requirements for each school district's system of school improvement and student progression; revising requirements for school improvement plans; requiring alignment with the Sunshine State Standards; revising format and content of public disclosure reports; conforming provisions relating to deletion of a rigorous reading requirement and the designation of school grades; requiring measures for reducing paperwork, data collection, and reporting requirements; requiring a school district task force to reduce paper and electronic reporting requirements; repealing s. 1001.51(24), F.S., and amending s. 1001.54, F.S.; conforming provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program; revising provisions relating to duties of school principals; amending s. 1002.20, F.S.; conforming provisions relating to student progress monitoring plans; amending s. 1003.01, F.S.; revising definition of the term "special education services"; amending s. 1003.03, F.S.; authorizing use of co-teaching or team teaching as an option to meet the constitutional class size maximums and to determine the teacher-to-student ratio per classroom under certain circumstances; amending s. 1003.05, F.S.; deleting the requirement that certain children receive preference for admission to special academic programs even if maximum enrollment has been reached; revising programs defined as "special academic programs" for purposes of such preference; amending s. 1003.21, F.S.; requiring student exit interviews prior to terminating school enrollment; creating s. 1003.413, F.S., relating to secondary school reform; providing intent and guiding principles; requiring district school boards to establish policies to implement requirements for middle grades promotion, revised requirements for high school graduation, and requirements for career and professional academies; requiring policy approval and department support for implementation; directing the Commissioner of Education to create and implement the Secondary School Improvement Award Program; repealing s. 1003.415, F.S., the Middle Grades Reform Act; creating s. 1003.4156, F.S.; providing general course requirements for middle grades promotion; requiring intensive reading and mathematics courses in certain circumstances; authorizing rulemaking and enforcement; amending s. 1003.42, F.S.; providing for required instruction for middle grades promotion; creating s. 1003.428, F.S.; establishing revised general requirements for high school graduation; providing applicability beginning with 2007-2008 first-year high school students; requiring completion of specified credits or a specified curriculum; requiring strategies for exceptional students to meet graduation requirements; requiring standards for graduation; requiring rules for test accommodations and modifications in certain cases; providing requirements for standard diplomas and certificates of completion with exceptions; authorizing rulemaking and enforcement; amending s. 1003.437, F.S.; including middle grades in the uniform grading system; repealing s. 1003.492(3) and (4), F.S., relating to department studies of student performance in industry-certified career education programs; creating s. 1003.493, F.S.; defining career and professional academies and specifying goals of the academies; providing requirements of academies relating to curriculum, partnerships, instruction, career education certification, and evaluation; amending s. 1003.51, F.S.; conforming provisions relating to student progress monitoring plans; amending s. 1003.52, F.S.; conforming provisions relating to student progress monitoring plans; amending s. 1003.57, F.S.; providing guidelines for determining the residency of a student who receives instruction as an exceptional student with a disability; requiring the student's placing authority or parent to pay the cost of such instruction, facilities, and services; providing responsibilities of the department; providing responsibilities of residential facilities that educate exceptional students with disabilities; providing applicability; creating s. 1003.576, F.S.; requiring the department to develop an individual education plan form for use in developing and implementing individual education plans for exceptional students; requiring school districts to use the form; amending s. 1003.58, F.S.; correcting a cross-reference; amending s. 1003.62, F.S.; conforming provisions relating to the designation of school grades and differentiated pay for school administrators and instructional personnel; creating s. 1004.99, F.S., the Florida Ready to Work Certification Program to enhance student workplace skills; providing for program implementation and requirements; authorizing rulemaking; amending s. 1006.09, F.S.; conforming provisions relating to differentiated pay; amending s. 1007.2615, F.S.; revising provisions for certification of American Sign Language teachers; amending s. 1008.22, F.S.; specifying FCAT grade level and subject area testing requirements; requiring documentation of procedures that ensure test difficulty under certain circumstances; providing that FCAT nonallowable accommodations may be used as instructional accommodations during classroom instruction if included in the individual education plan of a student with a disability; authorizing waiver of the FCAT under certain circumstances; requiring certain opportunities for demonstrating student performance; requiring the development of assessments for measuring the academic competency of students with disabilities; requiring the Commissioner of Education to adopt scores concordant to FCAT scores required for high school graduation; authorizing use of concordant scores for additional purposes; clarifying eligibility to use such scores to satisfy requirements for a diploma; requiring an annual report on student performance; repealing s. 1008.221, F.S., relating to alternative assessments for dependent children of military personnel, to conform; amending s. 1008.25, F.S.; replacing student academic improvement plans with progress monitoring plans; authorizing district school boards to require low-performing students to attend remediation programs outside of regular school hours or during the summer; requiring the department to establish a uniform format for reporting information relating to student progression; requiring an annual report; repealing s. 1008.301, F.S., relating to a concordance study of FCAT equivalencies for high school graduation; amending s. 1008.31, F.S.; revising intent, goals, and measures of the K-20 performance accountability system and requiring data quality improvements; requiring adoption of rules; amending s. 1008.33, F.S.; conforming a cross-reference and provisions relating to the designation of school grades; authorizing principals to recommend corrective actions for low-performing faculty and staff at "F" graded schools and publication of a school's grade; amending s. 1008.34, F.S.; revising terminology and provisions relating to designation and determination of school grades; providing for school grading of feeder pattern schools; defining a feeder pattern school; providing for school grading for alternative schools and specifying requirements related thereto; defining the term "home school" for purposes of assessment; requiring an annual school report card to be published by the department and distributed by school districts; creating s. 1008.341, F.S.; providing for school improvement ratings for certain alternative schools; providing the basis for such ratings and requiring annual performance reports; providing for determination of school improvement ratings, identification of student learning gains, and eligibility for school recognition awards; requiring the development and distribution of an annual school report card; authorizing adoption of rules; amending s. 1008.345, F.S.; conforming a cross-reference and provisions relating to the designation of school grades; providing conditions for determination of a school district or a governing board with a school in a state of educational emergency; providing procedures to resolve the educational emergency, including state assistance; authorizing establishment of an educational emergency board and providing duties thereof; providing for an action plan to implement recommendations; amending s. 1008.36, F.S.; authorizing certain feeder pattern schools and alternative schools to participate in the Florida School Recognition Program; modifying procedures for determination and use of school recognition awards; amending s. 1011.62, F.S.; providing FTE funding for juveniles enrolled in specified education programs; conforming cross-references and provisions relating to the designation of school grades; establishing a research-based reading instruction allocation to provide funds for a comprehensive reading instruction system; requiring school district plans for use of the allocation and approval thereof; including the allocation in the total amount allocated to each school district for current operation; amending s. 1011.64, F.S.; conforming terminology and a cross-reference; amending s. 1011.67, F.S.; requiring district school board approval of a staff development plan relating to use of instructional materials; amending s. 1011.685, F.S.; conforming provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program and implementation of differentiated pay; amending s. 1011.71, F.S.; correcting a cross-reference; amending s. 1012.21, F.S.; requiring department reporting relating to school district collectively bargained contracts and the salary and benefits of certain personnel; amending s. 1012.22, F.S.; revising a district school board deadline for acting on certain personnel nominations; requiring each district school board to adopt a salary schedule with differentiated pay for instructional personnel and school-based administrators beginning with the 2007-2008 academic year; creating s.

1012.2315, F.S.; providing school district requirements for the assignment of teachers and providing procedures for noncompliance; requiring reporting by certain schools; amending s. 1012.27, F.S.; conforming provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program and implementation of differentiated pay; amending s. 1012.28, F.S.; conforming provisions relating to differentiated pay; amending s. 1012.34, F.S.; conforming provisions relating to deletion of a rigorous reading requirement; amending s. 1012.56, F.S.; encouraging school districts to provide mechanisms for teachers to obtain subject area coverage for middle grades; creating s. 1012.986, F.S.; establishing the William Cecil Golden Professional Development Program for School Leaders; defining the term "school leader"; providing for school leader designations; providing program requirements and delivery systems; requiring adoption of rules; repealing s. 1012.987, F.S., which requires the State Board of Education to adopt rules through which school principals may earn a leadership designation; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2048** as amended and read the second time by title.

MOTION

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

Senator Lynn moved the following amendment:

Amendment 1 (820828)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (f) is added to subsection (3) of section 20.15, Florida Statutes, to read:

20.15 Department of Education.—There is created a Department of Education.

(3) DIVISIONS.—The following divisions of the Department of Education are established:

(f) Division of Accountability, Research, and Measurement.

Section 2. Paragraph (b) of subsection (3) of section 411.227, Florida Statutes, is amended to read:

411.227 Components of the Learning Gateway.—The Learning Gateway system consists of the following components:

(3) EARLY EDUCATION, SERVICES AND SUPPORTS.—

(b) Demonstration projects shall develop strategies to increase the use of appropriate intervention practices with children who have learning problems and learning disabilities within public and private early care and education programs and K-3 public and private school settings. Strategies may include training and technical assistance teams. Intervention must be coordinated and must focus on providing effective supports to children and their families within their regular education and community environment. These strategies must incorporate, as appropriate, school and district activities related to the student's *progress monitoring* ~~academic improvement~~ plan and must provide parents with greater access to community-based services that should be available beyond the traditional school day. Academic expectations for public school students in grades K-3 must be based upon the local school board's adopted proficiency levels. When appropriate, school personnel shall consult with the local Learning Gateway to identify other community resources for supporting the child and the family.

Section 3. *Section 446.609, Florida Statutes, is repealed.*

Section 4. Subsection (4) of section 1000.03, Florida Statutes, is amended to read:

1000.03 Function, mission, and goals of the Florida K-20 education system.—

(4) The mission of Florida's K-20 education system is to allow its students to increase their proficiency by allowing them the opportunity to expand their knowledge and skills through *rigorous and relevant* ~~adequate~~ learning opportunities, in accordance with the mission statement and accountability requirements of s. 1008.31.

Section 5. *Section 1000.041, Florida Statutes, is repealed.*

Section 6. Subsections (1), (3), and (14) of section 1001.03, Florida Statutes, are amended to read:

1001.03 Specific powers of State Board of Education.—

(1) PUBLIC K-12 STUDENT PERFORMANCE STANDARDS.—The State Board of Education shall approve the student performance standards known as the Sunshine State Standards in key academic subject areas and grade levels. *The state board shall establish a schedule to facilitate the periodic review of the standards to ensure adequate rigor, relevance, logical student progression, and integration of reading, writing, and mathematics across all subject areas. The standards review by subject area must include participation of curriculum leaders in other content areas, including the arts, to ensure valid content area integration and to address the instructional requirements of different learning styles. The process for review and proposed revisions must include leadership and input from the state's classroom teachers, school administrators, and community colleges and universities, and from representatives from business and industry who are identified by local education foundations. A report including proposed revisions must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives annually to coincide with the established review schedule. The review schedule and an annual status report must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives annually not later than January 1.*

(3) PROFESSIONAL CERTIFICATES.—The State Board of Education shall classify school services, designate the certification subject areas, establish competencies, including the use of technology to enhance student learning, and certification requirements for all school-based personnel, and prescribe rules in accordance with which the professional, temporary, and part-time certificates shall be issued by the Department of Education to applicants who meet the standards prescribed by such rules for their class of service, as described in chapter 1012. *The state board shall adopt rules that give part-time and full-time nondegreed teachers of career programs, pursuant to s. 1012.39(1)(c), the opportunity to earn a reading credential equivalent to a content-area-specific reading endorsement.*

(14) UNIFORM CLASSIFICATION SYSTEM FOR SCHOOL DISTRICT ADMINISTRATIVE AND MANAGEMENT PERSONNEL.—The State Board of Education shall *maintain* ~~recommend to the Legislature by February 1, 2003,~~ a uniform classification system for school district administrative and management personnel that will facilitate the uniform coding of administrative and management personnel to total district employees.

Section 7. Section 1001.10, Florida Statutes, is amended to read:

1001.10 Commissioner of Education; general powers and duties.—The Commissioner of Education is the chief educational officer of the state *and the sole custodian of the K-20 data warehouse*, and is responsible for giving full assistance to the State Board of Education in enforcing compliance with the mission and goals of the seamless K-20 education system. To facilitate innovative practices and to allow local selection of educational methods, the State Board of Education may authorize the commissioner to waive, upon the request of a district school board, State Board of Education rules that relate to district school instruction and school operations, except those rules pertaining to civil rights, and student health, safety, and welfare. The Commissioner of Education is not authorized to grant waivers for any provisions in rule pertaining to the allocation and appropriation of state and local funds for public education; the election, compensation, and organization of school board members and superintendents; graduation and state accountability standards; financial reporting requirements; reporting of out-of-field teaching assignments under s. 1012.42; public meetings; public records; or due process hearings governed by chapter 120. No later than January 1 of each year, the commissioner shall report to the Legislature and the State Board of Education all approved waiver requests in the preceding year. Additionally, the commissioner has the following general powers and duties:

(1) To appoint staff necessary to carry out his or her powers and duties.

(2) To advise and counsel with the State Board of Education on all matters pertaining to education; to recommend to the State Board of

Education actions and policies as, in the commissioner's opinion, should be acted upon or adopted; and to execute or provide for the execution of all acts and policies as are approved.

(3) To keep such records as are necessary to set forth clearly all acts and proceedings of the State Board of Education.

(4) To have a seal for his or her office with which, in connection with his or her own signature, the commissioner shall authenticate true copies of decisions, acts, or documents.

(5) To recommend to the State Board of Education policies and steps designed to protect and preserve the principal of the State School Fund; to provide an assured and stable income from the fund; to execute such policies and actions as are approved; and to administer the State School Fund.

(6) To take action on the release of mineral rights based upon the recommendations of the Board of Trustees of the Internal Improvement Trust Fund.

(7) To submit to the State Board of Education, on or before August 1 of each year, recommendations for a coordinated K-20 education budget that estimates the expenditures for the State Board of Education, including the Department of Education, the Commissioner of Education, and all of the boards, institutions, agencies, and services under the general supervision of the State Board of Education for the ensuing fiscal year. Any program recommended to the State Board of Education that will require increases in state funding for more than 1 year must be presented in a multiyear budget plan.

(8) To develop and implement a plan for cooperating with the Federal Government in carrying out any or all phases of the educational program and to recommend policies for administering funds that are appropriated by Congress and apportioned to the state for any or all educational purposes. *The Commissioner of Education shall submit to the Legislature the proposed state plan for the reauthorization of the No Child Left Behind Act before the proposed plan is submitted to federal agencies. The President of the Senate and the Speaker of the House of Representatives shall appoint members of the appropriate education and appropriations committees to serve as a select committee to review the proposed plan.*

(9) To develop and implement policies for cooperating with other public agencies in carrying out those phases of the program in which such cooperation is required by law or is deemed by the commissioner to be desirable and to cooperate with public and nonpublic agencies in planning and bringing about improvements in the educational program.

(10) To prepare forms and procedures as are necessary to be used by district school boards and all other educational agencies to assure uniformity, accuracy, and efficiency in the keeping of records, the execution of contracts, the preparation of budgets, or the submission of reports; and to furnish at state expense, when deemed advisable by the commissioner, those forms that can more economically and efficiently be provided.

(11) To implement a program of school improvement and education accountability designed to provide all students the opportunity to make adequate learning gains in each year of school as provided by statute and State Board of Education rule based upon the achievement of the state education goals, recognizing the following:

(a) The State Board of Education is the body corporate responsible for the supervision of the system of public education.

(b) The district school board is responsible for school and student performance.

(c) The individual school is the unit for education accountability.

(d) The community college board of trustees is responsible for community college performance and student performance.

(e) The university board of trustees is responsible for university performance and student performance.

(12) To establish a Citizen Information Center responsible for the preparation, publication, and distribution of materials relating to the state system of seamless K-20 public education.

(13) To prepare and publish annually reports giving statistics and other useful information pertaining to the Opportunity Scholarship Program.

(14) To have printed or electronic copies of school laws, forms, instruments, instructions, and rules of the State Board of Education and provide for their distribution.

(15) To develop criteria for use by state instructional materials committees in evaluating materials submitted for adoption consideration. The criteria shall, as appropriate, be based on instructional expectations reflected in curriculum frameworks and student performance standards. The criteria for each subject or course shall be made available to publishers of instructional materials pursuant to the requirements of chapter 1006.

(16) To prescribe procedures for evaluating instructional materials submitted by publishers and manufacturers in each adoption.

The commissioner's office shall operate all statewide functions necessary to support the State Board of Education and the K-20 education system, including strategic planning and budget development, general administration, and assessment and accountability.

Section 8. Section 1001.215, Florida Statutes, is created to read:

1001.215 Just Read, Florida! Office.—There is created in the Department of Education the Just Read, Florida! office. The office shall be fully accountable to the Commissioner of Education and shall:

(1) Train highly effective reading coaches.

(2) Create multiple designations of effective reading instruction, with accompanying credentials, which encourage all teachers to integrate reading instruction into their content areas.

(3) Train K-12 teachers and school principals on effective content-area-specific reading strategies. For secondary teachers, emphasis shall be on technical text. These strategies must be developed for all content areas in the K-12 curriculum.

(4) Provide parents with information and strategies for assisting their children in reading in the content area.

(5) Provide technical assistance to school districts in the development and implementation of district plans for use of the research-based reading instruction allocation provided in s. 1011.62(8) and annually review and approve such plans.

(6) Review, evaluate, and provide technical assistance to school districts' implementation of the K-12 comprehensive reading plan required in s. 1011.62(8).

(7) Work with the Florida Center for Reading Research to provide information on research-based reading programs and effective reading in the content area strategies.

(8) Periodically review the Sunshine State Standards for reading at all grade levels.

(9) Periodically review teacher certification examinations, including alternative certification exams, to ascertain whether the examinations measure the skills needed for research-based reading instruction and instructional strategies for teaching reading in the content areas.

(10) Work with teacher preparation programs approved pursuant to s. 1004.04 to integrate research-based reading instructional strategies and reading in the content area instructional strategies into teacher preparation programs.

(11) Administer grants and perform other functions as necessary to meet the goal that all students read at grade level.

Section 9. Section 1001.33, Florida Statutes, is amended to read:

1001.33 Schools under control of district school board and district school superintendent.—

~~(1)~~ Except as otherwise provided by law, all public schools conducted within the district shall be under the direction and control of the district school board with the district school superintendent as executive officer.

~~(2) Each district school board, each district school superintendent, and each district and school-based administrator shall cooperate to apply the following guiding principles of Better Educated Students and Teachers (BEST) Florida Teaching:~~

~~(a) Teachers lead, students learn.~~

~~(b) Teachers maintain orderly, disciplined classrooms conducive to student learning.~~

~~(c) Teachers are trained, recruited, well compensated, and retained for quality.~~

~~(d) Teachers are well rewarded for their students' high performance.~~

~~(e) Teachers are most effective when served by exemplary school administrators.~~

Section 10. Subsection (3) of section 1001.41, Florida Statutes, is amended to read:

1001.41 General powers of district school board.—The district school board, after considering recommendations submitted by the district school superintendent, shall exercise the following general powers:

(3) Prescribe and adopt standards *and policies to provide each student the opportunity to receive a complete education program, including language arts, mathematics, science, social studies, health, physical education, foreign languages, and the arts, as defined by the Sunshine State Standards. The standards and policies must emphasize integration and reinforcement of reading, writing, and mathematics skills across all subjects, including career awareness, career exploration, and career and technical education* ~~as are considered desirable by it for improving the district school system~~.

Section 11. Paragraph (c) of subsection (5) of section 1001.42, Florida Statutes, is repealed, paragraph (f) of subsection (4), subsection (16), paragraph (d) of subsection (17), and subsection (18) of that section are amended, present subsection (22) is redesignated as subsection (23), and a new subsection (22) is added to that section, to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF SCHOOLS.—Adopt and provide for the execution of plans for the establishment, organization, and operation of the schools of the district, including, but not limited to, the following:

(f) Opening and closing of schools; fixing uniform date.—Adopt policies for the opening and closing of schools and fix uniform dates*; however, beginning with the 2007-2008 school year, the opening date for schools in the district may not be earlier than 14 days before Labor Day each year*.

(5) PERSONNEL.—

~~(c) Fully support and cooperate in the application of the guiding principles of Better Educated Students and Teachers (BEST) Florida Teaching, pursuant to s. 1000.041.~~

(16) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—Maintain a system of school improvement and education accountability as provided by statute and State Board of Education rule. This system of school improvement and education accountability shall be consistent with, and implemented through, the district's continuing system of planning and budgeting required by this section and ss. 1008.385, 1010.01, and 1011.01. This system of school improvement and education accountability shall include, but is not limited to, the following:

(a) School improvement plans.—Annually approve and require implementation of a new, amended, or continuation school improvement plan for each school in the district~~, except that~~ A district school board may establish a district school improvement plan that includes all schools in the district operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs. *The school improvement* ~~Such~~ plan shall be designed to achieve the state education priorities pursuant to s. 1000.03(5) and student *proficiency on the Sunshine State Standards pursuant to s. 1003.41* ~~performance standards. In addition, any school required to implement a rigorous reading requirement pursuant to s. 1003.415 must include such component in its school improvement plan~~. Each plan shall *address student achievement goals and strategies based on state and school district proficiency standards. The plan may* also address issues relative to *other academic-related matters* ~~budget, training, instructional materials, technology, staffing, student support services, specific school safety and discipline strategies, student health and fitness, including physical fitness, parental information on student health and fitness, and indoor environmental air quality, and other matters of resource allocation~~, as determined by district school board policy, and shall *include* ~~be based on~~ an *accurate, data-based* analysis of student achievement and other school performance data. *Beginning with plans approved for implementaion in the 2007-2008 school year, each secondary school plan must include a redesign component based on the principles established in s. 1003.413. For each school in the district that earns a school grade of "C" or below, or is required to have a school improvement plan under federal law, the school improvement plan shall, at a minimum, also include:*

1. Professional development that supports enhanced and differentiated instructional strategies to improve teaching and learning.

2. Continuous use of disaggregated student achievement data to determine effectiveness of instructional strategies.

3. Ongoing informal and formal assessments to monitor individual student progress, including progress toward mastery of the Sunshine State Standards, and to redesign instruction if needed.

4. Alternative instructional delivery methods to support remediation, acceleration, and enrichment strategies.

(b) Approval process.—Develop a process for approval of a school improvement plan presented by an individual school and its advisory council. In the event a district school board does not approve a school improvement plan after exhausting this process, the Department of Education shall be notified of the need for assistance.

(c) Assistance and intervention.—

1. Develop a 2-year plan of increasing individualized assistance and intervention for each school in danger of not meeting state standards or making adequate progress, as defined pursuant to statute and State Board of Education rule, toward meeting the goals and standards of its approved school improvement plan.

2. Provide assistance and intervention to a school that is *designated with a* ~~identified as being in performance~~ grade *of* ~~category~~ "D" pursuant to s. 1008.34 and is in danger of failing.

3. Develop a plan to encourage teachers with demonstrated mastery in improving student performance to remain at or transfer to a school *with a* ~~designated as performance~~ grade *of* ~~category~~ "D" or "F" or to an alternative school that serves disruptive or violent youths. If a classroom teacher, as defined by s. 1012.01(2)(a), who meets the definition of teaching mastery developed according to the provisions of this paragraph, requests assignment to a school designated *with a* ~~as performance~~ grade *of* ~~category~~ "D" or "F" or to an alternative school that serves disruptive or violent youths, the district school board shall make every practical effort to grant the request.

4. Prioritize, to the extent possible, the expenditures of funds received from the supplemental academic instruction categorical fund under s. 1011.62(1)(f) to improve student performance in schools that receive a ~~performance~~ grade ~~category designation~~ of "D" or "F."

(d) After 2 years.—Notify the Commissioner of Education and the State Board of Education in the event any school does not make adequate progress toward meeting the goals and standards of a school improvement plan by the end of 2 years of failing to make adequate progress and proceed according to guidelines developed pursuant to statute and State Board of Education rule. School districts shall provide intervention and assistance to schools in danger of being designated *with a* ~~as performance~~ grade *of* ~~category~~ "F," failing to make adequate progress.

(e) Public disclosure.—Provide information regarding performance of students and educational programs as required pursuant to ss.

1008.22 and 1008.385 and implement a system of school reports as required by statute and State Board of Education rule that shall include schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, and for those schools, report on the elements specified in s. 1003.52(19). Annual public disclosure reports shall be in an easy-to-read report card format and shall include the school's ~~student and school performance~~ grade*, high school graduation rate calculated without GED tests, disaggregated by student ethnicity,* ~~category designation~~ and performance data as specified in state board rule.

(f) School improvement funds.—Provide funds to schools for developing and implementing school improvement plans. Such funds shall include those funds appropriated for the purpose of school improvement pursuant to s. 24.121(5)(c).

(17) LOCAL-LEVEL DECISIONMAKING.—

(d) Adopt policies that assist in giving greater autonomy, including authority over the allocation of the school's budget, to schools designated *with a* ~~as performance~~ grade *of* ~~category~~ "A," making excellent progress, and schools rated as having improved at least two *grades* ~~performance grade categories~~.

(18) OPPORTUNITY SCHOLARSHIPS.—Adopt policies allowing students attending schools that have been designated *with a* ~~as performance~~ grade *of* ~~category~~ "F," failing to make adequate progress, for 2 school years in a 4-year period to attend a higher performing school in the district or an adjoining district or be granted a state opportunity scholarship to a private school, in conformance with s. 1002.38 and State Board of Education rule.

(22) REDUCE PAPERWORK AND DATA COLLECTION AND REPORTING REQUIREMENTS.—Beginning with the 2006-2007 school year:

(a) Each district school board shall designate a classroom teacher to serve as the teacher representative to speak on behalf of the district's teachers regarding paperwork and data collection reduction.

(b) Each district school board must provide the school community with an efficient method for the school community to communicate with the classroom teacher designee regarding possible paperwork and data collection burdens and potential solutions.

(c) The teacher designee shall annually report his or her findings and potential solutions to the school board.

(d) Each district school board must submit its findings and potential solutions to the State Board of Education by September 1 of each year.

(e) The State Board of Education shall prepare a report of the statewide paperwork and data collection findings and potential solutions and submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 1 of each year.

Section 12. *Subsection (24) of section 1001.51, Florida Statutes, is repealed.*

Section 13. Paragraphs (c) and (d) of subsection (1) and subsection (2) of section 1001.54, Florida Statutes, are amended to read:

1001.54 Duties of school principals.—

(1)

~~(c) The school principal shall encourage school personnel to implement the guiding principles for Better Educated Students and Teachers (BEST) Florida Teaching, pursuant to s. 1000.041.~~

(c)~~(d)~~ The school principal shall fully support the authority of each teacher and school bus driver to remove disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students from the classroom and the school bus and, when appropriate and available, place such students in an alternative educational setting.

(2) Each school principal shall provide *instructional* leadership in the development*,* ~~or~~ revision*,* and implementation of a school improvement plan~~,~~ pursuant to s. 1001.42(16).

Section 14. Subsection (11) of section 1002.20, Florida Statutes, is amended to read:

1002.20 K-12 student and parent rights.—Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(11) STUDENTS WITH READING DEFICIENCIES.—Each elementary school shall regularly assess the reading ability of each K-3 student. The parent of any K-3 student who exhibits a reading deficiency shall be immediately notified of the student's deficiency with a description and explanation, in terms understandable to the parent, of the exact nature of the student's difficulty in learning and lack of achievement in reading; shall be consulted in the development of a *progress monitoring* ~~detailed academic improvement~~ plan, as described in s. 1008.25(4)(b); and shall be informed that the student will be given intensive reading instruction until the deficiency is corrected. This subsection operates in addition to the remediation and notification provisions contained in s. 1008.25 and in no way reduces the rights of a parent or the responsibilities of a school district under that section.

Section 15. Paragraph (b) of subsection (3) and subsection (4) of section 1003.01, Florida Statutes, are amended to read:

1003.01 Definitions.—As used in this chapter, the term:

(3)

(b) "Special education services" means specially designed instruction and such related services as are necessary for an exceptional student to benefit from education. Such services may include: transportation; diagnostic and evaluation services; social services; physical and occupational therapy; *speech and language pathology services;* job placement; orientation and mobility training; braillists, typists, and readers for the blind; interpreters and auditory amplification; rehabilitation counseling; transition services; mental health services; guidance and career counseling; specified materials, assistive technology devices, and other specialized equipment; and other such services as approved by rules of the state board.

(4) "Career education" means education that provides instruction for the following purposes:

(a) At the elementary, middle, and *high* ~~secondary~~ school levels, exploratory courses designed to give students initial exposure to a broad range of occupations to assist them in preparing their academic and occupational plans, and practical arts courses that provide generic skills that may apply to many occupations but are not designed to prepare students for entry into a specific occupation. Career education provided before high school completion must be designed to *strengthen* ~~enhance~~ both occupational *awareness* and academic skills *integrated throughout all* ~~through integration with~~ academic instruction.

(b) At the secondary school level, job-preparatory instruction in the competencies that prepare students for effective entry into an occupation, including diversified cooperative education, work experience, and job-entry programs that coordinate directed study and on-the-job training.

(c) At the postsecondary education level, courses of study that provide competencies needed for entry into specific occupations or for advancement within an occupation.

Section 16. Paragraph (b) of subsection (2) of section 1003.03, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

1003.03 Maximum class size.—

(2) IMPLEMENTATION.—

(b) Determination of the number of students per classroom in paragraph (a) shall be calculated as follows:

1. For fiscal years 2003-2004 through 2005-2006, the calculation for compliance for each of the 3 grade groupings shall be the average at the district level.

2. For fiscal years 2006-2007 through 2007-2008, the calculation for compliance for each of the 3 grade groupings shall be the average at the school level.

3. For fiscal years 2008-2009, 2009-2010, and thereafter, the calculation for compliance shall be at the individual classroom level.

4. For fiscal years 2006-2007 through 2009-2010 and thereafter, each teacher assigned to any classroom shall be included in the calculation for compliance.

(5) TEAM-TEACHING STRATEGIES.—

(a) School districts may use teaching strategies that include the assignment of more than one teacher to a classroom of students and that were implemented before July 1, 2005. Effective July 1, 2005, school districts may implement additional teaching strategies that include the assignment of more than one teacher to a classroom of students for the following purposes only:

1. Pairing teachers for the purpose of staff development.

2. Pairing new teachers with veteran teachers.

3. Reducing turnover among new teachers.

4. Pairing teachers who are teaching out-of-field with teachers who are in-field.

5. Providing for more flexibility and innovation in the classroom.

6. Improving learning opportunities for students, including students who have disabilities.

(b) Teaching strategies implemented on or after July 1, 2005, pursuant to paragraph (a) may be implemented subject to the following restrictions:

1. Reasonable limits shall be placed on the number of students in a classroom so that classrooms are not overcrowded. Teacher-to-student ratios within a curriculum area or grade level must not exceed constitutional limits.

2. At least one member of the team must have at least 3 years of teaching experience.

3. At least one member of the team must be teaching in-field.

4. The teachers must be trained in team-teaching methods within 1 year after assignment.

The use of strategies implemented as outlined in this subsection meets the letter and intent of the Florida Constitution and the Florida Statutes which relate to implementing class-size reduction and this subsection applies retroactively. A school district may not be penalized financially or otherwise as a result of the use of any legal strategy, including, but not limited to, those set forth in subsection (3) and this subsection.

Section 17. Subsection (3) of section 1003.05, Florida Statutes, is amended to read:

1003.05 Assistance to transitioning students from military families.—

(3) Dependent children of active duty military personnel who otherwise meet the eligibility criteria for special academic programs offered through public schools shall be given first preference for admission to such programs even if the program is being offered through a public school other than the school to which the student would generally be assigned ~~and the school at which the program is being offered has reached its maximum enrollment~~. If such a program is offered through a public school other than the school to which the student would generally be assigned, the parent or guardian of the student must assume responsibility for transporting the student to that school. For purposes of this subsection, special academic programs include ~~charter schools,~~ magnet schools, advanced studies programs, advanced placement, dual enrollment, *Advanced International Certificate of Education,* and International Baccalaureate.

Section 18. Paragraph (c) of subsection (1) of section 1003.21, Florida Statutes, is amended to read:

1003.21 School attendance.—

(1)

(c) A student who attains the age of 16 years during the school year is not subject to compulsory school attendance beyond the date upon which he or she attains that age if the student files a formal declaration of intent to terminate school enrollment with the district school board. The declaration must acknowledge that terminating school enrollment is likely to reduce the student's earning potential and must be signed by the student and the student's parent. The school district must notify the student's parent of receipt of the student's declaration of intent to terminate school enrollment. *The student's guidance counselor or other school personnel must conduct an exit interview with the student to determine the reasons for the student's decision to terminate school enrollment and actions that could be taken to keep the student in school. The student must be informed of opportunities to continue his or her education in a different environment, including, but not limited to, adult education and GED test preparation. Additionally, the student must complete a survey in a format prescribed by the Department of Education to provide data on student reasons for terminating enrollment and actions taken by schools to keep students enrolled.*

Section 19. Section 1003.413, Florida Statutes, is created to read:

1003.413 Florida Secondary School Redesign Act.—

(1) Secondary schools are schools that primarily serve students in grades 6 through 12. It is the intent of the Legislature to provide for secondary school redesign so that students promoted from the 8th grade have the necessary academic skills for success in high school and students graduating from high school have the necessary skills for success in the workplace and postsecondary education.

(2) The following guiding principles for secondary school redesign shall be used in the annual preparation of each secondary school's improvement plan required by s. 1001.42(16):

(a) Struggling students, especially those in failing schools, need the highest quality teachers and dramatically different, innovative approaches to teaching and learning.

(b) Every teacher must contribute to every student's reading improvement.

(c) Quality professional development provides teachers and principals with the tools they need to better serve students.

(d) Small learning communities allow teachers to personalize instruction to better address student learning styles, strengths, and weaknesses.

(e) Intensive intervention in reading and mathematics must occur early and through innovative delivery systems.

(f) Parents need access to tools they can use to monitor their child's progress in school, communicate with teachers, and act early on behalf of their child.

(g) Applied and integrated courses help students see the relationships between subjects and relevance to their futures.

(h) School is more relevant when students choose courses based on their goals, interests, and talents.

(i) Master schedules should not determine instruction and must be designed based on student needs, not adult or institutional needs.

(j) Academic and career planning engages students in developing a personally meaningful course of study so they can achieve goals they have set for themselves.

(3) Based on these guiding principles, district school boards shall establish policies to implement the requirements of ss. 1003.4156, 1003.428, and 1003.493. The policies must address:

(a) Procedures for placing and promoting students who enter a Florida public school at grade 6 through grade 12 from out of state or from a foreign country, including a review of the student's prior academic performance.

(b) Alternative methods for students to demonstrate competency in required courses and credits, with special support for students who have been retained.

(c) Applied, integrated, and combined courses that provide flexibility for students to enroll in courses that are creative and meet individual learning styles and student needs.

(d) Credit recovery courses and intensive reading and mathematics intervention courses based on student performance on the FCAT. These courses should be competency based and offered through innovative delivery systems, including computer-assisted instruction. School districts should use learning gains as well as other appropriate data and provide incentives to identify and reward high-performing teachers who teach credit recovery and intensive intervention courses.

(e) Grade forgiveness policies that replace a grade of "D" or "F" with a grade of "C" or higher earned subsequently in the same or a comparable course.

(f) Summer academies for students to receive intensive reading and mathematics intervention courses or competency-based credit recovery courses. A student's participation in an instructional or remediation program prior to or immediately following entering grade 9 for the first time shall not affect that student's classification as a first-time 9th grader for reporting purposes.

(g) Strategies to support teachers' pursuit of the reading endorsement and emphasize reading instruction professional development for content area teachers.

(h) Creative and flexible scheduling designed to meet student needs.

(i) Procedures for high school students who have not prepared an electronic personal education plan pursuant to s. 1003.4156 to prepare such plan.

(j) Tools for parents to regularly monitor student progress and communicate with teachers.

(k) Additional course requirements for promotion and graduation which may be determined by each school district in the student progression plan and may include additional academic, fine and performing arts, physical education, or career and technical education courses in order to provide a complete education program pursuant to s. 1001.41(3).

(4) In order to support the successful implementation of this section by district school boards, the Department of Education shall:

(a) By February 1, 2007, increase the number of approved applied, integrated, and combined courses available to school districts.

(b) By the beginning of the 2006-2007 school year, make available a professional development package designed to provide the information that content area teachers need to become proficient in applying scientifically based reading strategies through their content areas.

(c) Share best practices for providing a complete education program to students enrolled in course recovery, credit recovery, intensive reading intervention, or intensive mathematics intervention.

(d) Expedite assistance and decisions and coordinate policies throughout all divisions within the department to provide school districts with support to implement this section.

(e) Use data to provide the Legislature with an annual longitudinal analysis of the success of this reform effort, including the progress of 6th grade students and 9th grade students scoring at Level 1 on FCAT Reading or FCAT Mathematics.

(5) The Commissioner of Education shall create and implement the Secondary School Improvement Award Program to reward public secondary schools that demonstrate continuous student academic improvement and show the greatest gains in student academic achievement in reading and mathematics.

Section 20. *Section 1003.415, Florida Statutes, is repealed.*

Section 21. Section 1003.4156, Florida Statutes, is created to read:

1003.4156 General requirements for middle grades promotion.—

(1) Beginning with students entering grade 6 in the 2006-2007 school year, promotion from a school composed of middle grades 6, 7, and 8 requires that:

(a) The student must successfully complete academic courses as follows:

1. Three middle school or higher courses in English. These courses shall emphasize literature, composition, and technical text.

2. Three middle school or higher courses in mathematics. Each middle school must offer at least one high-school-level mathematics course for which students may earn high school credit.

3. Three middle school or higher courses in social studies, one semester of which must include the study of state and federal government and civics education.

4. Three middle school or higher courses in science.

5. One course in career and education planning to be completed in 7th or 8th grade. The course may be taught by any member of the instructional staff; must include career exploration using CHOICES for the 21st Century or a comparable cost-effective program; must include educational planning using the online student advising system known as Florida Academic Counseling and Tracking for Students at the Internet website FACTS.org; and shall result in the completion of a personalized academic and career plan. Each student's plan must be signed by the student, the student's guidance counselor or academic advisor, and the student's parent. By January 1, 2007, the Department of Education shall develop course frameworks and professional development materials for the career and education planning course to be implemented as a stand-alone course or integrated into another course or courses.

Each school must hold a parent meeting either in the evening or on a weekend to inform parents about the course curriculum and activities. Each student shall complete an electronic personal education plan that must be signed by the student, the student's instructor or guidance counselor, and the student's parent. By January 1, 2007, the Department of Education shall develop course frameworks and professional development materials for the career exploration and education planning course. The course may be implemented as a stand-alone course or integrated into another course. The Commissioner of Education shall collect longitudinal high school course enrollment data by student ethnicity in order to analyze course-taking patterns.

(b) For each year in which a student scores at Level l on FCAT Reading, the student must be enrolled in and complete an intensive reading course the following year. Placement of Level 2 readers in either an intensive reading course or a content area course in which reading strategies are delivered shall be determined by diagnosis of reading needs. The department shall provide guidance on appropriate strategies for diagnosing and meeting the varying instructional needs of students reading below grade level. Reading courses shall be designed and offered pursuant to the comprehensive reading plan required by s. 1011.62(8).

(c) For each year in which a student scores at Level 1 or Level 2 on FCAT Mathematics, the student must receive remediation the following year, which may be integrated into the student's required mathematics course.

(2) Students in grade 6, grade 7, or grade 8 who are not enrolled in schools with a middle grades configuration are subject to the promotion requirements of this section.

(3) The State Board of Education may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section and may enforce the provisions of this section pursuant to s. 1008.32.

Section 22. Section 1003.42, Florida Statutes, is amended to read:

1003.42 Required instruction.—

(1) Each district school board shall provide all courses required for *middle grades promotion,* high school graduation, and appropriate instruction designed to ensure that students meet State Board of Education adopted standards in the following subject areas: reading and other

language arts, mathematics, science, social studies, foreign languages, health and physical education, and the arts.

(2) Members of the instructional staff of the public schools, subject to the rules of the State Board of Education and the district school board, shall teach efficiently and faithfully, using the books and materials required *that meet the highest standards for professionalism and historic accuracy*, following the prescribed courses of study, and employing approved methods of instruction, the following:

(a) The *history and* content of the Declaration of Independence*, including national sovereignty, natural law, self-evident truth, equality of all persons, limited government, popular sovereignty, and inalienable rights of life, liberty, and property,* and how *they form* ~~it forms~~ the philosophical foundation of our government.

(b) The history, meaning, significance, and effect of the provisions of the Constitution of the United States and amendments thereto, with emphasis on each of the 10 amendments that make up the Bill of Rights and how the constitution provides the structure of our government.

(c)~~(b)~~ The arguments in support of adopting our republican form of government, as they are embodied in the most important of the Federalist Papers.

~~(c) The essentials of the United States Constitution and how it provides the structure of our government.~~

(d) Flag education, including proper flag display and flag salute.

(e) The elements of civil government, including the primary functions of and interrelationships between the Federal Government, the state, and its counties, municipalities, school districts, and special districts.

(f) The history of the United States, including the period of discovery, early colonies, the War for Independence, the Civil War, the expansion of the United States to its present boundaries, the world wars, and the civil rights movement to the present. American history shall be viewed as factual, not as constructed, shall be viewed as knowable, teachable, and testable, and shall be defined as the creation of a new nation based largely on the universal principles stated in the Declaration of Independence.

(g)~~(f)~~ The history of the Holocaust (1933-1945), the systematic, planned annihilation of European Jews and other groups by Nazi Germany, a watershed event in the history of humanity, to be taught in a manner that leads to an investigation of human behavior, an understanding of the ramifications of prejudice, racism, and stereotyping, and an examination of what it means to be a responsible and respectful person, for the purposes of encouraging tolerance of diversity in a pluralistic society and for nurturing and protecting democratic values and institutions.

(h)~~(g)~~ The history of African Americans, including the history of African peoples before the political conflicts that led to the development of slavery, the passage to America, the enslavement experience, abolition, and the contributions of African Americans to society.

(i)~~(h)~~ The elementary principles of agriculture.

(j)~~(i)~~ The true effects of all alcoholic and intoxicating liquors and beverages and narcotics upon the human body and mind.

(k)~~(j)~~ Kindness to animals.

(l)~~(k)~~ The history of the state.

(m)~~(l)~~ The conservation of natural resources.

(n)~~(m)~~ Comprehensive health education that addresses concepts of community health; consumer health; environmental health; family life, including an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy; mental and emotional health; injury prevention and safety; nutrition; personal health; prevention and control of disease; and substance use and abuse.

(o)~~(n)~~ Such additional materials, subjects, courses, or fields in such grades as are prescribed by law or by rules of the State Board of Education and the district school board in fulfilling the requirements of law.

(p)~~(o)~~ The study of Hispanic contributions to the United States.

(q)~~(p)~~ The study of women's contributions to the United States.

(r) The nature and importance of free enterprise to the United States economy.

(s)~~(q)~~ A character-development program in the elementary schools, similar to Character First or Character Counts, which is secular in nature ~~and stresses such character qualities as attentiveness, patience, and initiative~~. Beginning in school year 2004-2005, the character-development program shall be required in kindergarten through grade 12. Each district school board shall develop or adopt a curriculum for the character-development program that shall be submitted to the department for approval. The character-development curriculum shall stress the qualities of patriotism*;*~~,~~ responsibility*;*~~,~~ citizenship*;*~~,~~ kindness*;*~~,~~ respect *for authority, life, liberty, and personal property;*~~,~~ honesty*; charity;*~~,~~ self-control*;*~~,~~ *racial, ethnic, and religious* tolerance*;*~~,~~ and cooperation.

(t)~~(r)~~ In order to encourage patriotism, the sacrifices that veterans have made in serving our country and protecting democratic values worldwide. Such instruction must occur on or before Veterans' Day and Memorial Day. Members of the instructional staff are encouraged to use the assistance of local veterans when practicable.

The State Board of Education is encouraged to adopt standards and pursue assessment of the requirements of this subsection.

(3) Any student whose parent makes written request to the school principal shall be exempted from the teaching of reproductive health or any disease, including HIV/AIDS, its symptoms, development, and treatment. A student so exempted may not be penalized by reason of that exemption. Course descriptions for comprehensive health education shall not interfere with the local determination of appropriate curriculum which reflects local values and concerns.

Section 23. Section 1003.428, Florida Statutes, is created to read:

1003.428 General requirements for high school graduation; revised.—

(1) Except as otherwise authorized pursuant to s. 1003.429, beginning with students entering their first year of high school in the 2007-2008 school year, graduation requires the successful completion of a minimum of 24 credits, an International Baccalaureate curriculum, or an Advanced International Certificate of Education curriculum. Students must be advised of eligibility requirements for state scholarship programs and postsecondary admissions.

(2) The 24 credits may be earned through applied, integrated, and combined courses approved by the Department of Education and shall be distributed as follows:

(a) Sixteen core curriculum credits:

1. Four credits in English, with major concentration in composition, reading for information, and literature.

2. Four credits in mathematics, one of which must be Algebra I, a series of courses equivalent to Algebra I, or a higher-level mathematics course. School districts are encouraged to set specific goals to increase enrollments in, and successful completion of, geometry and Algebra II.

3. Three credits in science, two of which must have a laboratory component.

4. Three credits in social studies as follows: one credit in American history; one credit in world history; one-half credit in economics; and one-half credit in American government.

5. One credit in fine arts.

6. One credit in physical education to include integration of health.

(b) Eight credits in majors, minors, or electives:

1. Four credits in a major area of interest, such as sequential courses in a career and technical program, fine and performing arts, or academic content area, selected by the student as part of the education plan required by s. 1003.4156. Students may revise major areas of interest each

year as part of annual course registration processes and should update their education plan to reflect such revisions. Annually by October 1, the district school board shall approve major areas of interest and submit the list of majors to the Commissioner of Education for approval. Each major area of interest shall be deemed approved unless specifically rejected by the commissioner within 60 days. Upon approval, each district's major areas of interest shall be available for use by all school districts and shall be posted on the department's website.

2. Four credits in elective courses selected by the student as part of the education plan required by s. 1003.4156. These credits may be combined to allow for a second major area of interest pursuant to subparagraph 1., a minor area of interest, elective courses, intensive reading or mathematics intervention courses, or credit recovery courses as described in this subparagraph.

a. Minor areas of interest are composed of three credits selected by the student as part of the education plan required by s. 1003.4156 and approved by the district school board.

b. Elective courses are selected by the student in order to pursue a complete education program as described in s. 1001.41(3) and to meet eligibility requirements for scholarships.

c. For each year in which a student scores at Level l on FCAT Reading, the student must be enrolled in and complete an intensive reading course the following year. Placement of Level 2 readers in either an intensive reading course or a content area course in which reading strategies are delivered shall be determined by diagnosis of reading needs. The department shall provide guidance on appropriate strategies for diagnosing and meeting the varying instructional needs of students reading below grade level. Reading courses shall be designed and offered pursuant to the comprehensive reading plan required by s. 1011.62(8).

d. For each year in which a student scores at Level 1 or Level 2 on FCAT Mathematics, the student must receive remediation the following year. These courses may be taught through applied, integrated, or combined courses and are subject to approval by the department for inclusion in the Course Code Directory.

e. Credit recovery courses shall be offered so that students can simultaneously earn an elective credit and the recovered credit.

(3)(a) A district school board may require specific courses and programs of study within the minimum credit requirements for high school graduation and shall modify basic courses, as necessary, to assure exceptional students the opportunity to meet the graduation requirements for a standard diploma, using one of the following strategies:

1. Assignment of the exceptional student to an exceptional education class for instruction in a basic course with the same student performance standards as those required of nonexceptional students in the district school board student progression plan; or

2. Assignment of the exceptional student to a basic education class for instruction that is modified to accommodate the student's exceptionality.

(b) The district school board shall determine which of these strategies to employ based upon an assessment of the student's needs and shall reflect this decision in the student's individual education plan.

(4) Each district school board shall establish standards for graduation from its schools, which must include:

(a) Successful completion of the academic credit or curriculum requirements of subsections (1) and (2).

(b) Earning passing scores on the FCAT, as defined in s. 1008.22(3)(c), or scores on a standardized test that are concordant with passing scores on the FCAT as defined in s. 1008.22(9).

(c) Completion of all other applicable requirements prescribed by the district school board pursuant to s. 1008.25.

(d) Achievement of a cumulative grade point average of 2.0 on a 4.0 scale, or its equivalent, in the courses required by this section.

(5) The State Board of Education, after a public hearing and consideration, shall adopt rules based upon the recommendations of the commissioner for the provision of test accommodations and modifications of procedures as necessary for students with disabilities which will demonstrate the student's abilities rather than reflect the student's impaired sensory, manual, speaking, or psychological process skills.

(6) The public hearing and consideration required in subsection (5) shall not be construed to amend or nullify the requirements of security relating to the contents of examinations or assessment instruments and related materials or data as prescribed in s. 1008.23.

(7)(a) A student who meets all requirements prescribed in subsections (1), (2), (3), and(4) shall be awarded a standard diploma in a form prescribed by the State Board of Education.

(b) A student who completes the minimum number of credits and other requirements prescribed by subsections (1), (2), and (3), but who is unable to meet the standards of paragraph (4)(b), paragraph (4)(c), or paragraph (4)(d), shall be awarded a certificate of completion in a form prescribed by the State Board of Education. However, any student who is otherwise entitled to a certificate of completion may elect to remain in the secondary school either as a full-time student or a part-time student for up to 1 additional year and receive special instruction designed to remedy his or her identified deficiencies.

(8)(a) Each district school board must provide instruction to prepare students with disabilities to demonstrate proficiency in the skills and competencies necessary for successful grade-to-grade progression and high school graduation.

(b) A student with a disability, as defined in s. 1007.02(2), for whom the individual education plan (IEP) committee determines that the FCAT cannot accurately measure the student's abilities taking into consideration all allowable accommodations, shall have the FCAT requirement of paragraph (4)(b) waived for the purpose of receiving a standard high school diploma, if the student:

1. Completes the minimum number of credits and other requirements prescribed by subsections (1), (2), and (3).

2. Does not meet the requirements of paragraph (4)(b) after one opportunity in 10th grade and one opportunity in 11th grade.

(9) The Commissioner of Education may award a standard high school diploma to honorably discharged veterans who started high school between 1937 and 1946 and were scheduled to graduate between 1941 and 1950 but were inducted into the United States Armed Forces between September 16, 1940, and December 31, 1946, prior to completing the necessary high school graduation requirements. Upon the recommendation of the commissioner, the State Board of Education may develop criteria and guidelines for awarding such diplomas.

(10) The Commissioner of Education may award a standard high school diploma to honorably discharged veterans who started high school between 1946 and 1950 and were scheduled to graduate between 1950 and 1954, but were inducted into the United States Armed Forces between June 27, 1950, and January 31, 1955, and served during the Korean Conflict prior to completing the necessary high school graduation requirements. Upon the recommendation of the commissioner, the State Board of Education may develop criteria and guidelines for awarding such diplomas.

(11) The State Board of Education may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section and may enforce the provisions of this section pursuant to s. 1008.32.

Section 24. Section 1003.429, Florida Statutes, is amended to read:

1003.429 Accelerated high school graduation options.—

(1) Students who enter grade 9 in the *2006-2007* ~~2004-2005~~ school year and thereafter may select*, upon receipt of each consent required by this section,* one of the following three high school graduation options:

(a) Completion of the general requirements for high school graduation pursuant to s. 1003.43;

(b) Completion of a 3-year standard college preparatory program requiring successful completion of a minimum of 18 academic credits in grades 9 through 12. At least 6 of the 18 credits required for completion of this program must be received in classes that are *offered pursuant to*

the International Baccalaureate Program, the Advanced Placement Program ~~honors~~, dual enrollment, ~~advanced placement, International Baccalaureate,~~ Advanced International Certificate of Education, *or* specifically listed or identified by the Department of Education as rigorous pursuant to s. 1009.531(3)~~, or weighted by the district school board for class ranking purposes~~. The 18 credits required for completion of this program shall be primary requirements and shall be distributed as follows:

1. Four credits in English, with major concentration in composition and literature;

2. Three credits in mathematics at the Algebra I level or higher from the list of courses that qualify for state university admission;

3. Three credits in natural science, two of which must have a laboratory component;

4. Three credits in social sciences, which must include one credit in American history, one credit in world history, one-half credit in American government, and one-half credit in economics;

5. Two credits in the same second language unless the student is a native speaker of or can otherwise demonstrate competency in a language other than English. If the student demonstrates competency in another language, the student may replace the language requirement with two credits in other academic courses; and

6. Three credits in electives; or

(c) Completion of a 3-year career preparatory program requiring successful completion of a minimum of 18 academic credits in grades 9 through 12. The 18 credits shall be primary requirements and shall be distributed as follows:

1. Four credits in English, with major concentration in composition and literature;

2. Three credits in mathematics, one of which must be Algebra I;

3. Three credits in natural science, two of which must have a laboratory component;

4. Three credits in social sciences, which must include one credit in American history, one credit in world history, one-half credit in American government, and one-half credit in economics;

5. Three credits in a single vocational or career education program, three credits in career and technical certificate dual enrollment courses, or five credits in vocational or career education courses; and

6. Two credits in electives unless five credits are earned pursuant to subparagraph 5.

Any student who selected an accelerated graduation program before July 1, 2004, may continue that program, and all statutory program requirements that were applicable when the student made the program choice shall remain applicable to the student as long as the student continues that program.

(2) Prior to selecting a program described in paragraph (1)(b) or paragraph (1)(c), *a student and the student's parent must meet with designated school personnel to receive an explanation of the relative requirements, advantages, and disadvantages of each program option, and the student must also receive the written consent of the student's parent.* ~~the following requirements must be met:~~

~~(a) Designated school personnel shall meet with the student and student's parent to give an explanation of the relative requirements, advantages, and disadvantages of each graduation option.~~

~~(b) The student shall submit to the high school principal and guidance counselor a signed parental consent to enter the 3-year accelerated graduation program.~~

~~(c) The student shall have achieved at least an FCAT reading achievement level of 3, an FCAT mathematics achievement level of 3, and an FCAT Writing score of 3 on the most recent assessments taken by the student.~~

(3) Beginning with the *2006-2007* ~~2004-2005~~ school year, each district school board shall provide each student in grades 6 through 9 and their parents with information concerning the 3-year and 4-year high school graduation options listed in subsection (1), including the respective curriculum requirements for those options, so that the students and their parents may select the *program* ~~postsecondary education or career plan~~ that best fits their needs. The information *must* ~~shall~~ include a timeframe for achieving each graduation option.

(4) Selection of one of the graduation options listed in subsection (1) must be completed by the student prior to the end of grade 9 and is exclusively up to the student and parent, subject to the requirements in subsection (2). Each district school board shall establish policies for extending this deadline to the end of a student's first semester of grade 10 for a student who entered a Florida public school after grade 9 upon transfer from a private school or another state or who was prevented from choosing a graduation option due to illness during grade 9. If the student and parent fail to select a graduation option, the student shall be considered to have selected the general requirements for high school graduation pursuant to paragraph (1)(a).

(5) District school boards *may* ~~shall~~ not establish requirements for accelerated 3-year high school graduation options in excess of the requirements in paragraphs (1)(b) and (c).

(6) Students pursuing accelerated 3-year high school graduation options pursuant to paragraph (1)(b) or paragraph (1)(c) are required to:

(a) Earn passing scores on the FCAT as defined in s. 1008.22(3)(c) or scores on a standardized test that are concordant with passing scores on the FCAT as defined in s. 1008.22(9).

(b)1. Achieve a cumulative weighted grade point average of *3.5* ~~3.0~~ on a 4.0 scale, or its equivalent, in the courses required for the college preparatory accelerated 3-year high school graduation option pursuant to paragraph (1)(b); or

2. Achieve a cumulative weighted grade point average of 3.0 on a 4.0 scale, or its equivalent, in the courses required for the career preparatory accelerated 3-year high school graduation option pursuant to paragraph (1)(c).

(c) Receive a weighted or unweighted grade that earns at least 3.0 points, or its equivalent, to earn course credit toward the 18 credits required for the college preparatory accelerated 3-year high school graduation option pursuant to paragraph (1)(b).

(d) Receive a weighted or unweighted grade that earns at least 2.0 points, or its equivalent, to earn course credit toward the 18 credits required for the career preparatory accelerated 3-year high school graduation option pursuant to paragraph (1)(c).

Weighted grades referred to in paragraphs (b), (c), and (d) shall be applied to those courses specifically listed or identified by the department as rigorous pursuant to s. 1009.531(3) or weighted by the district school board for class ranking purposes.

(7) If, at the end of grade 10, a student is not on track to meet the credit, assessment, or grade-point-average requirements of the accelerated graduation option selected, the school shall notify the student and parent of the following:

(a) The requirements that the student is not currently meeting.

(b) The specific performance necessary in grade 11 for the student to meet the accelerated graduation requirements.

(c) The right of the student to change to the 4-year program set forth in s. 1003.43.

(8) A student who selected one of the accelerated 3-year graduation options shall automatically move to the 4-year program set forth in s. 1003.43 if the student:

(a) Exercises his or her right to change to the 4-year program;

(b) Fails to earn 5 credits by the end of grade 9 or fails to earn 11 credits by the end of grade 10;

(c) Does not achieve a score of 3 or higher on the grade 10 FCAT Writing assessment; or

(d) By the end of grade 11 does not meet the requirements of subsections (1) and (6).

(9) A student who meets all requirements prescribed in subsections (1) and (6) shall be awarded a standard diploma in a form prescribed by the State Board of Education.

Section 25. Section 1003.437, Florida Statutes, is amended to read:

1003.437 *Middle and* high school grading system.—The grading system and interpretation of letter grades used *for students* in public ~~high~~ schools *in grades 6-12* shall be as follows:

(1) Grade "A" equals 90 percent through 100 percent, has a grade point average value of 4, and is defined as "outstanding progress."

(2) Grade "B" equals 80 percent through 89 percent, has a grade point average value of 3, and is defined as "above average progress."

(3) Grade "C" equals 70 percent through 79 percent, has a grade point average value of 2, and is defined as "average progress."

(4) Grade "D" equals 60 percent through 69 percent, has a grade point average value of 1, and is defined as "lowest acceptable progress."

(5) Grade "F" equals zero percent through 59 percent, has a grade point average value of zero, and is defined as "failure."

(6) Grade "I" equals zero percent, has a grade point average value of zero, and is defined as "incomplete."

For the purposes of class ranking, district school boards may exercise a weighted grading system *pursuant to s. 1007.271.*

Section 26. Section 1003.491, Florida Statutes, is amended to read:

1003.491 Career education.—

(1) School board, superintendent, and school accountability for career education within elementary and secondary schools includes, but is not limited to:

(a) Student exposure to a variety of careers and provision of instruction to explore specific careers in greater depth.

(b) Student awareness of available career programs and the corresponding occupations into which such programs lead.

(c) Student development of individual *academic and* career plans *as specified in s. 1003.4156*.

(d) Integration of academic and career skills in the secondary curriculum.

(e) Student preparation to enter the workforce and enroll in postsecondary education without being required to complete college preparatory or career preparatory instruction.

(f) Student retention in school through high school graduation.

(g) Career education curriculum articulation with corresponding postsecondary programs in the career center or community college, or both.

(2) *A* ~~No~~ school board or public school *may not* ~~shall~~ require a student to participate in any school-to-work or job training program. A district school board or school *may* ~~shall~~ not require a student to meet occupational standards for grade level promotion or graduation unless the student is voluntarily enrolled in a job training program.

(3) Each district school board and superintendent shall implement all components required to obtain the career education certification on the high school diploma if the school district chooses to offer the certification.

Section 27. Section 1003.493, Florida Statutes, is created to read:

1003.493 Career and professional academies.—

(1) A career and professional academy is a research-based program that integrates a rigorous academic curriculum with an industry-driven career curriculum. Career and professional academies may be offered by public schools, school districts, or the Florida Virtual School. Students completing career and professional academy programs receive a standard high school diploma, the highest available industry certification, and postsecondary credit if the academy partners with a postsecondary institution.

(2) The goals of career and professional academies are to:

(a) Increase student academic achievement and graduation rates through integrated academic and career curricula.

(b) Focus on career preparation through rigorous academics and industry certification.

(c) Raise student aspiration and commitment to academic achievement and work ethics.

(d) Support the revised graduation requirements pursuant to s. 1003.428 by providing creative, applied majors.

(e) Promote acceleration mechanisms, such as dual enrollment, articulated credit, or occupational completion points, so that students may earn postsecondary credit while in high school.

(f) Support the state's economy by meeting industry needs for skilled employees in high-demand occupations.

(3) A career and professional academy may be offered as one of the following small learning communities:

(a) A school-within-a-school career academy, as part of an existing high school, that provides courses in one occupational cluster. Students in the high school are not required to be students in the academy.

(b) A total school configuration providing multiple academies each structured around an occupational cluster. Every student in the school is in an academy.

(4) Each career and professional academy must:

(a) Provide a rigorous standards-based academic curriculum integrated with a career curriculum. The curriculum must take into consideration multiple styles of student learning; promote learning by doing through application and adaptation; maximize relevance of the subject matter; enhance each student's capacity to excel; and include an emphasis on work habits and work ethics.

(b) Include one or more partnerships with postsecondary institutions, businesses, industry, employers, economic development organizations, or other appropriate partners from the local community. Such partnerships must provide opportunities for:

1. Instruction from highly skilled professionals.

2. Internships, externships, and on-the-job training.

3. A postsecondary degree, diploma, or certificate.

4. The highest available level of industry certification. Where no national or state certification exists, school districts may establish a local certification in conjunction with the local workforce development board, the chamber of commerce, or the Agency for Workforce Innovation.

5. Maximum articulation of credits pursuant to s. 1007.23 upon program completion.

(c) Provide creative and tailored student advisement, including parent participation and coordination with middle schools to provide career exploration and education planning as required under s. 1003.4156. Coordination with middle schools must provide information to middle school students about secondary and postsecondary career education programs and academies.

(d) Provide a career education certification on the high school diploma pursuant to s. 1003.431.

(e) Provide instruction in careers designated as high growth, high demand, and high pay by the local workforce development board, the chamber of commerce, or the Agency for Workforce Innovation.

(f) Deliver academic content through instruction relevant to the career, including intensive reading and mathematics intervention required by s. 1003.428, with an emphasis on strengthening reading for information skills.

(g) Provide instruction resulting in competency, certification, or credentials in workplace skills, including, but not limited to, communication skills, interpersonal skills, decisionmaking skills, the importance of attendance and timeliness in the work environment, and work ethics.

(h) Provide opportunities for students to obtain the Florida Ready to Work Certification pursuant to s. 1004.99.

(i) Include an evaluation plan developed jointly with the Department of Education. The evaluation plan must include a self-assessment tool based on standards, such as the Career Academy National Standards of Practice, and outcome measures including, but not limited to, graduation rates, enrollment in postsecondary education, business and industry satisfaction, employment and earnings, achievement of industry certification, awards of postsecondary credit, and FCAT achievement levels and learning gains.

Section 28. Paragraphs (g) and (n) of subsection (2) of section 1003.51, Florida Statutes, are amended to read:

1003.51 Other public educational services.—

(2) The State Board of Education shall adopt and maintain an administrative rule articulating expectations for effective education programs for youth in Department of Juvenile Justice programs, including, but not limited to, education programs in juvenile justice commitment and detention facilities. The rule shall articulate policies and standards for education programs for youth in Department of Juvenile Justice programs and shall include the following:

(g) Funding requirements, which shall include the requirement that at least 90 percent of the FEFP funds generated by students in Department of Juvenile Justice programs *or in an education program for juveniles under s. 985.223* be spent on instructional costs for those students. One hundred percent of the formula-based categorical funds generated by students in Department of Juvenile Justice programs must be spent on appropriate categoricals such as instructional materials and public school technology for those students.

(n) Performance expectations for providers and district school boards, including the provision of *a progress monitoring* ~~an academic improvement~~ plan as required in s. 1008.25.

Section 29. Subsection (7) of section 1003.52, Florida Statutes, is amended to read:

1003.52 Educational services in Department of Juvenile Justice programs.—

(7) *A progress monitoring* ~~An academic improvement~~ plan shall be developed for students who score below the level specified in district school board policy in reading, writing, and mathematics or below the level specified by the Commissioner of Education on statewide assessments as required by s. 1008.25. These plans shall address academic, literacy, and life skills and shall include provisions for intensive remedial instruction in the areas of weakness.

Section 30. Section 1003.57, Florida Statutes, is amended to read:

1003.57 Exceptional students instruction.—

(1) Each district school board shall provide for an appropriate program of special instruction, facilities, and services for exceptional students as prescribed by the State Board of Education as acceptable, including provisions that:

(a)~~(1)~~ The district school board provide the necessary professional services for diagnosis and evaluation of exceptional students.

(b)~~(2)~~ The district school board provide the special instruction, classes, and services, either within the district school system, in cooperation with other district school systems, or through contractual arrangements with approved private schools or community facilities that meet standards established by the commissioner.

(c)~~(3)~~ The district school board annually provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a sensory-impaired student.

(d)~~(4)~~ The district school board, once every 3 years, submit to the department its proposed procedures for the provision of special instruction and services for exceptional students.

(e)~~(5)~~ *A* ~~No~~ student *may not* be given special instruction or services as an exceptional student until after he or she has been properly evaluated, classified, and placed in the manner prescribed by rules of the State Board of Education. The parent of an exceptional student evaluated and placed or denied placement in a program of special education shall be notified of each such evaluation and placement or denial. Such notice shall contain a statement informing the parent that he or she is entitled to a due process hearing on the identification, evaluation, and placement, or lack thereof. Such hearings shall be exempt from the provisions of ss. 120.569, 120.57, and 286.011, except to the extent that the State Board of Education adopts rules establishing other procedures and any records created as a result of such hearings shall be confidential and exempt from the provisions of s. 119.07(1). The hearing must be conducted by an administrative law judge from the Division of Administrative Hearings of the Department of Management Services. The decision of the administrative law judge shall be final, except that any party aggrieved by the finding and decision rendered by the administrative law judge shall have the right to bring a civil action in the circuit court. In such an action, the court shall receive the records of the administrative hearing and shall hear additional evidence at the request of either party. In the alternative, any party aggrieved by the finding and decision rendered by the administrative law judge shall have the right to request an impartial review of the administrative law judge's order by the district court of appeal as provided by s. 120.68. Notwithstanding any law to the contrary, during the pendency of any proceeding conducted pursuant to this section, unless the district school board and the parents otherwise agree, the student shall remain in his or her then-current educational assignment or, if applying for initial admission to a public school, shall be assigned, with the consent of the parents, in the public school program until all such proceedings have been completed.

(f)~~(6)~~ In providing for the education of exceptional students, the district school superintendent, principals, and teachers shall utilize the regular school facilities and adapt them to the needs of exceptional students to the maximum extent appropriate. Segregation of exceptional students shall occur only if the nature or severity of the exceptionality is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

(g)~~(7)~~ In addition to the services agreed to in a student's individual education plan, the district school superintendent shall fully inform the parent of a student having a physical or developmental disability of all available services that are appropriate for the student's disability. The superintendent shall provide the student's parent with a summary of the student's rights.

(2)(a) An exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the student's parent is a resident. The cost of such instruction, facilities, and services for a nonresident student with a disability shall be provided by the placing authority in the student's state of residence, such as a public school entity, other placing authority, or parent. A nonresident student with a disability may not be reported by any school district for FTE funding in the Florida Education Finance Program.

(b) The Department of Education shall provide to each school district a statement of the specific limitations of the district's financial obligation for exceptional students with disabilities under federal and state law. The department shall also provide to each school district technical assistance as necessary for developing a local plan to impose on a student's home state the fiscal responsibility for educating a nonresident exceptional student with a disability.

(c) The Department of Education shall develop a process by which a school district must, before providing services to an exceptional student

with a disability who resides in a residential facility in this state, review the residency of the student. The residential facility, not the district, is responsible for billing and collecting from a nonresidential student's home state payment for the student's educational and related services.

(d) The Department of Education shall formulate an interagency agreement or other mechanism for billing and collecting from a nonresidential student's home state payment for the student's educational and related services.

(e) This subsection applies to any nonresident student with a disability who resides in a residential facility and who receives instruction as an exceptional student with a disability in any type of residential facility in this state, including, but not limited to, a public school, a private school, a group home facility as defined in s. 393.063, an intensive residential treatment program for children and adolescents as defined in s. 395.002, a facility as defined in s. 394.455, an intermediate care facility for the developmentally disabled or ICF/DD as defined in s. 393.063 or s. 400.960, or a community residential home as defined in s. 419.001.

Section 31. Section 1003.576, Florida Statutes, is created to read:

1003.576 Individual education plans for exceptional students.—The Department of Education must develop and have an operating electronic IEP system in place for potential statewide use no later than July 1, 2007. The statewide system shall be developed collaboratively with school districts and must include input from school districts currently developing or operating electronic IEP systems.

Section 32. Subsection (3) of section 1003.58, Florida Statutes, is amended to read:

1003.58 Students in residential care facilities.—Each district school board shall provide educational programs according to rules of the State Board of Education to students who reside in residential care facilities operated by the Department of Children and Family Services.

(3) The district school board shall have full and complete authority in the matter of the assignment and placement of such students in educational programs. The parent of an exceptional student shall have the same due process rights as are provided under *s. 1003.57(1)(e)* ~~s. 1003.57(5)~~.

Notwithstanding the provisions herein, the educational program at the Marianna Sunland Center in Jackson County shall be operated by the Department of Education, either directly or through grants or contractual agreements with other public or duly accredited educational agencies approved by the Department of Education.

Section 33. Paragraph (a) of subsection (1) and paragraph (a) of subsection (2) of section 1003.62, Florida Statutes, are amended to read:

1003.62 Academic performance-based charter school districts.—The State Board of Education may enter into a performance contract with district school boards as authorized in this section for the purpose of establishing them as academic performance-based charter school districts. The purpose of this section is to examine a new relationship between the State Board of Education and district school boards that will produce significant improvements in student achievement, while complying with constitutional and statutory requirements assigned to each entity.

(1) ACADEMIC PERFORMANCE-BASED CHARTER SCHOOL DISTRICT.—

(a) A school district shall be eligible for designation as an academic performance-based charter school district if it is a high-performing school district in which a minimum of 50 percent of the schools earn a ~~performance~~ grade *of* ~~category~~ "A" or "B" and in which no school earns a ~~performance~~ grade *of* ~~category~~ "D" or "F" for 2 consecutive years pursuant to s. 1008.34. Schools that receive a ~~performance~~ grade *of* ~~category~~ "I" or "N" shall not be included in this calculation. The performance contract for a school district that earns a charter based on school ~~performance~~ grades shall be predicated on maintenance of at least 50 percent of the schools in the school district earning a ~~performance~~ grade *of* ~~category~~ "A" or "B" with no school in the school district earning a ~~performance~~ grade *of* ~~category~~ "D" or "F" for 2 consecutive years. A school district in which the number of schools that earn a ~~performance~~ grade of "A" or "B" is less than 50 percent may have its charter renewed for 1 year; however, if the percentage of "A" or "B" schools is less than 50 percent for 2 consecutive years, the charter shall not be renewed.

(2) EXEMPTION FROM STATUTES AND RULES.—

(a) An academic performance-based charter school district shall operate in accordance with its charter and shall be exempt from certain State Board of Education rules and statutes if the State Board of Education determines such an exemption will assist the district in maintaining or improving its high-performing status pursuant to paragraph (1)(a). However, the State Board of Education may not exempt an academic performance-based charter school district from any of the following statutes:

1. Those statutes pertaining to the provision of services to students with disabilities.

2. Those statutes pertaining to civil rights, including s. 1000.05, relating to discrimination.

3. Those statutes pertaining to student health, safety, and welfare.

4. Those statutes governing the election or compensation of district school board members.

5. Those statutes pertaining to the student assessment program and the school grading system, including chapter 1008.

6. Those statutes pertaining to financial matters, including chapter 1010.

7. Those statutes pertaining to planning and budgeting, including chapter 1011, except that ss. 1011.64 and 1011.69 shall be eligible for exemption.

8. Sections 1012.22(1)(c) and 1012.27(2), relating to *differentiated pay and* performance-pay policies for school administrators and instructional personnel. Professional service contracts shall be subject to the provisions of ss. 1012.33 and 1012.34.

9. Those statutes pertaining to educational facilities, including chapter 1013, except as specified under contract with the State Board of Education. However, no contractual provision that could have the effect of requiring the appropriation of additional capital outlay funds to the academic performance-based charter school district shall be valid.

Section 34. Section 1004.64, Florida Statutes, is created to read:

1004.64 Florida Center for Reading Research.—There is created at the Florida State University, the Florida Center for Reading Research (FCRR). The center shall include two outreach centers, one at a central Florida community college and one at a south Florida state university. The center and the outreach centers, under the center's leadership, shall:

(1) Provide technical assistance and support to all school districts and schools in this state in the implementation of evidence-based literacy instruction, assessments, programs, and professional development.

(2) Conduct applied research that will have an immediate impact on policy and practices related to literacy instruction and assessment in this state with an emphasis on struggling readers and reading in the content area strategies and methods for secondary teachers.

(3) Conduct basic research on reading, reading growth, reading assessment, and reading instruction which will contribute to scientific knowledge about reading.

(4) Collaborate with the Just Read! Florida Office and school districts in the development of frameworks for comprehensive reading intervention courses for possible use in middle schools and secondary schools.

(5) Collaborate with the Just Read! Florida Office and school districts in the development of frameworks for professional development activities, using multiple delivery methods for teaching reading in the content area.

(6) Disseminate information about research-based practices related to literacy instruction, assessment, and programs for students in preschool through grade 12.

(7) Collect, manage, and report on assessment information from screening, progress monitoring, and outcome assessments through the Florida Progress Monitoring and Reporting Network. The network is a statewide resource that is operated to provide valid and timely reading assessment data for parents, teachers, principals, and district-level and state-level staff in the management of instruction at the individual, classroom, and school levels.

Section 35. Section 1004.99, Florida Statutes, is created to read:

1004.99 Florida Ready to Work Certification Program.—

(1) There is created the Florida Ready to Work Certification Program to enhance the workplace skills of Florida's students to better prepare them for successful employment in specific occupations.

(2) The Florida Ready to Work Certification Program may be conducted in public middle and high schools, community colleges, technical centers, one-stop career centers, vocational rehabilitation centers, and Department of Juvenile Justice educational facilities. The program may be made available to other entities that provide job training. The Department of Education shall establish institutional readiness criteria for program implementation.

(3) The Florida Ready to Work Certification Program shall be composed of:

(a) A comprehensive identification of workplace skills for each occupation identified for inclusion in the program by the Agency for Workforce Innovation and the Department of Education.

(b) A preinstructional assessment that delineates the student's mastery level on the specific workplace skills identified for that occupation.

(c) A targeted instructional program limited to those identified workplace skills in which the student is not proficient as measured by the preinstructional assessment. Instruction must utilize a web-based program and be customized to meet identified specific needs of local employers.

(d) A certificate and portfolio awarded to students upon successful completion of the instruction. Each portfolio must delineate the skills demonstrated by the student as evidence of the student's preparation for employment.

(4) The State Board of Education, in consultation with the Agency for Workforce Innovation, may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.

Section 36. Subsection (4) of section 1006.09, Florida Statutes, is amended to read:

1006.09 Duties of school principal relating to student discipline and school safety.—

(4) When a student has been the victim of a violent crime perpetrated by another student who attends the same school, the school principal shall make full and effective use of the provisions of subsection (2) and s. 1006.13(5). A school principal who fails to comply with this subsection shall be ineligible for any portion of the performance pay policy incentive *or the differentiated pay* under *s. 1012.22* ~~s. 1012.22(1)(c)~~. However, if any party responsible for notification fails to properly notify the school, the school principal shall be eligible for the incentive *or differentiated pay*.

Section 37. Section 1007.21, Florida Statutes, is amended to read:

1007.21 Readiness for postsecondary education and the workplace.—

(1) It is the intent of the Legislature that students and parents *develop academic* ~~set early~~ achievement and career goals for the student's *post-high-school* ~~post-high school~~ experience *during the middle grades*. ~~This section sets forth a model which schools, through their school advisory councils, may choose to implement to ensure that students are ready for postsecondary education and the workplace. If such a program is adopted, students and their parents shall have the option of participating in this model to plan the student's secondary level course of study.~~ Parents and students are to become partners with school personnel in *career exploration and* educational *decisionmaking* ~~choice~~. Clear academic course expectations *that emphasize rigorous and relevant coursework* shall be made available to all students by allowing both student and parent choice.

(2)(a) Students entering the 9th grade and their parents shall *have developed during the middle grades a 4- to 5-year academic and career plan based on postsecondary and career* ~~be active participants in choosing an end-of-high-school student destination based upon both student and parent~~ goals. *Alternate career and academic* ~~Four or more~~ destinations should be *considered* ~~available~~ with bridges between destinations to enable students to shift *academic and career priorities if* ~~destinations should~~ they choose to change goals. The destinations shall accommodate the needs of students served in exceptional education programs to the extent appropriate for individual students. Exceptional education students may continue to follow the courses outlined in the district school board student progression plan. ~~Participating~~ Students and their parents shall choose among destinations, which must include:

1. Four-year college or university, community college plus university, or military academy *degree*.

2. Two-year postsecondary degree.

3. Postsecondary career certificate.

4. Immediate employment or entry-level military.

5. A combination of the above.

(b) The student progression model toward a chosen destination shall include:

1. A "path" of core courses leading to each of the destinations provided in paragraph (a).

2. A recommended group of electives which shall help define each path.

3. Provisions for a teacher, school administrator, other school staff member, or community volunteer to be assigned to a student as an "academic advocate" if parental involvement is lacking.

(c) The common placement test authorized in ss. 1001.03(10) and 1008.30 or a similar test may be administered to all high school second semester sophomores who have chosen one of the four destinations. The results of the placement test shall be used to target additional instructional needs in reading, writing, and mathematics prior to graduation.

(d) Ample opportunity shall be provided for students to move from one destination to another, and some latitude shall exist within each destination, to meet the individual needs of students.

(e) Destinations specified in subparagraphs (a)1., 2., and 3. shall support the goals of the Tech Prep program. Students participating in Tech Prep shall be enrolled in articulated, sequential programs of study that include a technical component and at least a minimum of a postsecondary certificate or 2-year degree.

(f) In order for these destinations to be attainable, the business community shall be encouraged to support real-world internships and apprenticeships.

(g) All students shall be encouraged to take part in service learning opportunities.

(h) High school equivalency diploma preparation programs shall not be a choice for high school students leading to any of the four destinations provided in paragraph (a) since the appropriate coursework, counseling component, and career preparation cannot be ensured.

(i) Schools shall ensure that students and parents are made aware of the destinations available and provide the necessary coursework to assist the student in reaching the chosen destination. Students and parents shall be made aware of the student's progress toward the chosen destination.

(j) The Department of Education shall offer technical assistance to school districts to ensure that the destinations offered also meet the academic standards adopted by the state.

(3)(a) Access to Level I courses for graduation credit and for pursuit of a declared destination shall be limited to only those students for whom assessment indicates a more rigorous course of study would be inappropriate.

(b) The school principal shall:

1. Designate a member of the existing instructional or administrative staff to serve as a specialist to help coordinate the use of student achievement strategies to help students succeed in their coursework. The specialist shall also assist teachers in integrating the academic and career curricula, utilizing technology, providing feedback regarding student achievement, and implementing the Blueprint for Career Preparation and Tech Prep programs.

2. Institute strategies to eliminate reading, writing, and mathematics deficiencies of secondary students.

Section 38. Paragraph (c) of subsection (3) of section 1007.2615, Florida Statutes, is amended to read:

1007.2615 American Sign Language; findings; foreign-language credits authorized; teacher licensing.—

(3) DUTIES OF COMMISSIONER OF EDUCATION AND STATE BOARD OF EDUCATION; LICENSING OF AMERICAN SIGN LANGUAGE TEACHERS; PLAN FOR POSTSECONDARY EDUCATION PROVIDERS.—

(c) An ASL teacher must be certified by the Department of Education by *July 1, 2009* ~~January 1, 2008, and must obtain current certification through the Florida American Sign Language Teachers' Association (FASLTA) by January 1, 2006. New FASLTA certification may be used by current ASL teachers as an alternative certification track.~~

Section 39. Subsections (5) and (16) of section 1007.271, Florida Statutes, are amended to read:

1007.271 Dual enrollment programs.—

(5) Each district school board shall inform all secondary students of dual enrollment as an educational option and mechanism for acceleration. Students shall be informed of eligibility criteria, the option for taking dual enrollment courses beyond the regular school year, and the minimum academic credits required for graduation. District school boards shall annually assess the demand for dual enrollment and other advanced courses, and the district school board shall consider strategies and programs to meet that demand *and include access to dual enrollment on the high school campus whenever possible. Alternative grade calculation, weighting systems, or information regarding student education options which discriminates against dual enrollment courses are prohibited.*

(16) *Beginning with students entering grade 9 in the 2006-2007 school year,* school districts and community colleges must weigh ~~college level~~ dual enrollment courses the same as ~~honors courses and~~ advanced placement*, International Baccalaureate, and Advanced International Certificate of Education* courses when grade point averages are calculated. Alternative grade calculation or weighting systems that discriminate against dual enrollment courses are prohibited.

Section 40. Paragraphs (c) and (f) of subsection (1), paragraphs (c), (e), and (f) of subsection (3), and subsection (9) of section 1008.22, Florida Statutes, are amended, paragraph (f) is added to subsection (3) of that section, present subsection (10) of that section is redesignated as subsection (11), and a new subsection (10) is added to that section, to read:

1008.22 Student assessment program for public schools.—

(1) PURPOSE.—The primary purposes of the student assessment program are to provide information needed to improve the public schools by enhancing the learning gains of all students and to inform parents of the educational progress of their public school children. The program must be designed to:

(c) Identify the educational strengths and needs of students and the readiness of students to be promoted to the next grade level or to graduate from high school with a standard *or special* high school diploma.

(f) Provide information on the performance of Florida students compared with *that of other students* ~~others~~ across the United States.

(3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall design and implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs. The commissioner may enter into contracts for the continued administration of the assessment, testing, and evaluation programs authorized and funded by the Legislature. Contracts may be initiated in 1 fiscal year and continue into the next and may be paid from the appropriations of either or both fiscal years. The commissioner is authorized to negotiate for the sale or lease of tests, scoring protocols, test scoring services, and related materials developed pursuant to law. Pursuant to the statewide assessment program, the commissioner shall:

(c) Develop and implement a student achievement testing program known as the Florida Comprehensive Assessment Test (FCAT) as part of the statewide assessment program~~, to be administered annually in grades 3 through 10~~ to measure reading, writing, science, and mathematics. Other content areas may be included as directed by the commissioner. *The assessment of reading and mathematics shall be administered annually in grades 3 through 10. The assessment of writing and science shall be administered at least once at the elementary, middle, and high school levels. The commissioner must document the procedures used to ensure that the versions of the FCAT which are taken by students retaking the grade 10 FCAT are equally as challenging and difficult as the tests taken by students in grade 10 which contain performance tasks.* The testing program must be designed so that:

1. The tests measure student skills and competencies adopted by the State Board of Education as specified in paragraph (a). The tests must measure and report student proficiency levels *of all students assessed* in reading, writing, mathematics, and science. The commissioner shall provide for the tests to be developed or obtained, as appropriate, through contracts and project agreements with private vendors, public vendors, public agencies, postsecondary educational institutions, or school districts. The commissioner shall obtain input with respect to the design and implementation of the testing program from state educators*, assistive technology experts,* and the public.

2. The testing program will include a combination of norm-referenced and criterion-referenced tests and include, to the extent determined by the commissioner, questions that require the student to produce information or perform tasks in such a way that the skills and competencies he or she uses can be measured.

3. Each testing program, whether at the elementary, middle, or high school level, includes a test of writing in which students are required to produce writings that are then scored by appropriate *and timely* methods.

4. A score is designated for each subject area tested, below which score a student's performance is deemed inadequate. The school districts shall provide appropriate remedial instruction to students who score below these levels.

5. Except as provided in *s. 1003.428(8)(b) or* s. 1003.43(11)(b), students must earn a passing score on the grade 10 assessment test described in this paragraph or *attain concordant scores* ~~on an alternate assessment~~ as described in subsection (9) in reading, writing, and mathematics to qualify for a *standard* ~~regular~~ high school diploma. The State Board of Education shall designate a passing score for each part of the grade 10 assessment test. In establishing passing scores, the state board shall consider any possible negative impact of the test on minority students. ~~All students who took the grade 10 FCAT during the 2000-2001 school year shall be required to earn the passing scores in reading and mathematics established by the State Board of Education for the March 2001 test administration. Such students who did not earn the established passing scores and must repeat the grade 10 FCAT are required to earn the passing scores established for the March 2001 test administration. All students who take the grade 10 FCAT for the first time in March 2002 shall be required to earn the passing scores in reading and mathematics established by the State Board of Education for the March 2002 test administration.~~ The State Board of Education shall adopt rules which specify the passing scores for the grade 10 FCAT. Any such rules, which have the effect of raising the required passing scores, shall only

apply to students taking the grade 10 FCAT for the first time after such rules are adopted by the State Board of Education.

6. Participation in the testing program is mandatory for all students attending public school, including students served in Department of Juvenile Justice programs, except as otherwise prescribed by the commissioner. If a student does not participate in the statewide assessment, the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation. ~~If modifications are made in the student's instruction to provide accommodations that would not be permitted on the statewide assessment tests, the district must notify the student's parent of the implications of such instructional modifications.~~ A parent must provide signed consent for a student to receive *classroom* instructional *accommodations* ~~modifications~~ that would not be *available or* permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such *instructional* accommodations. The State Board of Education shall adopt rules, based upon recommendations of the commissioner, for the provision of test accommodations ~~and modifications of procedures as necessary~~ for students in exceptional education programs and for students who have limited English proficiency. Accommodations that negate the validity of a statewide assessment are not allowable *in the administration of the FCAT. However, instructional accommodations are allowable in the classroom if included in a student's individual education plan. Students using instructional accommodations in the classroom that are not allowable as accommodations on the FCAT may have the FCAT requirement waived pursuant to the requirements of s. 1003.428(8)(b) or s. 1003.43(11)(b)*.

7. A student seeking an adult high school diploma must meet the same testing requirements that a regular high school student must meet.

8. District school boards must provide instruction to prepare students to demonstrate proficiency in the skills and competencies necessary for successful grade-to-grade progression and high school graduation. If a student is provided with *instructional* accommodations *in the classroom* ~~or modifications~~ that are not allowable *as accommodations* in the statewide assessment program, as described in the test manuals, the district must inform the parent in writing and must provide the parent with information regarding the impact on the student's ability to meet expected proficiency levels in reading, writing, and math. The commissioner shall conduct studies as necessary to verify that the required skills and competencies are part of the district instructional programs.

9. District school boards must provide opportunities for students to demonstrate an acceptable level of performance on an alternative standardized assessment approved by the State Board of Education following enrollment in summer academies.

10.~~9.~~ The Department of Education must develop, or select, and implement a common battery of assessment tools that will be used in all juvenile justice programs in the state. These tools must accurately measure the skills and competencies established in the ~~Florida~~ Sunshine State Standards.

11. For students seeking a special diploma pursuant to s. 1003.438, the Department of Education must develop or select and implement an alternate assessment tool that accurately measures the skills and competencies established in the Sunshine State Standards for students with disabilities under s. 1003.438.

The commissioner may*, based on collaboration and input from school districts,* design and implement student testing programs, for any grade level and subject area, necessary to effectively monitor educational achievement in the state*, including the measurement of educational achievement of the Sunshine State Standards for students with disabilities. Development and refinement of assessments shall include universal design principles and accessibility standards that will prevent any unintended obstacles for students with disabilities while ensuring the validity and reliability of the test. These principles should be applicable to all technology platforms and assistive devices available for the assessments. The field testing process and psychometric analyses for the statewide assessment program must include an appropriate percentage of students with disabilities and an evaluation or determination of the effect of test items on such students*.

(e) Conduct ongoing research and analysis of student achievement data, including, without limitation, monitoring trends in student achievement *by grade level and overall student achievement*, identifying school programs that are successful, and analyzing correlates of school achievement.

(f) Study the cost and student achievement impact of secondary end-of-course assessments, including web-based and performance formats, and report to the Legislature prior to implementation.

(9) *CONCORDANT SCORES FOR THE FCAT* ~~EQUIVALENCIES FOR STANDARDIZED TESTS~~.—

(a) *The State Board of Education shall analyze the content and concordant data sets for widely used high school achievement tests, including, but not limited to, the PSAT, PLAN, SAT, ACT, and College Placement Test, to assess if concordant scores for FCAT scores can be determined for high school graduation, college placement, and scholarship awards. In cases where content alignment and concordant scores can be determined, the Commissioner of Education shall adopt those scores as meeting the graduation requirement in lieu of achieving the FCAT passing score and may adopt those scores as being sufficient to achieve additional purposes as determined by rule. Each time that test content or scoring procedures are changed for the FCAT or one of the identified tests, new concordant scores must be determined.* ~~The Commissioner of Education shall approve the use of the SAT and ACT tests as alternative assessments to the grade 10 FCAT for the 2003-2004 school year.~~

(b) In order to use a concordant subject area score pursuant to this subsection to ~~Students who attain scores on the SAT or ACT which equate to the passing scores on the grade 10 FCAT for purposes of high school graduation shall~~ satisfy the assessment requirement for a standard high school diploma as provided in s. 1003.429(6)(a)*,* ~~or~~ s. 1003.43(5)(a)*, or s. 1003.428,* ~~for the 2003-2004 school year if the students meet the requirement in paragraph (b).~~

~~(b)~~ a student *must* ~~shall be required to~~ take *each subject area of* the grade 10 FCAT a total of three times without earning a passing score ~~in order to use the scores on an alternative assessment pursuant to paragraph (a)~~*. The requirements of this paragraph* ~~This requirement~~ shall not apply to a *new* student who *enters the Florida* ~~is a new student to the~~ public school system in grade 12*, who may either achieve a passing score on the FCAT or use an approved subject area concordant score to fulfill the graduation requirement*.

(c) The State Board of Education may define by rule the allowable uses, other than to satisfy the high school graduation requirement, for concordant scores as described in this subsection. Such uses may include, but need not be limited to, achieving appropriate standardized test scores required for the awarding of Florida Bright Futures Scholarships and college placement.

(10) REPORTS.—The Department of Education shall annually provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the following:

(a) Longitudinal performance of students in mathematics and reading.

(b) Longitudinal performance of students by grade level in mathematics and reading.

(c) Longitudinal performance regarding efforts to close the achievement gap.

(d) Longitudinal performance of students on the norm-referenced component of the FCAT.

(e) Other student performance data based on national norm- referenced and criterion-referenced tests, when available, and numbers of students who after 8th grade enroll in adult education rather than other secondary education.

Section 41. *Section 1008.221, Florida Statutes, is repealed.*

Section 42. Paragraphs (a), (b), and (c) of subsection (4), paragraphs (b) and (c) of subsection (6), paragraph (b) of subsection (7), and paragraph (b) of subsection (8) of section 1008.25, Florida Statutes, are amended, and paragraph (c) is added to subsection (8) of that section, to read:

1008.25 Public school student progression; remedial instruction; reporting requirements.—

(4) ASSESSMENT AND REMEDIATION.—

(a) Each student must participate in the statewide assessment tests required by s. 1008.22. Each student who does not meet specific levels of performance as determined by the district school board in reading, writing, science, and mathematics for each grade level, or who *scores below Level 3 in reading or math* ~~does not meet specific levels of performance as determined by the commissioner on statewide assessments at selected grade levels~~, must be provided with additional diagnostic assessments to determine the nature of the student's difficulty*, the* ~~and~~ areas of academic need*, and strategies for appropriate intervention and instruction as described in paragraph (b)*.

(b) The school in which the student is enrolled must develop, in consultation with the student's parent, and must implement *a progress monitoring plan. A progress monitoring plan is intended to provide the school district and the school flexibility in meeting the academic needs of the student and to reduce paperwork. A student who is not meeting the school district or state requirements for proficiency in reading and math shall be covered by one of the following plans to target instruction and identify ways to improve his or her academic achievement:*

1. A federally required student plan such as an individual education plan;

2. A schoolwide system of progress monitoring for all students; or

3. An individualized progress monitoring plan.

The plan chosen must be ~~an academic improvement plan~~ designed to assist the student *or the school* in meeting state and district expectations for proficiency. ~~For a student for whom a personalized middle school success plan is required pursuant to s. 1003.415, the middle school success plan must be incorporated in the student's academic improvement plan. Beginning with the 2002-2003 school year,~~ If the student has been identified as having a deficiency in reading, ~~the academic improvement plan shall identify the student's specific areas of deficiency in phonemic awareness, phonics, fluency, comprehension, and vocabulary; the desired levels of performance in these areas; and~~ the *K-12 comprehensive reading plan required by s. 1011.62(8) shall include* instructional and support services to be provided to meet the desired levels of performance. *District school boards may require low-performing students to attend remediation programs held before or after regular school hours or during the summer if transportation is provided.* ~~Schools shall also provide for the frequent monitoring of the student's progress in meeting the desired levels of performance. District school boards shall assist schools and teachers to implement research-based reading activities that have been shown to be successful in teaching reading to low-performing students. Remedial instruction provided during high school may not be in lieu of English and mathematics credits required for graduation.~~

(c) Upon subsequent evaluation, if the documented deficiency has not been remediated ~~in accordance with the academic improvement plan~~, the student may be retained. Each student who does not meet the minimum performance expectations defined by the Commissioner of Education for the statewide assessment tests in reading, writing, science, and mathematics must continue to be provided with remedial or supplemental instruction until the expectations are met or the student graduates from high school or is not subject to compulsory school attendance.

(6) ELIMINATION OF SOCIAL PROMOTION.—

(b) The district school board may only exempt students from mandatory retention, as provided in paragraph (5)(b), for good cause. Good cause exemptions shall be limited to the following:

1. Limited English proficient students who have had less than 2 years of instruction in an English for Speakers of Other Languages program.

2. Students with disabilities whose individual education plan indicates that participation in the statewide assessment program is not appropriate, consistent with the requirements of State Board of Education rule.

3. Students who demonstrate an acceptable level of performance on an alternative standardized reading assessment approved by the State Board of Education.

4. Students who demonstrate, through a student portfolio, that the student is reading on grade level as evidenced by demonstration of mastery of the Sunshine State Standards in reading equal to at least a Level 2 performance on the FCAT.

5. Students with disabilities who participate in the FCAT and who have an individual education plan or a Section 504 plan that reflects that the student has received ~~the~~ intensive remediation in reading~~, as required by paragraph (4)(b),~~ for more than 2 years but still demonstrates a deficiency in reading and was previously retained in kindergarten, grade 1, grade 2, or grade 3.

6. Students who have received ~~the~~ intensive remediation in reading ~~as required by paragraph (4)(b)~~ for 2 or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of 2 years. Intensive reading instruction for students so promoted must include an altered instructional day ~~based upon an academic improvement plan~~ that includes specialized diagnostic information and specific reading strategies for each student. The district school board shall assist schools and teachers to implement reading strategies that research has shown to be successful in improving reading among low-performing readers.

(c) Requests for good cause exemptions for students from the mandatory retention requirement as described in subparagraphs (b)3. and 4. shall be made consistent with the following:

1. Documentation shall be submitted from the student's teacher to the school principal that indicates that the promotion of the student is appropriate and is based upon the student's academic record. In order to minimize paperwork requirements, such documentation shall consist only of the existing *progress monitoring* ~~academic improvement~~ plan, individual educational plan, if applicable, report card, or student portfolio.

2. The school principal shall review and discuss such recommendation with the teacher and make the determination as to whether the student should be promoted or retained. If the school principal determines that the student should be promoted, the school principal shall make such recommendation in writing to the district school superintendent. The district school superintendent shall accept or reject the school principal's recommendation in writing.

(7) SUCCESSFUL PROGRESSION FOR RETAINED READERS.—

(b) Beginning with the 2004-2005 school year, each school district shall:

1. Conduct a review of student *progress monitoring* ~~academic improvement~~ plans for all students who did not score above Level 1 on the reading portion of the FCAT and did not meet the criteria for one of the good cause exemptions in paragraph (6)(b). The review shall address additional supports and services, as described in this subsection, needed to remediate the identified areas of reading deficiency. The school district shall require a student portfolio to be completed for each such student.

2. Provide students who are retained under the provisions of paragraph (5)(b) with intensive instructional services and supports to remediate the identified areas of reading deficiency, including a minimum of 90 minutes of daily, uninterrupted, scientifically research-based reading instruction and other strategies prescribed by the school district, which may include, but are not limited to:

a. Small group instruction.

b. Reduced teacher-student ratios.

c. More frequent progress monitoring.

d. Tutoring or mentoring.

e. Transition classes containing 3rd and 4th grade students.

f. Extended school day, week, or year.

g. Summer reading camps.

3. Provide written notification to the parent of any student who is retained under the provisions of paragraph (5)(b) that his or her child has not met the proficiency level required for promotion and the reasons the child is not eligible for a good cause exemption as provided in paragraph (6)(b). The notification must comply with the provisions of s. 1002.20(14) and must include a description of proposed interventions and supports that will be provided to the child to remediate the identified areas of reading deficiency.

4. Implement a policy for the midyear promotion of any student retained under the provisions of paragraph (5)(b) who can demonstrate that he or she is a successful and independent reader, reading at or above grade level, and ready to be promoted to grade 4. Tools that school districts may use in reevaluating any student retained may include subsequent assessments, alternative assessments, and portfolio reviews, in accordance with rules of the State Board of Education. Students promoted during the school year after November 1 must demonstrate proficiency above that required to score at Level 2 on the grade 3 FCAT, as determined by the State Board of Education. The State Board of Education shall adopt standards that provide a reasonable expectation that the student's progress is sufficient to master appropriate 4th grade level reading skills.

5. Provide students who are retained under the provisions of paragraph (5)(b) with a high-performing teacher as determined by student performance data and above-satisfactory performance appraisals.

6. In addition to required reading enhancement and acceleration strategies, provide parents of students to be retained with at least one of the following instructional options:

a. Supplemental tutoring in scientifically research-based reading services in addition to the regular reading block, including tutoring before and/or after school.

b. A "Read at Home" plan outlined in a parental contract, including participation in "Families Building Better Readers Workshops" and regular parent-guided home reading.

c. A mentor or tutor with specialized reading training.

7. Establish a Reading Enhancement and Acceleration Development (READ) Initiative. The focus of the READ Initiative shall be to prevent the retention of grade 3 students and to offer intensive accelerated reading instruction to grade 3 students who failed to meet standards for promotion to grade 4 and to each K-3 student who is assessed as exhibiting a reading deficiency. The READ Initiative shall:

a. Be provided to all K-3 students at risk of retention as identified by the statewide assessment system used in Reading First schools. The assessment must measure phonemic awareness, phonics, fluency, vocabulary, and comprehension.

b. Be provided during regular school hours in addition to the regular reading instruction.

c. Provide a state-identified reading curriculum that has been reviewed by the Florida Center for Reading Research at Florida State University and meets, at a minimum, the following specifications:

(I) Assists students assessed as exhibiting a reading deficiency in developing the ability to read at grade level.

(II) Provides skill development in phonemic awareness, phonics, fluency, vocabulary, and comprehension.

(III) Provides scientifically based and reliable assessment.

(IV) Provides initial and ongoing analysis of each student's reading progress.

(V) Is implemented during regular school hours.

(VI) Provides a curriculum in core academic subjects to assist the student in maintaining or meeting proficiency levels for the appropriate grade in all academic subjects.

8. Establish at each school, where applicable, an Intensive Acceleration Class for retained grade 3 students who subsequently score at Level 1 on the reading portion of the FCAT. The focus of the Intensive Acceleration Class shall be to increase a child's reading level at least two grade levels in 1 school year. The Intensive Acceleration Class shall:

a. Be provided to any student in grade 3 who scores at Level 1 on the reading portion of the FCAT and who was retained in grade 3 the prior year because of scoring at Level 1 on the reading portion of the FCAT.

b. Have a reduced teacher-student ratio.

c. Provide uninterrupted reading instruction for the majority of student contact time each day and incorporate opportunities to master the grade 4 Sunshine State Standards in other core subject areas.

d. Use a reading program that is scientifically research-based and has proven results in accelerating student reading achievement within the same school year.

e. Provide intensive language and vocabulary instruction using a scientifically research-based program, including use of a speech-language therapist.

f. Include weekly progress monitoring measures to ensure progress is being made.

g. Report to the Department of Education, in the manner described by the department, the progress of students in the class at the end of the first semester.

9. Report to the State Board of Education, as requested, on the specific intensive reading interventions and supports implemented at the school district level. The Commissioner of Education shall annually prescribe the required components of requested reports.

10. Provide a student who has been retained in grade 3 and has received intensive instructional services but is still not ready for grade promotion, as determined by the school district, the option of being placed in a transitional instructional setting. Such setting shall specifically be designed to produce learning gains sufficient to meet grade 4 performance standards while continuing to remediate the areas of reading deficiency.

(8) ANNUAL REPORT.—

(b) ~~Beginning with the 2001-2002 school year,~~ Each district school board must annually publish in the local newspaper, and report in writing to the State Board of Education by September 1 of each year, the following information on the prior school year:

1. The provisions of this section relating to public school student progression and the district school board's policies and procedures on student retention and promotion.

2. By grade, the number and percentage of all students in grades 3 through 10 performing at Levels 1 and 2 on the reading portion of the FCAT.

3. By grade, the number and percentage of all students retained in grades 3 through 10.

4. Information on the total number of students who were promoted for good cause, by each category of good cause as specified in paragraph (6)(b).

5. Any revisions to the district school board's policy on student retention and promotion from the prior year.

(c) The Department of Education shall establish a uniform format for school districts to report the information required in paragraph (b). The format shall be developed with input from district school boards and shall be provided not later than 90 days prior to the annual due date. The department shall annually compile the information required in subparagraphs (b)2., 3., and 4., along with state-level summary information, and report such information to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 43. *Section 1008.301, Florida Statutes, is repealed.*

Section 44. Paragraphs (d) and (e) of subsection (1), paragraphs (b) and (c) of subsection (2), and subsection (3) of section 1008.31, Florida Statutes, are amended, and subsection (4) is added to that section, to read:

1008.31 Florida's K-20 education performance accountability system; legislative intent; ~~performance-based funding;~~ mission, goals, and systemwide measures*; data quality improvements*.—

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature that:

(d) The State Board of Education *and the Board of Governors of the State University System* recommend to the Legislature systemwide performance standards; the Legislature establish systemwide performance measures and standards; and the systemwide measures and standards provide Floridians with information on what the public is receiving in return for the funds it invests in education and how well the K-20 system educates its students.

(e)*1.* The State Board of Education establish performance measures and set performance standards for individual ~~components of the~~ public ~~education system, including individual~~ schools and *community colleges* ~~postsecondary educational institutions~~, with measures and standards based primarily on student achievement.

2. The Board of Governors of the State University System establish performance measures and set performance standards for individual state universities, including actual completion rates.

(2) MISSION, GOALS, AND SYSTEMWIDE MEASURES.—

(b) The *process* ~~State Board of Education shall adopt guiding principles~~ for establishing state and sector-specific standards and measures *must be:*

1. Focused on student success.

2. Addressable through policy and program changes.

3. Efficient and of high quality.

4. Measurable over time.

5. Simple to explain and display to the public.

6. Aligned with other measures and other sectors to support a coordinated K-20 education system.

(c) The *Department* ~~State Board~~ of Education shall maintain an accountability system that measures student progress toward the following goals:

1. Highest student achievement, as *indicated by evidence of student learning gains at all levels* ~~measured by: student FCAT performance and annual learning gains; the number and percentage of schools that improve at least one school performance grade designation or maintain a school performance grade designation of "A" pursuant to s. 1008.34; graduation or completion rates at all learning levels; and other measures identified in law or rule~~.

2. Seamless articulation and maximum access, as measured by *evidence of progression, readiness, and access by targeted groups of students identified by the Commissioner of Education*: ~~the percentage of students who demonstrate readiness for the educational level they are entering, from kindergarten through postsecondary education and into the workforce; the number and percentage of students needing remediation; the percentage of Floridians who complete associate, baccalaureate, graduate, professional, and postgraduate degrees; the number and percentage of credits that articulate; the extent to which each set of exit-point requirements matches the next set of entrance-point requirements; the degree to which underserved populations access educational opportunity; the extent to which access is provided through innovative educational delivery strategies; and other measures identified in law or rule~~.

3. Skilled workforce and economic development, as measured by *evidence of employment and earnings*: ~~the number and percentage of graduates employed in their areas of preparation; the percentage of Floridians with high school diplomas and postsecondary education credentials; the percentage of business and community members who find that Florida's graduates possess the skills they need; national rankings; and other measures identified in law or rule~~.

4. Quality efficient services, as measured by *evidence of return on investment*: ~~cost per completer or graduate; average cost per noncompleter at each educational level; cost disparity across institutions offering the same degrees; the percentage of education customers at each educational level who are satisfied with the education provided; and other measures identified in law or rule~~.

5. Other goals as identified by law or rule.

(3) *K-20 EDUCATION DATA QUALITY IMPROVEMENTS* ~~SYSTEMWIDE DATA COLLECTION~~.—*To provide data required to implement education performance accountability measures in state and federal law, the Commissioner of Education shall initiate and maintain strategies to improve data quality and timeliness. All data collected from state universities shall, as determined by the commissioner, be integrated into the K-20 data warehouse. The commissioner shall have unlimited access to such data solely for the purposes of conducting studies, reporting annual and longitudinal student outcomes, and improving college readiness and articulation. All public educational institutions shall provide data to the K-20 data warehouse in a format specified by the commissioner.*

(a) School districts and public postsecondary educational institutions shall maintain information systems that will provide the State Board of Education*, the Board of Governors of the State University System,* and the Legislature with information and reports necessary to address the specifications of the accountability system. ~~The State Board of Education shall determine the standards for the required data.~~ The level of comprehensiveness and quality shall be no less than that which was available as of June 30, 2001.

(b) The Commissioner of Education shall determine the standards for the required data, monitor data quality, and measure improvements. The commissioner shall report annually to the State Board of Education, the Board of Governors of the State University System, the President of the Senate, and the Speaker of the House of Representatives data quality indicators and ratings for all school districts and public postsecondary educational institutions.

(c) Before establishing any new reporting or data collection requirements, the Commissioner of Education shall utilize existing data being collected to reduce duplication and minimize paperwork.

(4) RULES.—The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section relating to the K-20 data warehouse.

Section 45. Section 1008.33, Florida Statutes, is amended to read:

1008.33 Authority to enforce public school improvement.—It is the intent of the Legislature that all public schools be held accountable for students performing at acceptable levels. A system of school improvement and accountability that assesses student performance by school, identifies schools in which students are not making adequate progress toward state standards, institutes appropriate measures for enforcing improvement, and provides rewards and sanctions based on performance shall be the responsibility of the State Board of Education.

(1) Pursuant to Art. IX of the State Constitution prescribing the duty of the State Board of Education to supervise Florida's public school system and notwithstanding any other statutory provisions to the contrary, the State Board of Education shall intervene in the operation of a district school system when one or more schools in the school district have failed to make adequate progress for 2 school years in a 4-year period. For purposes of determining when a school is eligible for state board action and opportunity scholarships for its students, the terms "2 years in any 4-year period" and "2 years in a 4-year period" mean that in any year that a school has a grade of "F," the school is eligible for state board action and opportunity scholarships for its students if it also has had a grade of "F" in any of the previous 3 school years. The State Board of Education may determine that the school district or school has not taken steps sufficient for students in the school to be academically well served. Considering recommendations of the Commissioner of Education, the State Board of Education shall recommend action to a district school board intended to improve educational services to students in each school that is designated *with a* ~~as performance~~ grade *of* ~~category~~

"F." Recommendations for actions to be taken in the school district shall be made only after thorough consideration of the unique characteristics of a school, which shall include student mobility rates, the number and type of exceptional students enrolled in the school, and the availability of options for improved educational services. The state board shall adopt by rule steps to follow in this process. Such steps shall provide school districts sufficient time to improve student performance in schools and the opportunity to present evidence of assistance and interventions that the district school board has implemented.

(2) The State Board of Education may recommend one or more of the following actions to district school boards to enable students in schools designated *with a* ~~as performance~~ grade *of* ~~category~~ "F" to be academically well served by the public school system:

(a) Provide additional resources, change certain practices, and provide additional assistance if the state board determines the causes of inadequate progress to be related to school district policy or practice;

(b) Implement a plan that satisfactorily resolves the education equity problems in the school;

(c) Contract for the educational services of the school, or reorganize the school at the end of the school year under a new school principal who is authorized to hire new staff and implement a plan that addresses the causes of inadequate progress. *A contract to administer an alternative school may not be entered into with a private entity which contract changes the character of the alternative school population as it existed when the alternative school was administered by the public school system. The term "character of the alternative school population" means the percentage of students having learning disabilities, physical disabilities, emotional disabilities, or developmental disabilities, as well as the percentage of students having discipline problems*;

(d) Allow parents of students in the school to send their children to another district school of their choice; or

(e) Other action appropriate to improve the school's performance*, including, if the school is a high school, requiring annual publication of the school's graduation rate calculated without GED tests for the past 3 years, disaggregated by student ethnicity*.

(3) In recommending actions to district school boards, the State Board of Education shall specify the length of time available to implement the recommended action. The State Board of Education may adopt rules to further specify how it may respond in specific circumstances. No action taken by the State Board of Education shall relieve a school from state accountability requirements.

(4) The State Board of Education may require the Department of Education or Chief Financial Officer to withhold any transfer of state funds to the school district if, within the timeframe specified in state board action, the school district has failed to comply with the action ordered to improve the district's low-performing schools. Withholding the transfer of funds shall occur only after all other recommended actions for school improvement have failed to improve performance. The State Board of Education may impose the same penalty on any district school board that fails to develop and implement a plan for assistance and intervention for low-performing schools as specified in *s. 1001.42(16)(d)* ~~s. 1001.42(16)(c)~~.

Section 46. Section 1008.34, Florida Statutes, is amended to read:

1008.34 School grading system; *school report cards;* district ~~performance~~ grade.—

(1) ANNUAL REPORTS.—The Commissioner of Education shall prepare annual reports of the results of the statewide assessment program which describe student achievement in the state, each district, and each school. The commissioner shall prescribe the design and content of these reports, which must include, without limitation, descriptions of the performance of all schools participating in the assessment program and all of their major student populations as determined by the Commissioner of Education, and must also include the median scores of all eligible students who scored at or in the lowest 25th percentile of the state in the previous school year; provided, however, that the provisions of s. 1002.22 pertaining to student records apply to this section.

(2) SCHOOL *GRADES* ~~PERFORMANCE GRADE CATEGORIES~~.—The annual report shall identify schools as *having one of the following grades,* ~~being in one of the following grade categories~~ defined according to rules of the State Board of Education:

(a) "A," schools making excellent progress.

(b) "B," schools making above average progress.

(c) "C," schools making satisfactory progress.

(d) "D," schools making less than satisfactory progress.

(e) "F," schools failing to make adequate progress.

Each school designated *with a* ~~in performance~~ grade *of* ~~category~~ "A," making excellent progress, or having improved at least two ~~performance~~ grade *levels* ~~categories~~, shall have greater authority over the allocation of the school's total budget generated from the FEFP, state categoricals, lottery funds, grants, and local funds, as specified in state board rule. The rule must provide that the increased budget authority shall remain in effect until the school's ~~performance~~ grade declines.

(3) DESIGNATION OF SCHOOL *GRADES* ~~PERFORMANCE GRADE CATEGORIES~~.—*Each school that has students who are tested and included in the school grading system, except an alternative school that receives a school-improvement rating pursuant to s. 1008.341, shall receive a school grade; however, an alternative school may choose to receive a school grade under this section in lieu of a school-improvement rating. Additionally, a school that serves any combination of students in kindergarten through grade 3 which does not receive a school grade because its students are not tested and included in the school grading system shall receive the school grade designation of a K-3 feeder pattern school identified by the Department of Education and verified by the school district. A school feeder pattern exists if at least 60 percent of the students in the school serving a combination of students in kindergarten through grade 3 are scheduled to be assigned to the graded school.* School *grades* ~~performance grade category designations~~ itemized in subsection (2) shall be based on the following:

(a) *Criteria* ~~Timeframes~~.—*A school's grade shall be based on a combination of:*

1. *Student achievement scores, including achievement scores for students seeking a special diploma* ~~School performance grade category designations shall be based on the school's current year performance and the school's annual learning gains~~.

2. ~~A school's performance grade category designation shall be based on a combination of student achievement scores,~~ Student learning gains as measured by annual FCAT assessments in grades 3 through 10*; learning gains for students seeking a special diploma, as measured by an alternate assessment tool, shall be included not later than the 2009-2010 school year.*~~, and~~

3. Improvement of the lowest 25th percentile of students in the school in reading, math, or writing on the FCAT, unless these students are *exhibiting* ~~performing above~~ satisfactory performance.

(b) Student assessment data.—Student assessment data used in determining school *grades* ~~performance grade categories~~ shall include:

1. The aggregate scores of all eligible students enrolled in the school who have been assessed on the FCAT.

2. The aggregate scores of all eligible students enrolled in the school who have been assessed on the FCAT, including Florida Writes, and who have scored at or in the lowest 25th percentile of students in the school in reading, math, or writing, unless these students are *exhibiting* ~~performing above~~ satisfactory performance.

3. Effective with the 2005-2006 school year, the achievement scores and learning gains of eligible students attending alternative schools that provide dropout-prevention and academic-intervention services pursuant to s. 1003.53. The term "eligible students" in this subparagraph does not include students attending an alternative school who are subject to district school board policies for expulsion for repeated or serious offenses, who are in dropout-retrieval programs serving students who have officially been designated as dropouts, or who are in programs operated or contracted by the Department of Juvenile Justice. The student performance data for eligible students identified in this subparagraph shall be included in the calculation of the home school's grade. For purposes of

this section and s. 1008.341, "home school" means the school the student was attending when assigned to an alternative school. If an alternative school chooses to be graded pursuant to this section, student performance data for eligible students identified in this subparagraph shall not be included in the home school's grade but shall be included only in the calculation of the alternative school's grade. School districts must require collaboration between the home school and the alternative school in order to promote student success.

~~The Department of Education shall study the effects of mobility on the performance of highly mobile students and recommend programs to improve the performance of such students.~~ The State Board of Education shall adopt appropriate criteria for each school ~~performance~~ grade ~~category~~. The criteria must also give added weight to student achievement in reading. Schools designated *with a* ~~as performance~~ grade *of* ~~category~~ "C," making satisfactory progress, shall be required to demonstrate that adequate progress has been made by students in the school who are in the lowest 25th percentile in reading, math, or writing on the FCAT, including Florida Writes, unless these students are *exhibiting* ~~performing above~~ satisfactory performance.

(4) SCHOOL IMPROVEMENT RATINGS.—The annual report shall identify each school's performance as having improved, remained the same, or declined. This school improvement rating shall be based on a comparison of the current year's and previous year's student and school performance data. Schools that improve at least one ~~performance~~ grade *level* ~~category~~ are eligible for school recognition awards pursuant to s. 1008.36.

(5) SCHOOL *REPORT CARD* ~~PERFORMANCE GRADE CATEGORY AND IMPROVEMENT RATING REPORTS~~.—*The Department of Education shall annually develop, in collaboration with the school districts, a school report card to be delivered to parents throughout each school district. The report card shall include the school's grade, information regarding school improvement, an explanation of school performance as evaluated by the federal No Child Left Behind Act of 2001, and indicators of return on investment.* ~~School performance grade category designations and improvement ratings shall apply to each school's performance for the year in which performance is measured.~~ Each school's *report card* ~~designation and rating~~ shall be published annually by the department *on its website,* ~~of Education~~ and the school district *shall provide the school report card to each parent*. ~~Parents shall be entitled to an easy-to-read report card about the designation and rating of the school in which their child is enrolled.~~

~~(6) RULES.—The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.~~

(6)~~(7)~~ PERFORMANCE-BASED FUNDING.—The Legislature may factor in the performance of schools in calculating any performance-based funding policy that is provided for annually in the General Appropriations Act.

(7)~~(8)~~ DISTRICT ~~PERFORMANCE~~ GRADE.—The annual report required by subsection (1) shall include district ~~performance~~ grades, which shall consist of weighted district average grades, by level, for all elementary schools, middle schools, and high schools in the district. A district's weighted average grade shall be calculated by weighting individual school grades determined pursuant to subsection (2) by school enrollment.

Section 47. Section 1008.341, Florida Statutes, is created to read:

1008.341 School-improvement rating for alternative schools.—

(1) ANNUAL REPORTS.—The Commissioner of Education shall prepare an annual report on the performance of each school receiving a school-improvement rating pursuant to this section if the provisions of s. 1002.22 pertaining to student records apply.

(2) SCHOOL IMPROVEMENT RATING.—Alternative schools that provide dropout-prevention and academic-intervention services pursuant to s. 1003.53 shall receive a school-improvement rating pursuant to this section. The school-improvement rating shall identify schools as having one of the following ratings defined according to rules of the State Board of Education:

(a) "Improving" means schools with students making more academic progress than when the students were served in their home schools.

(b) "Maintaining" means schools with students making progress equivalent to the progress made when the students were served in their home schools.

(c) "Declining" means schools with students making less academic progress than when the students were served in their home schools.

The school-improvement rating shall be based on a comparison of student performance data for the current year and previous year. Schools that improve at least one level or maintain an "improving" rating pursuant to this section are eligible for school recognition awards pursuant to s. 1008.36.

(3) DESIGNATION OF SCHOOL-IMPROVEMENT RATING.—Student data used in determining an alternative school's school-improvement rating shall include:

(a) The aggregate scores of all eligible students who were assigned to and enrolled in the school during the October or February FTE count, who have been assessed on the FCAT, and who have FCAT or comparable scores for the preceding school year.

(b) The aggregate scores of all eligible students who were assigned to and enrolled in the school during the October or February FTE count, who have been assessed on the FCAT, including Florida Writes, and who have scored in the lowest 25th percentile of students in the state on FCAT Reading.

The assessment scores of students who are subject to district school board policies for expulsion for repeated or serious offenses, who are in dropout-retrieval programs serving students who have officially been designated as dropouts, or who are in programs operated or contracted by the Department of Juvenile Justice may not be included in an alternative school's school improvement rating.

(4) IDENTIFICATION OF STUDENT LEARNING GAINS.—For each alternative school receiving a school-improvement rating, the Department of Education shall annually identify the percentage of students making learning gains as compared to the percentage of the same students making learning gains in their home schools in the year prior to being assigned to the alternative school.

(5) SCHOOL REPORT CARD.—The Department of Education shall annually develop, in collaboration with the school districts, a school report card for alternative schools to be delivered to parents throughout each school district. The report card shall include the school-improvement rating, identification of student learning gains, student attendance data, information regarding school improvement, an explanation of school performance as evaluated by the federal No Child Left Behind Act of 2001, and indicators of return on investment.

Section 48. Subsection (5), paragraphs (b) and (d) of subsection (6), and subsection (7) of section 1008.345, Florida Statutes, are amended to read:

1008.345 Implementation of state system of school improvement and education accountability.—

(5) The commissioner shall report to the Legislature and recommend changes in state policy necessary to foster school improvement and education accountability. Included in the report shall be a list of the schools, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, for which district school boards have developed assistance and intervention plans and an analysis of the various strategies used by the school boards. School reports shall be distributed pursuant to this subsection and *s. 1001.42(16)(f)* ~~s. 1001.42(16)(c)~~ and according to rules adopted by the State Board of Education.

(6)

(b) Upon request, the department shall provide technical assistance and training to any school, including any school operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, school advisory council, district, or district school board for conducting needs assessments, developing and implementing school improvement plans, developing and implementing assistance and intervention plans, or implementing other components of school improvement and accountability. Priority for these services shall be given

to schools designated *with a* ~~as performance~~ grade *of* ~~category~~ "D" or "F" and school districts in rural and sparsely populated areas of the state.

(d) The *commissioner* ~~department~~ shall assign a community assessment team to each school district *or governing board* with a school *graded* ~~designated as performance grade category "D" or~~ "F" to review the school performance data and determine causes for the low performance*, including the role of school, area, and district administrative personnel. The community assessment team shall review a high school's graduation rate calculated without GED tests for the past 3 years, disaggregated by student ethnicity*. The team shall make recommendations to the school board *or the governing board*, to the department, and to the State Board of Education for implementing an assistance and intervention plan that will address the causes of the school's low performance. The assessment team shall include, but not be limited to, a department representative, parents, business representatives, educators, *representatives of local governments,* and community activists, and shall represent the demographics of the community from which they are appointed.

(7)(a) Schools designated *with a* ~~in performance~~ grade *of* ~~category~~ "A," making excellent progress, shall, if requested by the school, be given deregulated status as specified in s. 1003.63(5), (7), (8), (9), and (10).

(b) Schools that have improved at least two *grades* ~~performance grade categories~~ and that meet the criteria of the Florida School Recognition Program pursuant to s. 1008.36 may be given deregulated status as specified in s. 1003.63(5), (7), (8), (9), and (10).

Section 49. Subsection (3) of section 1009.24, Florida Statutes, is amended to read:

1009.24 State university student fees.—

(3) *Except as otherwise provided by law, undergraduate tuition shall be established annually in the General Appropriations Act. The Board of Governors, or the board's designee, may establish tuition for graduate and professional programs, and out-of-state fees for all programs. The sum of tuition and out-of-state fees assessed to nonresident students must be sufficient to offset the full instructional cost of serving such students. However, adjustments to out-of-state fees or tuition for graduate and professional programs pursuant to this section may not exceed 10 percent in any year.* ~~Within proviso in the General Appropriations Act and law, each board of trustees shall set university tuition and fees.~~ The sum of the activity and service, health, and athletic fees a student is required to pay to register for a course shall not exceed 40 percent of the tuition established in law or in the General Appropriations Act. No university shall be required to lower any fee in effect on the effective date of this act in order to comply with this subsection. Within the 40 percent cap, universities may not increase the aggregate sum of activity and service, health, and athletic fees more than 5 percent per year unless specifically authorized in law or in the General Appropriations Act. A university may increase its athletic fee to defray the costs associated with changing National Collegiate Athletic Association divisions. Any such increase in the athletic fee may exceed both the 40 percent cap and the 5 percent cap imposed by this subsection. Any such increase must be approved by the athletic fee committee in the process outlined in subsection (11) and cannot exceed $2 per credit hour. Notwithstanding the provisions of ss. 1009.534, 1009.535, and 1009.536, that portion of any increase in an athletic fee pursuant to this subsection that causes the sum of the activity and service, health, and athletic fees to exceed the 40 percent cap or the annual increase in such fees to exceed the 5 percent cap shall not be included in calculating the amount a student receives for a Florida Academic Scholars award, a Florida Medallion Scholars award, or a Florida Gold Seal Vocational Scholars award. This subsection does not prohibit a university from increasing or assessing optional fees related to specific activities if payment of such fees is not required as a part of registration for courses.

Section 50. Paragraphs (f), (h), (l), (m), and (n) of subsection (1) and paragraphs (a) and (b) of subsection (4) of section 1011.62, Florida Statutes, are amended, present subsections (8) and (9) of that section are redesignated as subsections (9) and (10), respectively, and amended, and a new subsection (8) is added to that section, to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(f) Supplemental academic instruction; categorical fund.—

1. There is created a categorical fund to provide supplemental academic instruction to students in kindergarten through grade 12. This paragraph may be cited as the "Supplemental Academic Instruction Categorical Fund."

2. Categorical funds for supplemental academic instruction shall be allocated annually to each school district in the amount provided in the General Appropriations Act. These funds shall be in addition to the funds appropriated on the basis of FTE student membership in the Florida Education Finance Program and shall be included in the total potential funds of each district. These funds shall be used to provide supplemental academic instruction to students enrolled in the K-12 program. Supplemental instruction strategies may include, but are not limited to: modified curriculum, reading instruction, after-school instruction, tutoring, mentoring, class size reduction, extended school year, intensive skills development in summer school, and other methods for improving student achievement. Supplemental instruction may be provided to a student in any manner and at any time during or beyond the regular 180-day term identified by the school as being the most effective and efficient way to best help that student progress from grade to grade and to graduate.

3. Effective with the 1999-2000 fiscal year, funding on the basis of FTE membership beyond the 180-day regular term shall be provided in the FEFP only for students enrolled in juvenile justice education programs *or in an education program for juveniles under s. 985.223*. Funding for instruction beyond the regular 180-day school year for all other K-12 students shall be provided through the supplemental academic instruction categorical fund and other state, federal, and local fund sources with ample flexibility for schools to provide supplemental instruction to assist students in progressing from grade to grade and graduating.

4. The Florida State University School, as a lab school, is authorized to expend from its FEFP or Lottery Enhancement Trust Fund allocation the cost to the student of remediation in reading, writing, or mathematics for any graduate who requires remediation at a postsecondary educational institution.

5. Beginning in the 1999-2000 school year, dropout prevention programs as defined in ss. 1003.52, 1003.53(1)(a), (b), and (c), and 1003.54 shall be included in group 1 programs under subparagraph (d)3.

(h) Small, isolated high schools.—Districts which levy the maximum nonvoted discretionary millage, exclusive of millage for capital outlay purposes levied pursuant to s. 1011.71(2), may calculate full-time equivalent students for small, isolated high schools by multiplying the number of unweighted full-time equivalent students times 2.75; provided the school has attained a ~~state accountability performance~~ grade ~~category~~ of "C" or better, pursuant to s. 1008.34, for the previous school year. For the purpose of this section, the term "small, isolated high school" means any high school which is located no less than 28 miles by the shortest route from another high school; which has been serving students primarily in basic studies provided by sub-subparagraphs (c)1.b. and c. and may include subparagraph (c)4.; and which has a membership of no more than 100 students, but no fewer than 28 students, in grades 9 through 12.

(l) Calculation of additional full-time equivalent membership based on international baccalaureate examination scores of students.—A value of 0.24 full-time equivalent student membership shall be calculated for each student enrolled in an international baccalaureate course who receives a score of 4 or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an international baccalaureate diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. The school district shall distribute to each classroom teacher who provided international baccalaureate instruction:

1. A bonus in the amount of $50 for each student taught by the International Baccalaureate teacher in each international baccalaure-

ate course who receives a score of 4 or higher on the international baccalaureate examination.

2. An additional bonus of $500 to each International Baccalaureate teacher in a school designated *with a* ~~performance~~ grade *of* ~~category~~ "D" or "F" who has at least one student scoring 4 or higher on the international baccalaureate examination, regardless of the number of classes taught or of the number of students scoring a 4 or higher on the international baccalaureate examination.

Bonuses awarded to a teacher according to this paragraph shall not exceed $2,000 in any given school year and shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

(m) Calculation of additional full-time equivalent membership based on Advanced International Certificate of Education examination scores of students.—A value of 0.24 full-time equivalent student membership shall be calculated for each student enrolled in a full-credit Advanced International Certificate of Education course who receives a score of E or higher on a subject examination. A value of 0.12 full-time equivalent student membership shall be calculated for each student enrolled in a half-credit Advanced International Certificate of Education course who receives a score of E or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an Advanced International Certificate of Education diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. The school district shall distribute to each classroom teacher who provided Advanced International Certificate of Education instruction:

1. A bonus in the amount of $50 for each student taught by the Advanced International Certificate of Education teacher in each full-credit Advanced International Certificate of Education course who receives a score of E or higher on the Advanced International Certificate of Education examination. A bonus in the amount of $25 for each student taught by the Advanced International Certificate of Education teacher in each half-credit Advanced International Certificate of Education course who receives a score of E or higher on the Advanced International Certificate of Education examination.

2. An additional bonus of $500 to each Advanced International Certificate of Education teacher in a school designated *with a* ~~performance~~ grade *of* ~~category~~ "D" or "F" who has at least one student scoring E or higher on the full-credit Advanced International Certificate of Education examination, regardless of the number of classes taught or of the number of students scoring an E or higher on the full-credit Advanced International Certificate of Education examination.

3. Additional bonuses of $250 each to teachers of half-credit Advanced International Certificate of Education classes in a school designated *with a* ~~performance~~ grade *of* ~~category~~ "D" or "F" which has at least one student scoring an E or higher on the half-credit Advanced International Certificate of Education examination in that class. The maximum additional bonus for a teacher awarded in accordance with this subparagraph shall not exceed $500 in any given school year. Teachers receiving an award under subparagraph 2. are not eligible for a bonus under this subparagraph.

Bonuses awarded to a teacher according to this paragraph shall not exceed $2,000 in any given school year and shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

(n) Calculation of additional full-time equivalent membership based on college board advanced placement scores of students.—A value of 0.24 full-time equivalent student membership shall be calculated for each student in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination for the prior year and added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. Each district must allocate at least 80 percent of the funds provided to the district for advanced placement instruction, in accordance with this paragraph, to the high school that generates the funds. The school district shall distribute to each classroom teacher who provided advanced placement instruction:

1. A bonus in the amount of $50 for each student taught by the Advanced Placement teacher in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination.

2. An additional bonus of $500 to each Advanced Placement teacher in a school designated *with a* ~~performance~~ grade *of* ~~category~~ "D" or "F" who has at least one student scoring 3 or higher on the College Board Advanced Placement Examination, regardless of the number of classes taught or of the number of students scoring a 3 or higher on the College Board Advanced Placement Examination.

Bonuses awarded to a teacher according to this paragraph shall not exceed $2,000 in any given school year and shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

(4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the General Appropriations Act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program for kindergarten through grade 12 programs shall be calculated as follows:

(a) Estimated taxable value calculations.—

1.a. Not later than 2 working days prior to July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the taxable value for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. Not later than July 19, the Commissioner of Education shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 95 percent of the estimated state total taxable value for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The Commissioner of Education shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district required local effort for that year.

b. The General Appropriations Act shall direct the computation of the statewide adjusted aggregate amount for required local effort for all school districts collectively from ad valorem taxes to ensure that no school district's revenue from required local effort millage will produce more than 90 percent of the district's total Florida Education Finance Program calculation, and the adjustment of the required local effort millage rate of each district that produces more than 90 percent of its total Florida Education Finance Program entitlement to a level that will produce only 90 percent of its total Florida Education Finance Program entitlement in the July calculation.

2. As revised data are received from property appraisers, the Department of Revenue shall amend the certification of the estimate of the taxable value for school purposes. The Commissioner of Education, in administering the provisions of subparagraph *(10)(a)2.* ~~(9)(a)2.~~, shall use the most recent taxable value for the appropriate year.

(b) Final calculation.—

1. The Department of Revenue shall, upon receipt of the official final assessed value of property from each of the property appraisers, certify to the Commissioner of Education the taxable value total for school purposes in each school district, subject to the provisions of paragraph (d). The commissioner shall use the official final taxable value for school purposes for each school district in the final calculation of the annual Florida Education Finance Program allocations.

2. For the purposes of this paragraph, the official final taxable value for school purposes shall be the taxable value for school purposes on which the tax bills are computed and mailed to the taxpayers, adjusted to reflect final administrative actions of value adjustment boards and judicial decisions pursuant to part I of chapter 194. By September 1 of each year, the Department of Revenue shall certify to the commissioner the official prior year final taxable value for school purposes. For each county that has not submitted a revised tax roll reflecting final value adjustment board actions and final judicial decisions, the Department of Revenue shall certify the most recent revision of the official taxable value for school purposes. The certified value shall be the final taxable value for school purposes, and no further adjustments shall be made, except those made pursuant to subparagraph *(10)(a)2.* ~~(9)(a)2.~~

(8) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—

(a) The research-based reading instruction allocation is created to provide comprehensive reading instruction to students in kindergarten through grade 12.

(b) Funds for comprehensive, research-based reading instruction shall be allocated annually to each school district in the amount provided in the General Appropriations Act. Each eligible school district shall receive the same minimum amount as specified in the General Appropriations Act, and any remaining funds shall be distributed to eligible school districts based on each school district's proportionate share of K-12 base funding.

(c) Funds allocated under this subsection must be used to provide a system of comprehensive reading instruction to students enrolled in the K-12 programs, which may include the following:

1. The provision of highly qualified reading coaches.

2. Professional development for school district teachers in scientifically based reading instruction, including strategies to teach reading in content areas and with an emphasis on technical and informational text.

3. The provision of summer reading camps for students who score at Level 1 on FCAT Reading.

4. The provision of supplemental instructional materials that are grounded in scientifically based reading research.

5. The provision of intensive interventions for middle and high school students reading below grade level.

(d) Annually, by a date determined by the Department of Education but before May 1, school districts shall submit a K-12 comprehensive reading plan for the specific use of the research-based reading instruction allocation in the format prescribed by the department for review and approval by the Just Read, Florida! Office created pursuant to s. 1001.215. The plan annually submitted by school districts shall be deemed approved unless the department rejects the plan on or before June 1. If a school district and the Just Read, Florida! Office cannot reach agreement on the contents of the plan, the school district may appeal to the State Board of Education for resolution. School districts shall be allowed reasonable flexibility in designing their plans and shall be encouraged to offer reading remediation through innovative methods, including career academies. The plan format shall be developed with input from school district personnel, including teachers and principals, and shall allow courses in core, career, and alternative programs that deliver intensive reading remediation through integrated curricula, provided that the teacher is deemed highly qualified to teach reading or working toward that status. No later than July 1 annually, the department shall release the school district's allocation of appropriated funds to those districts having approved plans. A school district that spends 100 percent of this allocation on its approved plan shall be deemed to have been in compliance with the plan. The department may withhold funds upon a determination that reading instruction allocation funds are not being used to implement the approved plan.

(9)~~(8)~~ QUALITY ASSURANCE GUARANTEE.—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per K-12 unweighted FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per unweighted FTE student which shall include the adjusted FTE dollars as provided in subsection *(10)* ~~(9)~~, quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per unweighted FTE, the increase shall be calculated for the current year. The current year funds from which the guarantee shall be determined shall include the adjusted FTE dollars as provided in subsection *(10)* ~~(9)~~ and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per unweighted FTE to prior year funds per unweighted FTE shall be computed. For those school districts which have less than the legislatively assigned percentage increase, funds shall be provided to guarantee the assigned percentage increase in funds per unweighted FTE student. Should appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

(10)~~(9)~~ TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR CURRENT OPERATION.—The total annual state allocation to each district for current operation for the FEFP shall be distributed periodically in the manner prescribed in the General Appropriations Act.

(a) The basic amount for current operation for the FEFP as determined in subsection (1), multiplied by the district cost differential factor as determined in subsection (2), plus the amounts provided for categorical components within the FEFP, plus the amount for the sparsity supplement as determined in subsection (6), the decline in full-time equivalent students as determined in subsection (7), *the research-based reading instruction allocation as determined in subsection (8),* and the quality assurance guarantee as determined in subsection *(9)* ~~(8)~~, less the required local effort as determined in subsection (4). If the funds appropriated for the purpose of funding the total amount for current operation as provided in this paragraph are not sufficient to pay the state requirement in full, the department shall prorate the available state funds to each district in the following manner:

1. Determine the percentage of proration by dividing the sum of the total amount for current operation, as provided in this paragraph for all districts collectively, and the total district required local effort into the sum of the state funds available for current operation and the total district required local effort.

2. Multiply the percentage so determined by the sum of the total amount for current operation as provided in this paragraph and the required local effort for each individual district.

3. From the product of such multiplication, subtract the required local effort of each district; and the remainder shall be the amount of state funds allocated to the district for current operation.

(b) The amount thus obtained shall be the net annual allocation to each school district. However, if it is determined that any school district received an underallocation or overallocation for any prior year because of an arithmetical error, assessment roll change, full-time equivalent student membership error, or any allocation error revealed in an audit report, the allocation to that district shall be appropriately adjusted. Beginning with audits for the 2001-2002 fiscal year, if the adjustment is the result of an audit finding in which group 2 FTE are reclassified to the basic program and the district weighted FTE are over the weighted enrollment ceiling for group 2 programs, the adjustment shall not result in a gain of state funds to the district. If the Department of Education audit adjustment recommendation is based upon controverted findings of fact, the Commissioner of Education is authorized to establish the amount of the adjustment based on the best interests of the state.

(c) The amount thus obtained shall represent the net annual state allocation to each district; however, notwithstanding any of the provisions herein, each district shall be guaranteed a minimum level of funding in the amount and manner prescribed in the General Appropriations Act.

Section 51. Paragraph (a) of subsection (2) of section 1011.64, Florida Statutes, is amended to read:

1011.64 School district minimum classroom expenditure requirements.—

(2) For the purpose of implementing the provisions of this section, the Legislature shall prescribe minimum academic performance standards and minimum classroom expenditure requirements for districts not meeting such minimum academic performance standards in the General Appropriations Act.

(a) Minimum academic performance standards may be based on, but are not limited to, district ~~performance~~ grades determined pursuant to *s. 1008.34(7)* ~~s. 1008.34(8)~~.

Section 52. Section 1011.67, Florida Statutes, is amended to read:

1011.67 Funds for instructional materials.—

(1) The department is authorized to allocate and distribute to each district an amount as prescribed annually by the Legislature for instructional materials for student membership in basic and special programs

in grades K-12, which will provide for growth and maintenance needs. For purposes of this *subsection* ~~section~~, unweighted full-time equivalent students enrolled in the lab schools in state universities are to be included as school district students and reported as such to the department. These funds shall be distributed to school districts as follows: 50 percent on or about July 10; 35 percent on or about October 10; 10 percent on or about January 10; and 5 percent on or about June 10. The annual allocation shall be determined as follows:

(a)~~(1)~~ The growth allocation for each school district shall be calculated as follows:

1.~~(a)~~ Subtract from that district's projected full-time equivalent membership of students in basic and special programs in grades K-12 used in determining the initial allocation of the Florida Education Finance Program, the prior year's full-time equivalent membership of students in basic and special programs in grades K-12 for that district.

2.~~(b)~~ Multiply any such increase in full-time equivalent student membership by the allocation for a set of instructional materials, as determined by the department, or as provided for in the General Appropriations Act.

3.~~(c)~~ The amount thus determined shall be that district's initial allocation for growth for the school year. However, the department shall recompute and adjust the initial allocation based on actual full-time equivalent student membership data for that year.

(b)~~(2)~~ The maintenance of the instructional materials allocation for each school district shall be calculated by multiplying each district's prior year full-time equivalent membership of students in basic and special programs in grades K-12 by the allocation for maintenance of a set of instructional materials as provided for in the General Appropriations Act. The amount thus determined shall be that district's initial allocation for maintenance for the school year; however, the department shall recompute and adjust the initial allocation based on such actual full-time equivalent student membership data for that year.

(c)~~(3)~~ In the event the funds appropriated are not sufficient for the purpose of implementing this *subsection* ~~section~~ in full, the department shall prorate the funds available for instructional materials after first funding in full each district's growth allocation.

(2) Annually by July 1 and prior to the release of instructional materials funds, each district school superintendent shall certify to the Commissioner of Education that the district school board has approved a comprehensive staff development plan that supports fidelity of implementation of instructional materials programs. The report shall include verification that training was provided and that the materials are being implemented as designed.

Section 53. Paragraph (b) of subsection (2) of section 1011.685, Florida Statutes, is amended to read:

1011.685 Class size reduction; operating categorical fund.—

(2) Class size reduction operating categorical funds shall be used by school districts for the following:

(b) For any lawful operating expenditure, if the district has met the constitutional maximums identified in s. 1003.03(1) or the reduction of two students per year required by s. 1003.03(2); however, priority shall be given to increase salaries of classroom teachers as defined in s. 1012.01(2)(a) and to implement the *differentiated-pay provisions detailed in s. 1012.22* ~~salary career ladder defined in s. 1012.231~~.

Section 54. Subsection (1) of section 1011.71, Florida Statutes, is amended to read:

1011.71 District school tax.—

(1) If the district school tax is not provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, each district school board desiring to participate in the state allocation of funds for current operation as prescribed by *s. 1011.62(10)* ~~s. 1011.62(9)~~ shall levy on the taxable value for school purposes of the district, exclusive of millage voted under the provisions of s. 9(b) or s. 12, Art. VII of the State Constitution, a millage rate not to exceed the amount certified by the commissioner as the minimum millage rate necessary to provide the district required local effort for the current year, pursuant to s. 1011.62(4)(a)1. In addition to the required local effort millage levy, each district school board may levy a nonvoted current operating discretionary millage. The Legislature shall prescribe annually in the appropriations act the maximum amount of millage a district may levy. The millage rate prescribed shall exceed zero mills but shall not exceed the lesser of 1.6 mills or 25 percent of the millage which is required pursuant to s. 1011.62(4), exclusive of millage levied pursuant to subsection (2).

Section 55. Subsection (6) is added to section 1012.21, Florida Statutes, to read:

1012.21 Department of Education duties; K-12 personnel.—

(6) REPORTING.—The Department of Education shall annually post online links to each school district's collective bargaining contracts and the salary and benefits of the personnel or officers of any educator association which were paid by the school district pursuant to s. 1012.22. The department shall prescribe the computer format for district school boards to use in providing the information.

Section 56. Paragraphs (b), (c), (h), and (i) of subsection (1) of section 1012.22, Florida Statutes, are amended, and subsection (3) is added to that section, to read:

1012.22 Public school personnel; powers and duties of the district school board.—The district school board shall:

(1) Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of this chapter:

(b) Time to act on nominations.—The district school board shall act not later than 3 weeks *following the receipt of FCAT scores and data, including school grades, or June 30* ~~after the end of the regular legislative session or May 31~~, whichever is later, on the district school superintendent's nominations of supervisors, principals, and members of the instructional staff.

(c) Compensation and salary schedules.—

1. The district school board shall adopt a salary schedule or salary schedules designed to furnish incentives for improvement in training and for continued efficient service to be used as a basis for paying all school employees and fix and authorize the compensation of school employees on the basis thereof.

2. A district school board, in determining the salary schedule for instructional personnel, must base a portion of each employee's compensation on performance demonstrated under s. 1012.34, must consider the prior teaching experience of a person who has been designated state teacher of the year by any state in the United States, and must consider prior professional experience in the field of education gained in positions in addition to district level instructional and administrative positions.

3. In developing the salary schedule, the district school board shall seek input from parents, teachers, and representatives of the business community.

4. Beginning with the 2002-2003 fiscal year, each district school board must adopt a performance-pay policy for school administrators and instructional personnel. The district's performance-pay policy is subject to negotiation as provided in chapter 447; however, the adopted salary schedule must allow school administrators and instructional personnel who demonstrate outstanding performance, as measured under s. 1012.34, to earn a 5-percent supplement in addition to their individual, negotiated salary. The supplements shall be funded from the performance-pay reserve funds adopted in the salary schedule. ~~Beginning with the 2004-2005 academic year, the district's 5-percent performance-pay policy must provide for the evaluation of classroom teachers within each level of the salary career ladder provided in s. 1012.231.~~ The Commissioner of Education shall determine whether the district school board's adopted *policy and* salary schedule complies with the requirement for performance-based pay. If the district school board fails to comply with this section, the commissioner *may* ~~shall~~ withhold disbursements from the Educational Enhancement Trust Fund to the district *and take any other measure provided by law necessary to ensure compliance* until compliance is verified.

5. Beginning with the 2007-2008 academic year, each district school board shall adopt a salary schedule with differentiated pay for both instructional personnel and school-based administrators. The salary schedule is subject to negotiation as provided in chapter 447 and must allow differentiated pay based on district-determined factors, including, but not limited to, additional responsibilities, school demographics, critical shortage areas, and level of job performance difficulties.

(h) Planning and training time for teachers.—The district school board *shall* ~~may~~ adopt rules to make provisions for teachers to have time for lunch*, professional* ~~and some~~ planning*,* and *professional development* ~~training~~ time when they will not be directly responsible for the children *if*~~, provided that~~ some adult supervision *is* ~~shall be~~ furnished for the students during such periods.

(i) Comprehensive program of staff development.—The district school board shall establish a comprehensive program of staff development *that incorporates school improvement plans pursuant to s. 1001.42 and is aligned with principal leadership training pursuant to s. 1012.985 as a part of the plan*.

(3) Annually provide to the Department of Education the negotiated collective bargaining contract for the school district and the salary and benefits for the personnel or officers of any educator association which are paid by the school district. The district school board shall report using the computer format prescribed by the department pursuant to s. 1012.21.

Section 57. Section 1012.2315, Florida Statutes, is created to read:

1012.2315 Assignment of teachers.—

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds disparities between teachers assigned to teach in a majority of "A" graded schools and teachers assigned to teach in a majority of "F" graded schools. The disparities can be found in the average years of experience, the median salary, and the performance of the teachers on teacher certification examinations. It is the intent of the Legislature that district school boards have flexibility through the collective bargaining process to assign teachers more equitably across the schools in the district.

(2) ASSIGNMENT TO SCHOOLS GRADED "D" OR "F."—School districts may not assign a higher percentage than the school district average of first-time teachers, temporarily certified teachers, teachers in need of improvement, or out-of-field teachers to schools with above the school district average of minority and economically disadvantaged students or schools that are graded "D" or "F." Each school district shall annually certify to the Commissioner of Education that this requirement has been met. If the commissioner determines that a school district is not in compliance with this subsection, the State Board of Education shall be notified and shall take action pursuant to s. 1008.32 in the next regularly scheduled meeting to require compliance.

(3) SALARY INCENTIVES.—District school boards are authorized to provide salary incentives to meet the requirement of subsection (2). A district school board may not sign a collective bargaining agreement that precludes the school district from providing sufficient incentives to meet this requirement.

(4) COLLECTIVE BARGAINING.—Notwithstanding provisions of chapter 447 relating to district school board collective bargaining, collective bargaining provisions may not preclude a school district from providing incentives to high-quality teachers and assigning such teachers to low-performing schools.

(5) REPORT.—Schools graded "D" or "F" shall annually report their teacher-retention rate. Included in this report shall be reasons listed for leaving by each teacher who left the school for any reason.

Section 58. Subsection (2) of section 1012.27, Florida Statutes, is amended to read:

1012.27 Public school personnel; powers and duties of district school superintendent.—The district school superintendent is responsible for directing the work of the personnel, subject to the requirements of this chapter, and in addition the district school superintendent shall perform the following:

(2) COMPENSATION AND SALARY SCHEDULES.—Prepare and recommend to the district school board for adoption a salary schedule or salary schedules. The district school superintendent must recommend a salary schedule for instructional personnel which bases a portion of each employee's compensation on performance demonstrated under s. 1012.34. In developing the recommended salary schedule, the district school superintendent shall include input from parents, teachers, and representatives of the business community. Beginning with the *2007-2008* ~~2004-2005~~ academic year, the recommended salary schedule for classroom teachers shall be consistent with the district's *differentiated-pay policy* ~~career ladder~~ based upon *s. 1012.22* ~~s. 1012.231~~.

Section 59. Subsection (6) of section 1012.28, Florida Statutes, is amended to read:

1012.28 Public school personnel; duties of school principals.—

(6) A school principal who fails to comply with this section shall be ineligible for any portion of the performance pay policy incentive *and differentiated pay* under *s. 1012.22* ~~s. 1012.22(1)(c)~~.

Section 60. Paragraph (a) of subsection (3) of section 1012.34, Florida Statutes, is amended to read:

1012.34 Assessment procedures and criteria.—

(3) The assessment procedure for instructional personnel and school administrators must be primarily based on the performance of students assigned to their classrooms or schools, as appropriate. Pursuant to this section, a school district's performance assessment is not limited to basing unsatisfactory performance of instructional personnel and school administrators upon student performance, but may include other criteria approved to assess instructional personnel and school administrators' performance, or any combination of student performance and other approved criteria. The procedures must comply with, but are not limited to, the following requirements:

(a) An assessment must be conducted for each employee at least once a year. The assessment must be based upon sound educational principles and contemporary research in effective educational practices. The assessment must primarily use data and indicators of improvement in student performance assessed annually as specified in s. 1008.22 and may consider results of peer reviews in evaluating the employee's performance. Student performance must be measured by state assessments required under s. 1008.22 and by local assessments for subjects and grade levels not measured by the state assessment program. The assessment criteria must include, but are not limited to, indicators that relate to the following:

1. Performance of students.

2. Ability to maintain appropriate discipline.

3. Knowledge of subject matter. The district school board shall make special provisions for evaluating teachers who are assigned to teach out-of-field.

4. Ability to plan and deliver instruction~~, including implementation of the rigorous reading requirement pursuant to s. 1003.415, when applicable,~~ and the use of technology in the classroom.

5. Ability to evaluate instructional needs.

6. Ability to establish and maintain a positive collaborative relationship with students' families to increase student achievement.

7. Other professional competencies, responsibilities, and requirements as established by rules of the State Board of Education and policies of the district school board.

Section 61. Subsection (4) of section 1012.56, Florida Statutes, is amended to read:

1012.56 Educator certification requirements.—

(4) MASTERY OF SUBJECT AREA KNOWLEDGE.—Acceptable means of demonstrating mastery of subject area knowledge are:

(a) Achievement of passing scores on subject area examinations required by state board rule;

(b) Completion of the subject area specialization requirements specified in state board rule and verification of the attainment of the essential subject matter competencies by the district school superintendent of the employing school district or chief administrative officer of the employing state-supported or private school for a subject area for which a subject area examination has not been developed and required by state board rule;

(c) Completion of the subject area specialization requirements specified in state board rule for a subject coverage requiring a master's or higher degree and achievement of a passing score on the subject area examination specified in state board rule;

(d) A valid professional standard teaching certificate issued by another state; or

(e) A valid certificate issued by the National Board for Professional Teaching Standards or a national educator credentialing board approved by the State Board of Education.

School districts are encouraged to provide mechanisms for those middle school teachers holding only a K-6 teaching certificate to obtain a subject area coverage for middle grades through postsecondary coursework or district add-on certification.

Section 62. Section 1012.98, Florida Statutes, is amended to read:

1012.98 School Community Professional Development Act.—

(1) The Department of Education, public postsecondary educational institutions, public school districts, *public schools, state education foundations, consortia, and professional organizations* ~~and public schools~~ in this state shall *work collaboratively* ~~collaborate~~ to establish a coordinated system of professional development. The purpose of the professional development system is to *increase student achievement, enhance classroom instructional strategies that promote rigor and relevance throughout the curriculum, and prepare students for continuing education and the workforce. The system of professional development must align to the standards adopted by the state and support the framework for standards adopted by the National Staff Development Council* ~~enable the school community to meet state and local student achievement standards and the state education goals and to succeed in school improvement as described in s. 1000.03~~.

(2) The school community includes students and parents, administrative personnel, managers, instructional personnel, support personnel, members of district school boards, members of school advisory councils, business partners, and personnel that provide health and social services to students.

(3) The activities designed to implement this section must:

(a) *Support and* increase the success of educators *through collaboratively developed school improvement plans that focus on:*

1. Enhanced and differentiated instructional strategies to engage students in rigorous and relevant curriculum based on ~~in guiding student learning and development so as to implement~~ state and local educational standards, goals, and initiatives*;*~~.~~

2. Increased opportunities to provide meaningful relationships between teachers and all students; and

3. Increased opportunities for professional collaboration among and between teachers, guidance counselors, instructional leaders, postsecondary educators engaged in preservice training for new teachers, and the workforce community.

(b) Assist the school community in providing stimulating, *scientific* ~~scientifically~~ research-based educational activities that encourage and motivate students to achieve at the highest levels and to *participate as* ~~become~~ active learners *and that prepare students for success at subsequent educational levels and the workforce*.

(c) Provide continuous support for all education professionals as well as temporary intervention for education professionals who need improvement in knowledge, skills, and performance.

(4) The Department of Education, school districts, schools, community colleges, and state universities share the responsibilities described in this section. These responsibilities include the following:

(a) The department shall ~~develop and~~ disseminate to the school community *research-based* ~~model~~ professional development methods and programs that have demonstrated success in meeting identified student needs. The Commissioner of Education shall use data on student achievement to identify student needs. The methods of dissemination must include a *web-based* statewide performance support system, *including* a database of exemplary professional development activities, a listing of available professional development resources, training programs, and available assistance.

(b) Each school district shall develop a professional development system *as specified in subsection (3)*. The system shall be developed in consultation with teachers*, teacher-educators* ~~and representatives~~ of community *colleges* ~~college~~ and state *universities* ~~university faculty~~, *business and* community *representatives* ~~agencies~~, and *local education foundations, consortia, and professional organizations* ~~other interested citizen groups to establish policy and procedures to guide the operation of the district professional development program~~. The professional development system must:

1. Be approved by the department. All substantial revisions to the system shall be submitted to the department for review for continued approval.

2. *Be based on analyses* ~~Require the use~~ of student achievement data *and instructional strategies and methods that support rigorous, relevant, and challenging curricula for all students. Schools and districts, in developing and refining the professional development system, shall also review and monitor*~~;~~ school discipline data; school environment surveys; assessments of parental satisfaction; performance appraisal data of teachers, managers, and administrative personnel; and other performance indicators to identify school and student needs that can be met by improved professional performance.

3. Provide inservice activities coupled with followup support ~~that are~~ appropriate to accomplish district-level and school-level improvement goals and standards. The inservice activities for instructional personnel shall ~~primarily~~ focus on *analysis of student achievement data, ongoing formal and informal assessments of student achievement, identification and use of enhanced and differentiated instructional strategies that emphasize rigor, relevance, and reading in the content areas, enhancement of* subject content *expertise, integrated use of classroom technology that enhances teaching and learning* ~~and teaching methods, including technology, as related to the Sunshine State Standards, assessment and data analysis~~, classroom management, parent involvement, and school safety.

4. Include a master plan for inservice activities, pursuant to rules of the State Board of Education, for all district employees from all fund sources. The master plan shall be updated annually by September 1*, must be based on input from teachers and district and school instructional leaders, and must use the latest available student achievement data and research to enhance rigor and relevance in the classroom. Each district inservice plan must be aligned to and support the school-based inservice plans and school improvement plans pursuant to s. 1001.42(16). District plans* ~~using criteria for continued approval as specified by rules of the State Board of Education. Written verification that the inservice plan meets all requirements of this section~~ must be *approved by the district school board* ~~submitted~~ annually *in order to ensure compliance with subsection (1) and to allow for dissemination of research-based best practices to other districts* ~~to the commissioner by October 1~~. *District school boards must submit verification of their approval to the Commissioner of Education no later than October 1, annually.*

5. Require each school principal to establish and maintain an individual professional development plan for each instructional employee assigned to the school *as a seamless component to the school improvement plans developed pursuant to 1001.42(16)*. The individual professional development plan must:

a. Be related to specific performance data for the students to whom the teacher is assigned.

b. Define the inservice objectives and specific measurable improvements expected in student performance as a result of the inservice activity.

c. Include an evaluation component that determines the effectiveness of the professional development plan.

6. Include inservice activities for school administrative personnel that address updated skills necessary for ~~effective school management and~~ instructional leadership *and effective school management pursuant to s. 1012.986*.

7. Provide for systematic consultation with regional and state personnel designated to provide technical assistance and evaluation of local professional development programs.

8. Provide for delivery of professional development by distance learning and other technology-based delivery systems to reach more educators at lower costs.

9. Provide for the continuous evaluation of the quality and effectiveness of professional development programs in order to eliminate ineffective programs and strategies and to expand effective ones. Evaluations must consider the impact of such activities on the performance of participating educators and their students' achievement and behavior.

~~(c) Each community college and state university shall assist the department, school districts, and schools in the design, delivery, and evaluation of professional development activities. This assistance must include active participation in state and local activities required by the professional development system.~~

(c)~~(d)~~ The Department of Education shall approve a public state university having an approved physical education teacher preparation program within its college of education to develop and implement an Internet-based clearinghouse for physical education professional development programs that may be accessed and used by all instructional personnel. The development of these programs shall be financed primarily by private funds and shall be available for use no later than August 1, 2005.

(5) Each district school board shall provide funding for the professional development system as required by s. 1011.62 and the General Appropriations Act, and shall direct expenditures from other funding sources to *continuously* strengthen the system *in order to increase student achievement and support instructional staff in enhancing rigor and relevance in the classroom* ~~and make it uniform and coherent~~. A school district may coordinate its professional development program with that of another district, with an educational consortium, or with a community college or university, especially in preparing and educating personnel. Each district school board shall make available inservice activities to instructional personnel of nonpublic schools in the district and the state certified teachers who are not employed by the district school board on a fee basis not to exceed the cost of the activity per all participants.

(6) An organization of private schools which has no fewer than 10 member schools in this state, which publishes and files with the Department of Education copies of its standards, and the member schools of which comply with the provisions of part II of chapter 1003, relating to compulsory school attendance, may also develop a professional development system that includes a master plan for inservice activities. The system and inservice plan must be submitted to the commissioner for approval pursuant to rules of the State Board of Education.

(7) The Department of Education shall *disseminate, using web-based technology, research-based best-practice* ~~design~~ methods by which the state and district school boards may evaluate and improve the professional development system. The *best practices* ~~evaluation~~ must include ~~an annual assessment of~~ data that indicate *the* progress ~~or lack of progress~~ of all students. ~~If the review of the data indicates progress, the department shall identify the best practices that contributed to the progress. If the review of the data indicates a lack of progress, the department shall investigate the causes of the lack of progress, provide technical assistance, and require the school district to employ a different approach to professional development.~~ The department shall report annually to the State Board of Education and the Legislature any school district that, in the determination of the department, has failed to provide an adequate professional development system. This report must include the results of the department's investigation and of any intervention provided.

(8) The State Board of Education may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section.

(9) This section does not limit or discourage a district school board from contracting with independent entities for professional development services and inservice education if the district school board can demonstrate to the Commissioner of Education that, through such a contract, a better product can be acquired or its goals for education improvement can be better met.

(10) For teachers, managers, and administrative personnel who have been evaluated as less than satisfactory, a district school board shall require participation in specific professional development programs as part of the improvement prescription.

(11) The department shall disseminate to the school community proven model professional development programs that have demonstrated success in increasing rigorous and relevant content, increasing student achievement and engagement, and meeting identified student needs. The methods of dissemination must include a web-based statewide performance-support system including a database of exemplary professional development activities, a listing of available professional development resources, training programs, and available technical assistance.

Section 63. Section 1012.986, Florida Statutes, is created to read:

1012.986 William Cecil Golden Professional Development Program for School Leaders.—

(1) There is established the William Cecil Golden Professional Development Program for school leaders to provide high standards and sustained support for principals as instructional leaders. The program shall consist of a collaborative network of state and national professional leadership organizations to respond to instructional leadership needs throughout the state. The network shall support the human-resource development needs of principals, principal leadership teams, and candidates for principal leadership positions using the framework of leadership standards adopted by the State Board of Education, the Southern Regional Education Board, and the National Staff Development Council. The goal of the network leadership program is to:

(a) Provide resources to support and enhance the principal's role as the instructional leader.

(b) Maintain a clearinghouse and disseminate data-supported information related to enhanced student achievement, based on educational research and best practices.

(c) Build the capacity to increase the quality of programs for preservice education for aspiring principals and inservice professional development for principals and principal leadership teams.

(d) Support best teaching and research-based instructional practices through dissemination and modeling at the preservice and inservice levels for both teachers and principals.

(2) The Department of Education shall coordinate through the network identified in subsection (1) to offer the program through multiple delivery systems, including:

(a) Approved school district training programs.

(b) Interactive technology-based instruction.

(c) Regional consortium service organizations pursuant to s. 1001.451.

(d) State, regional, or local leadership academies.

(3) The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section.

Section 64. *Section 1012.987, Florida Statutes, is repealed.*

Section 65. 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 education; amending s. 20.15, F.S.; establishing the Division of Accountability, Research, and Measurement in the Department of Education; amending s. 411.227, F.S.; conforming provisions relating to student progress monitoring plans; repealing s.

446.609, F.S., relating to the "Jobs for Florida's Graduates Act"; amending s. 1000.03, F.S.; specifying that the mission of the state's K-20 education system is to provide rigorous and relevant learning opportunities for students; repealing s. 1000.041, F.S., to conform provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program; amending s. 1001.03, F.S.; requiring periodic review of Sunshine State Standards subject areas and an annual status report; requiring rules for certain teachers to earn a reading credential equivalent; requiring the maintenance of a uniform school district personnel classification system; amending s. 1001.10, F.S.; specifying that the Commissioner of Education is the sole custodian of the K-20 data warehouse; requiring the Commissioner of Education to submit the proposed plan for the reauthorization of the No Child Left Behind Act to the Legislature before it is submitted to federal agencies; requiring legislative leaders to appoint members of a select legislative committee to review the proposed plan; creating s. 1001.215, F.S.; creating the Just Read, Florida! Office in the Department of Education; providing duties; amending s. 1001.33, F.S.; conforming provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program; amending s. 1001.41, F.S.; requiring district school boards to adopt standards and policies to provide to each student a complete education program; amending s. 1001.42, F.S., relating to requirements of district plans for school improvement; providing requirements for district school boards in developing the plans; providing that the opening date for the school year may not be earlier than a specified date; requiring each district school board to appoint a classroom teacher to serve as the teacher representative to speak on behalf of the district's teachers regarding paperwork and data collection reduction; requiring the teacher designee to report his or her findings and potential solutions to the school board; requiring each school board to submit its findings and potential solutions to the State Board of Education by a specified date; requiring the State Board of Education to prepare a report of the statewide paperwork and data collection findings and potential solutions and submit the report to the Governor and the Legislature; repealing s. 1001.51(24), F.S., and amending s. 1001.54, F.S.; conforming provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program; requiring each secondary school principal to implement a school redesign component; amending s. 1002.20, F.S.; conforming provisions relating to student progress monitoring plans; amending s. 1003.01, F.S.; revising the definition of the terms "special education services" and "career education"; amending s. 1003.03, F.S.; requiring that each teacher assigned to any classroom 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; amending s. 1003.05, F.S.; deleting the requirement that certain children receive preference for admission to special academic programs; revising programs defined as "special academic programs" for purposes of such preference; amending s. 1003.21, F.S.; requiring student exit interviews prior to terminating school enrollment; creating s. 1003.413, F.S., relating to secondary school redesign; providing intent and guiding principles; requiring district school boards to establish policies to implement requirements for middle grades promotion, revised requirements for high school graduation, and requirements for career and professional academies; directing the Commissioner of Education to create and implement the Secondary School Improvement Award Program; repealing s. 1003.415, F.S., the Middle Grades Reform Act; creating s. 1003.4156, F.S.; providing general course requirements for middle grades promotion; requiring intensive reading and remediation mathematics courses in certain circumstances; authorizing rulemaking and enforcement; amending s. 1003.42, F.S., relating to required instruction; revising the requirements for studying U.S. history and free enterprise; creating s. 1003.428, F.S.; providing revised requirements for high school graduation; specifying the required courses; requiring that certain courses be based on the student's performance on the FCAT; requiring that district school boards establish policies for implementing secondary school reform; requiring the Department of Education to increase the number of courses that are available to school districts; requiring strategies for exceptional students to meet graduation requirements; requiring standards for graduation; requiring rules for test accommodations and modifications in certain cases; providing requirements for standard diplomas and certificates of completion with exceptions; authorizing rulemaking and enforcement; amending s. 1003.429, F.S.; revising requirements applicable to selecting an option for accelerated high school graduation; revising required courses for the 3-year standard college preparatory program; revising requirements for grades that must be earned to participate in the accelerated program; providing for default to the standard graduation requirements in certain circumstances; amending s. 1003.437, F.S.; including middle grades in the uniform grading system; amending s. 1003.491, F.S.; including within career education personal and career plans; creating s. 1003.493, F.S.; defining the term "career and professional academy"; providing academy goals and duties; providing types of career and professional academies; providing for the approval of career education courses as core curricula courses under certain circumstances; amending s. 1003.51, F.S.; modifying guidelines for funding requirements that must be included in a rule adopted by the State Board of Education and relating to education programs for youth in Department of Juvenile Justice programs; conforming provisions relating to student progress monitoring plans; amending s. 1003.52, F.S.; conforming provisions relating to student recognition awards; requiring the development and distribution of an annual school report card; authorizing adoption of rules; amending s. 1003.57, F.S.; providing guidelines for determining the residency of a student who receives instruction as an exceptional student with a disability; requiring the student's placing authority or parent to pay the cost of such instruction, facilities, and services; providing responsibilities of the Department of Education; providing responsibilities of residential facilities that educate exceptional students with disabilities; providing applicability; creating s. 1003.576, F.S.; requiring the Department of Education to develop an individual education plan form for use in developing and implementing individual education plans for exceptional students; requiring school districts to use the form; amending s. 1003.58, F.S.; correcting a cross-reference; amending s. 1003.62, F.S.; conforming provisions relating to the designation of school grades and differentiated-pay polices; creating s. 1004.64, F.S.; establishing the Florida Center for Reading Research; specifying the duties of the center; creating s. 1004.99, F.S., the Florida Ready to Work Certification Program to enhance student workplace skills; providing for program implementation and requirements; authorizing rulemaking; amending s. 1006.09, F.S.; conforming a cross-reference; amending s. 1007.21, F.S.; revising the readiness requirements for postsecondary education and the workplace; amending s. 1007.2615, F.S.; revising the date by which a teacher of American Sign Language must be certified; deleting a provision allowing alternative certification; amending s. 1007.271, F.S.; revising the weighting systems for certain high school courses; amending s. 1008.22, F.S.; specifying FCAT grade level and subject area testing requirements; requiring documentation of procedures that ensure test difficulty under certain circumstances; providing that FCAT nonallowable accommodations may be used as instructional accommodations during classroom instruction if included in the individual education plan of a student with a disability; authorizing waiver of the FCAT under certain circumstances; requiring certain opportunities for demonstrating student performance; requiring the development of assessments for measuring the academic competency of students with disabilities; requiring the Commissioner of Education to adopt scores concordant to FCAT scores required for high school graduation; authorizing use of concordant scores for additional purposes; clarifying eligibility to use such scores to satisfy requirements for a diploma; requiring an annual report on student performance; repealing s. 1008.221, F.S., relating to alternative assessments for dependent children of military personnel, to conform; amending s. 1008.25, F.S.; replacing student academic improvement plans with progress monitoring plans; authorizing district school boards to require low-performing students to attend remediation programs outside of regular school hours or during the summer; requiring the department to establish a uniform format for reporting information relating to student progression; requiring an annual report; repealing s. 1008.301, F.S., relating to a concordance study of FCAT equivalencies for high school graduation; amending s. 1008.31, F.S.; revising intent, goals, and measures of the K-20 performance accountability system and requiring data quality improvements; requiring adoption of rules; amending s. 1008.33, F.S.; conforming a cross-reference and provisions relating to the designation of school grades; prohibiting, in a contract that provides for a private entity to administer an alternative school, a provision that changes certain characteristics of the student population as it existed when the school was a public school; amending s. 1008.34, F.S.; revising terminology and provisions relating to designation and determination of school grades; providing for the designation of school grades for feeder pattern schools under certain circumstances; requiring that a school performance grade category designation include achievement scores and, by a specified deadline, include learning gains for students seeking a special diploma; specifying use of assessment data with respect to alternative schools; defining the term "home school"; requiring an annual school report card to be published by the department and distributed by school districts; creating s. 1008.341, F.S.; requiring improvement ratings for certain

alternative schools; providing the basis for such ratings and requiring annual performance reports; providing for determination of school improvement ratings, identification of learning gains, and eligibility for school recognition awards; requiring the development and distribution of an annual school report card; amending s. 1008.345, F.S.; conforming cross-references and provisions relating to the designation of school grades; requiring the commissioner to assign a community assessment team to failing schools; amending s. 1009.24, F.S.; providing that undergraduate tuition be set annually in the General Appropriations Act; providing authority, procedures, and guidelines for determining tuition for graduate and professional programs and for determining out-of-state fees for all programs; amending s. 1011.62, F.S.; providing FTE funding for juveniles enrolled in specified education programs; providing funding for supplemental educational programs; providing funding for supplemental educational services for certain students; conforming cross-references and provisions relating to the designation of school grades; establishing a research-based reading instruction allocation to provide funds for a comprehensive reading instruction system; requiring school district plans for use of the allocation and approval thereof; including the allocation in the total amount allocated to each school district for current operation; amending s. 1011.64, F.S.; conforming terminology and a cross-reference; amending s. 1011.67, F.S.; requiring district school board approval of a staff development plan relating to use of instructional materials; amending s. 1011.685, F.S.; conforming provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program and implementation of a differentiated-pay policy; amending s. 1011.71, F.S.; correcting a cross-reference; amending s. 1012.21, F.S.; requiring the department to annually post online school district collective bargaining contracts and the salary and benefits of certain personnel; amending s. 1012.22, F.S.; revising the time period in which to nominate principals; requiring that each school district adopt a differentiated-pay policy meeting specified criteria; requiring each district school board to annually provide to the department its negotiated collective bargaining contract and the salary and benefits of certain personnel; creating s. 1012.2315, F.S.; providing school district requirements for the assignment of teachers and authorizing incentives; providing procedures for noncompliance; providing requirements relating to collective bargaining; requiring reporting by certain schools; amending s. 1012.27, F.S.; conforming provisions relating to the 2005 repeal of the BEST Florida Teaching salary career ladder program and implementation of a differentiated-pay policy; amending s. 1012.28, F.S.; conforming a cross-reference; amending s. 1012.34, F.S.; conforming provisions relating to deletion of a rigorous reading requirement; amending s. 1012.56, F.S., relating to middle grades certification; encouraging school districts to provide for additional certification for teachers; amending s. 1012.98, F.S., relating to the School Community Professional Development Act; revising the purpose of the professional development system; providing for additional activities; requiring instructional strategies and methods that support rigorous, relevant, and challenging curriculum; providing requirements for followup support and the master plan for inservice activities; providing requirements for the individual professional development plan for instructional employees; requiring the department to disseminate best-practice methods and model professional development programs; creating s. 1012.986, F.S.; providing for a statewide system for the professional development of school leaders consisting of a collaborative network of professional organizations; providing goals of the network; repealing s. 1012.987, F.S., which requires the State Board of Education to adopt rules through which school principals may earn a leadership designation; providing an effective date.

MOTION

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

Senator Lynn moved the following amendments to **Amendment 1** which were adopted:

Amendment 1A (651356)—On page 102, lines 7 and 8, delete those lines and insert: juvenile justice education programs *or in education programs for juveniles placed in secure facilities or programs under s. 985.223*. Funding for instruction beyond

Amendment 1B (752460)—On page 109, line 4, delete that line and insert: *paragraph (10)(b)* ~~subparagraph (9)(a)2.~~

Amendment 1C (043424)—On page 108, line 8, delete that line and insert: provisions of *paragraph (10)(b)* ~~subparagraph (9)(a)2.~~ shall use the

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **HB 7087** as amended was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

CS for SB 1162—A bill to be entitled An act relating to public records; creating s. 790.0601, F.S.; creating an exemption from public-records requirements for certain personal identifying information held by the Division of Licensing of the Department of Agriculture and Consumer Services; providing for retroactive application of the exemption; providing for disclosure of such information under specified conditions; providing for review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (913430)** by Senator Haridopolos was adopted.

An amendment was considered and failed and amendments were considered and adopted to conform **CS for SB 1162** to **HB 687**.

Pending further consideration of **CS for SB 1162** as amended, on motion by Senator Haridopolos, by two-thirds vote **HB 687** was withdrawn from the Committees on Commerce and Consumer Services; Criminal Justice; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Haridopolos—

HB 687—A bill to be entitled An act relating to public records; creating s. 790.0601, F.S.; creating an exemption from public records requirements for certain personal identifying information held by the Division of Licensing of the Department of Agriculture and Consumer Services; providing for retroactive application of the exemption; providing for disclosure of such information under specified conditions; providing for review and repeal; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 1162** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 687** was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos, by two-thirds vote **HB 75** was withdrawn from the Committees on Education; Judiciary; and Education Appropriations.

On motion by Senator Haridopolos—

HB 75—A bill to be entitled An act relating to the John M. McKay Scholarships for Students with Disabilities Program; amending s. 1002.39, F.S.; revising definition of the term "students with disabilities"; revising student eligibility requirements for receipt of a scholarship; revising provisions relating to scholarship funding and payment; providing funding and payment requirements for former Florida School for the Deaf and the Blind students and for students exiting a Department of Juvenile Justice program; providing an effective date.

—a companion measure, was substituted for **SB 1152** and read the second time by title.

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

Consideration of **CS for CS for SB 1980** and **CS for SB 286** was deferred.

On motion by Senator Lawson—

CS for CS for SB 1208—A bill to be entitled An act relating to funding for oyster management and restoration programs in Apalachi-

cola Bay and other areas; amending s. 201.15, F.S.; requiring that certain revenues from the excise tax on documents be used for oyster management and restoration programs in Apalachicola Bay and other areas; amending s. 370.07, F.S.; abolishing a surcharge upon oysters harvested from Apalachicola Bay; deleting certain requirements related to the surcharge; providing for the use of moneys from the General Inspection Trust Fund for oyster management and restoration programs in Apalachicola Bay and other areas; amending s. 213.05, F.S., to conform; prohibiting the Department of Revenue from collecting uncollected moneys payable from the surcharge; providing effective dates.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 1208** to **HB 1249**.

Pending further consideration of **CS for CS for SB 1208** as amended, on motion by Senator Lawson, by two-thirds vote **HB 1249** was withdrawn from the Committees on Environmental Preservation; Agriculture; Government Efficiency Appropriations; General Government Appropriations; and Ways and Means.

On motion by Senator Lawson—

HB 1249—A bill to be entitled An act relating to funding for oyster management and restoration programs in Apalachicola Bay and other areas; amending s. 201.15, F.S.; increasing the distribution of certain revenues from the excise tax on documents; authorizing the distribution of such revenues to the General Inspection Trust Fund of the Department of Agriculture and Consumer Services; providing for such funds to be used for oyster management and restoration programs in Apalachicola Bay and other areas; amending s. 370.07, F.S.; abolishing a surcharge upon oysters harvested from Apalachicola Bay; deleting certain requirements related to the surcharge; providing for the use of moneys from the General Inspection Trust Fund for oyster management and restoration programs in Apalachicola Bay and other areas; prohibiting the Department of Revenue from collecting uncollected moneys payable from the surcharge; amending s. 213.05, F.S., to conform; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 1208** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1249** was placed on the calendar of Bills on Third Reading.

On motion by Senator Posey, by two-thirds vote **HB 1009** was withdrawn from the Committees on Regulated Industries; Judiciary; and General Government Appropriations.

On motion by Senator Posey—

HB 1009—A bill to be entitled An act relating to real estate profession regulation; amending s. 475.161, F.S.; providing for broker associate or sales associate licensure as a professional limited liability company; amending s. 475.181, F.S.; revising and adding conditions for licensure; amending s. 475.183, F.S.; providing continuing education requirements for certain license renewal; requiring the Florida Real Estate Commission to prescribe certain continuing education courses; amending s. 475.25, F.S.; increasing a maximum disciplinary administrative fine; providing additional grounds for discipline for brokers; providing filing limitations for administrative complaints against sales associates; requiring the Department of Business and Professional Regulation or the commission to provide notification to certain persons upon the department's or commission's filing of a formal complaint against a licensee; amending s. 475.278, F.S.; revising the required information on a transaction broker notice, a single agent notice, and a no brokerage relationship notice; amending s. 475.42, F.S.; removing a cross-reference to conform to changes made by the act; amending s. 475.451, F.S.; requiring schools teaching real estate practice to keep certain records and documents and make them available to the department; requiring certain personnel of schools teaching real estate practice to deliver course rosters to the department by a certain date; specifying the information required in a course roster; amending s. 475.453, F.S.; revising a provision relating to rental information given by a broker or sales associate to a prospective tenant; amending s. 475.701, F.S.; revising definitions; amending s. 475.707, F.S.; revising a provision relating to commission notice recording; amending s. 475.709, F.S.; clarifying provisions relating to claim of commission; amending s. 475.711, F.S.; clarifying provisions relating to actions involving disputed reserved proceeds; amending s. 475.713, F.S.; revising the award of costs and attorney's fees in civil actions concerning commission; amending s. 475.715, F.S.; revising the method by which an owner's net proceeds are computed; amending s. 475.719, F.S.; removing an exception from a buyer's broker provision shielding the rights and remedies available to an owner, a buyer, or a buyer's broker; amending s. 475.807, F.S.; revising a provision relating to the recordation of lien notices; providing that the recording of a broker's lien notice or any extension thereof and any lis pendens shall not constitute notice of the existence of any lease; amending s. 721.20, F.S.; removing a cross-reference to conform to changes made by the act; repealing s. 475.452, F.S., relating to advance fees, deposit, accounting, penalty, and damages; providing an effective date.

—a companion measure, was substituted for **CS for SB 1816** and read the second time by title.

Pursuant to Rule 4.19, **HB 1009** was placed on the calendar of Bills on Third Reading.

SB 1942—A bill to be entitled An act relating to bid protest standards; amending s. 24.109, F.S.; providing that the administrative law judge in a competitive-procurement protest may not conduct a de novo proceeding; requiring an administrative law judge in a competitive-procurement protest to review the intended agency action in order to make certain determinations; providing an effective date.

—was read the second time by title.

Senator Clary moved the following amendment which was adopted:

Amendment 1 (655374)(with title amendment)—On page 1, lines 21-25, delete those lines and insert:

(b) In a competitive-procurement protest, including the rejection of all bids, proposals, or replies, the administrative law judge may not substitute his or her procurement decisions for the agency's procurement decision and must review the intended agency action to determine only if the agency action is illegal, arbitrary, dishonest, or fraudulent.

And the title is amended as follows:

On page 1, lines 5-8, delete those lines and insert: competitive-procurement protest may not substitute his or her procurement decisions for those of the agency and must review the

On motion by Senator Clary, further consideration of **SB 1942** as amended was deferred.

On motion by Senator Rich, by two-thirds vote **HB 1247** was withdrawn from the Committees on Children and Families; Health Care; and Health and Human Services Appropriations.

On motion by Senator Rich—

HB 1247—A bill to be entitled An act relating to developmental disabilities; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to develop a waiver program to serve children and adults with specified disorders; requiring the agency to seek federal approval and implement the approved waiver in the General Appropriations Act, subject to certain limitations; providing an effective date.

—a companion measure, was substituted for **CS for SB 2226** and read the second time by title.

Pursuant to Rule 4.19, **HB 1247** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano, by two-thirds vote **HB 1001** was withdrawn from the Committees on Criminal Justice; Judiciary; Governmental Oversight and Productivity; and Justice Appropriations.

On motion by Senator Fasano—

HB 1001—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; exempting from public records requirements biometric identification information held by an agency before, on, or after the effective date of the exemption; providing a definition; providing for future legislative review and repeal; providing a finding of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **CS for SB 2292** and read the second time by title.

Pursuant to Rule 4.19, **HB 1001** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1742** was deferred.

On motion by Senator Argenziano—

CS for CS for SB 2366—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing that the clerk of the circuit court has no liability for the inadvertent release of certain confidential or exempt information; requiring the clerk of the circuit court to provide notice regarding the inclusion of a social security number or a complete bank account, debit, charge, or credit card number in a court document or copy of a court document; requiring the county recorder to use best efforts to redact social security numbers or complete bank account, debit, charge, or credit card numbers from electronic copies of official records documents; providing that the county recorder is not liable for the inadvertent release of certain confidential or exempt information; reenacting s. 1007.35(8)(b), F.S., relating to access to information necessary to evaluate the effectiveness of delivered services from the Florida Partnership for Minority and Underrepresented Student Achievement, to incorporate the amendments made to s. 119.071, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 2366** to **HB 1563**.

Pending further consideration of **CS for CS for SB 2366** as amended, on motion by Senator Argenziano, by two-thirds vote **HB 1563** was withdrawn from the Committees on Judiciary; Governmental Oversight and Productivity; Justice Appropriations; and Rules and Calendar.

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

HB 1563—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; revising the date until which a confidential and exempt social security number or an exempt complete bank account, debit, charge, or credit card number included in a court file may be included as part of a court record available for public inspection and copying unless redaction is requested; providing that the clerk of the circuit court has no liability for the inadvertent release of certain confidential and exempt social security numbers or exempt bank account, debit, charge, or credit card numbers; revising the date until which a social security number or a complete bank account, debit, charge, or credit card number included in a document presented to the county recorder for recording in the official records of the county may be made available as part of the official record available for public inspection and copying; requiring the county recorder to use his or her best efforts to redact all social security numbers and complete bank account, debit, charge, or credit card numbers from electronic copies of official records documents; providing that the county recorder is not liable for the inadvertent release of certain confidential and exempt social security numbers or exempt bank account, debit, charge, or credit card numbers; revising the date on which the clerk of the circuit court and the county recorder must commence keeping complete bank account, debit, charge, and credit card numbers exempt and must commence keeping social security numbers confidential and exempt without any person having to request redaction; making editorial changes; reenacting s. 1007.35(8)(b), F.S., relating to access to information necessary to evaluate the effectiveness of delivered services from the Florida Partnership for Minority and Underrepresented Student Achievement, to incorporate the amendments made to s. 119.071, F.S., in a reference thereto; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2366** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1563** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2380** was deferred.

On motion by Senator Wise—

CS for CS for CS for SB 1030—A bill to be entitled An act relating to charter schools; creating s. 1002.335, F.S.; providing findings and intent; providing chartering authority; prescribing procedures under which a district school board may become the exclusive authority to authorize charter schools within a school district; providing for challenges to grants of exclusive authority; prescribing conditions to be considered by the state board in determining whether to grant exclusive authority; establishing the Florida Schools of Excellence Commission as a charter school authorizing entity; providing for startup funds; providing for membership of the commission; providing powers and duties of the commission, including serving as a sponsor of charter schools, approving certain entities to act as cosponsors, approving or denying applications for Florida Schools of Excellence (FSE) charter schools, and developing standards for and evaluating the performance of charter schools; requiring collaboration with municipalities, state universities, community colleges, and regional educational consortia as cosponsors for FSE charter schools; providing requirements for approval of cosponsors by the commission; providing components of required cosponsor agreements; providing causes for revocation of approval of a cosponsor; providing for FSE charter school application and review procedures; authorizing existing charter schools to apply as FSE charter schools; providing for application of specified provisions of law; requiring access to information by parents; requiring the commission to submit an annual report; requiring rulemaking; amending s. 1002.33, F.S.; providing that the sponsor of a charter school is not liable for civil damages for certain actions; providing that the duty to monitor a charter school shall not be the basis for a private cause of action; prescribing limits on immunities of a charter school sponsor; providing that nothing related to a sponsor's duties shall be considered a waiver of sovereign immunity by a sponsor; providing requirements with respect to the right to appeal a charter school application denial; expanding a school district's immunity from assumption of contractual debts; requiring that a charter school meet class size requirements; revising provisions relating to reporting of charter school student enrollment for purposes of funding; revising requirements relating to charter school facilities created to mitigate a certain educational impact; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for CS for SB 1030** to **HB 135**.

Pending further consideration of **CS for CS for CS for SB 1030** as amended, on motion by Senator Wise, by two-thirds vote **HB 135** was withdrawn from the Committees on Education; Judiciary; and Education Appropriations.

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

HB 135—A bill to be entitled An act relating to charter schools; creating s. 1002.335, F.S.; providing findings and intent; establishing the Florida Schools of Excellence Commission as a charter school authorizing entity; providing for startup funds; providing for membership of the commission; providing powers and duties of the commission, including serving as a sponsor of charter schools, approving certain entities to act as cosponsors, approving or denying applications for Florida Schools of Excellence (FSE) charter schools, and developing standards for and evaluating the performance of cosponsors and charter schools; requiring collaboration with municipalities, state universities, community colleges, and regional educational consortia as cosponsors for FSE charter schools; providing chartering authority; prescribing procedures under which a district school board may become the exclusive authority to

authorize charter schools within a school district; providing for challenges to grants of exclusive authority; prescribing conditions to be considered by the State Board of Education in determining whether to grant exclusive authority; providing requirements for approval of cosponsors by the commission; providing components of required cosponsor agreements; providing causes for revocation of approval of a cosponsor; providing for FSE charter school application and review procedures; authorizing existing charter schools to apply as FSE charter schools; providing for application of specified provisions of law; requiring access to information by parents; requiring the commission to submit an annual report; requiring rulemaking; amending s. 1002.33, F.S.; providing that the sponsor of a charter school shall not be liable for civil damages for certain actions; providing that the duty to monitor a charter school shall not be the basis for a private cause of action; prescribing limits on immunities of a charter school sponsor; providing requirements with respect to the right to appeal the denial of a charter school application; expanding a school district's immunity from assumption of contractual debts; revising provisions relating to reporting of charter school student enrollment for purposes of funding; providing appropriations and authorizing positions; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 1030** as amended and read the second time by title.

MOTION

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

Senator Wise moved the following amendment which was adopted:

Amendment 1 (205440)(with title amendment)—On lines 619-633, delete those lines and redesignate subsequent section.

And the title is amended as follows:

On line 42, delete that line.

Pursuant to Rule 4.19, **HB 135** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos—

CS for SB 2682—A bill to be entitled An act relating to motor vehicle dealers; amending s. 320.27, F.S.; exempting certain applicants for a new franchised motor vehicle dealer license from certain training requirements; amending s. 320.60, F.S.; revising the definition of "demonstrator" for purposes of provisions relating to manufacturing, importing, and distributing motor vehicles; amending s. 320.64, F.S.; prohibiting specified licensees from failing to pay certain compensation amounts to a motor vehicle dealer after termination of the dealer's franchise agreement; providing exceptions; providing procedures for payment of the compensation amounts; providing for certain remedies, procedures, and rights of recovery; amending s. 320.642, F.S.; deleting a requirement that certain notices be sent by certified mail; revising conditions under which an opening or reopening of the same or a successor dealer within 12 months is not considered an additional dealer subject to protest; prohibiting for a certain time proposals for a dealer of the same line-make after the opening or reopening of the dealer; providing criteria for measurements of distance between dealer locations; providing that the Department of Highway Safety and Motor Vehicles is not obligated to determine the accuracy of any distance submitted in a notice; providing for resolution of disputed distances by a hearing in accordance with specified provisions; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 2682** to **HB 1077**.

Pending further consideration of **CS for SB 2682** as amended, on motion by Senator Haridopolos, by two-thirds vote **HB 1077** was withdrawn from the Committees on Transportation; Commerce and Consumer Services; Criminal Justice; Domestic Security; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

On motion by Senator Haridopolos—

HB 1077—A bill to be entitled An act relating to motor vehicle dealers; amending s. 320.27, F.S.; revising education requirements for licensure to provide for a full-time, management-level employee of the applicant or licensee; exempting certain applicants for a new franchised motor vehicle dealer license from certain training requirements; amending s. 320.60, F.S.; revising the definition of "demonstrator" for purposes of provisions relating to manufacturing, importing, and distributing motor vehicles; amending s. 320.64, F.S.; prohibiting specified licensees from failing to pay certain compensation amounts to a motor vehicle dealer after termination of the dealer's franchise agreement; providing exceptions; providing procedures for payment of the compensation amounts; providing for certain remedies, procedures, and rights of recovery; amending s. 320.642, F.S.; deleting a requirement that certain notices be sent by certified mail; revising conditions under which an opening or reopening of the same or a successor dealer within 12 months is not considered an additional dealer subject to protest; prohibiting for a certain time proposals for a dealer of the same line-make after the opening or reopening of the dealer; providing criteria for measurements of distance between dealer locations; providing that the Department of Highway Safety and Motor Vehicles is not obligated to determine the accuracy of any distance submitted in a notice; providing for resolution of disputed distances by a hearing in accordance with specified provisions; providing an effective date.

—a companion measure, was substituted for **CS for SB 2682** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1077** was placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater, by two-thirds vote **HB 7153** was withdrawn from the Committees on Banking and Insurance; Criminal Justice; Judiciary; and General Government Appropriations.

On motion by Senator Atwater—

HB 7153—A bill to be entitled An act relating to financial entities and transactions; amending s. 494.001, F.S.; defining the term "control person"; amending s. 494.0011, F.S.; authorizing the Financial Services Commission to require electronic submission of forms, documents, or fees; providing a limitation; authorizing the commission to adopt rules accommodating a technological or financial hardship; requiring that a grant or denial of a license be in accordance with ch. 120, F.S.; amending s. 494.0016, F.S.; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; amending s. 494.0029, F.S.; requiring that certain entities who offer or conduct mortgage business training obtain a permit; providing requirements and procedures for obtaining a permit; specifying that permits are not transferable or assignable; providing for expiration and recertification of permits; authorizing permit fees; requiring that curriculum, training, and training materials be available for inspection; requiring electronic notification to the office of persons who have successfully completed certain education requirements; requiring the commission to adopt rules; amending s. 494.00295, F.S.; revising professional education provisions to apply to continuing education; providing requirements; waiving such requirements for license renewals for certain persons under certain circumstances; amending s. 494.003, F.S.; revising the list of entities exempt from certain mortgage broker licensure requirements; amending s. 494.0031, F.S.; requiring licensure of mortgage brokerage businesses; revising requirements and procedures for issuing licenses; providing duties and authority of the commission and office; providing duties of the Department of Law Enforcement; specifying that certain licenses are not transferable or assignable; revising the grounds on which a license may be denied; deleting certain provisions relating to cancellation and reinstatement of licenses; amending s. 494.0032, F.S.; requiring renewal of branch office licenses with renewal of mortgage brokerage business licenses; amending s. 494.0033, F.S.; revising mortgage broker licensure requirements and procedures; authorizing the commission to prescribe additional testing fees; authorizing the commission to waive certain examination requirements under specified circumstances; providing duties and authority of the commission and office; providing duties of the Department of Law Enforcement; deleting provisions relating to cancellation and reinstatement of licenses; amending s. 494.0036, F.S.; revising mortgage brokerage business branch office licensure requirements

and procedures; deleting a requirement for displaying licenses; amending s. 494.0039, F.S.; deleting mortgage brokerage business change of address reporting and license display requirements; amending s. 494.004, F.S.; revising mortgage broker licensee requirements; providing requirements for acquiring a controlling interest in a licensee; providing a definition; providing duties and authority of the commission; authorizing the office to bring an administrative action under certain circumstances; amending s. 494.0041, F.S.; specifying additional grounds for taking disciplinary action; amending s. 494.006, F.S.; revising the list of entities exempt from mortgage lender licensure requirements; amending s. 494.0061, F.S.; requiring the licensure of mortgage lenders; revising mortgage lender license requirements and procedures; providing duties and authority of the commission and office; providing duties of the Department of Law Enforcement; providing for commission rules; revising provisions governing grounds for imposing discipline; deleting certain provisions relating to cancellation and reinstatement of licenses; authorizing the commission to prescribe additional testing fees; revising provisions governing principal representatives; amending s. 494.0062, F.S.; requiring licensure of correspondent mortgage lenders; revising correspondent mortgage lender license requirements and procedures; providing duties and authority of the commission and office; providing duties of the Department of Law Enforcement; providing educational requirements for principal representatives; revising grounds for disciplinary action; deleting certain provisions relating to cancellation and reinstatement of licenses; authorizing the commission to prescribe additional testing fees; providing for commission rules; amending s. 494.0064, F.S.; revising mortgage lender branch office licensee professional continuing education requirements; amending s. 494.0065, F.S.; revising saving clause requirements and procedures; revising the duties and authority of the office and commission; providing duties of the Department of Law Enforcement; providing for commission rules; providing requirements for education and testing for certain principal representatives and for transfer applications; authorizing the commission to prescribe additional testing fees; revising provisions governing the denial of transfers; providing personal representative designation requirements; amending s. 494.0066, F.S.; revising branch office licensure requirements; providing for commission rules; amending s. 494.0067, F.S.; deleting a license display requirement; providing information reporting requirements; providing requirements for acquiring a controlling interest in a licensee; providing a definition; providing duties and authority of the commission; authorizing the office to bring an administrative action under certain circumstances; revising professional continuing education requirements; amending s. 494.0072, F.S.; providing additional grounds for taking disciplinary action; amending s. 494.00721, F.S.; conforming cross-references; amending s. 501.137, F.S.; providing mortgage lender liability for attorney's fees and costs for certain violations; amending s. 516.01, F.S.; defining the term "control person"; amending s. 516.03, F.S.; revising requirements and procedures for issuing consumer finance loan licenses; specifying certain fees as nonrefundable; authorizing the commission to adopt rules; revising certain fee requirements; providing for technological or financial hardship exemptions under certain circumstances; amending s. 516.031, F.S.; increasing a reimbursement charge for certain investigation costs; amending s. 516.05, F.S.; revising investigation procedures; deleting provisions relating to certain fees for licenses that have been denied; providing licensee information reporting requirements; providing requirements for acquiring a controlling interest in a licensee; providing a definition; providing duties and authority of the commission and office; providing for commission rules; authorizing the office to bring an administrative action under certain circumstances; deleting provisions authorizing the office to grant temporary licenses; amending s. 516.07, F.S.; providing an additional ground for taking disciplinary action; repealing s. 516.08, F.S., relating to requirements for posting a license; amending s. 516.12, F.S.; authorizing the commission to adopt rules specifying the minimum information to be shown in a licensee's books, accounts, records, and documents and the requirements for destroying a licensee's books, accounts, records, and documents; amending s. 516.19, F.S.; correcting cross-references; amending s. 517.021, F.S.; redefining the term "branch office"; authorizing the commission to adopt rules; amending s. 517.051, F.S.; revising required accounting principles; amending s. 517.061, F.S.; revising a provision governing exempt transactions; amending s. 517.081, F.S.; revising required accounting principles; amending s. 517.12, F.S.; revising requirements and procedures for registration of dealers, associated persons, investment advisers, and branch offices; revising duties and authority of the commission and office; providing for commission rules; providing duties of the Department of Law Enforcement; revising requirements, procedures, and exemptions relating to activities of Canadian dealers and associated persons; providing for certain fees; providing that certain fees are nonrefundable; providing for the collection of fees; amending s. 517.131, F.S.; revising criteria under which recovery can be made from the Securities Guaranty Fund; authorizing the commission to adopt rules; amending s. 517.141, F.S.; revising requirements for claimant reimbursements to the fund; authorizing the commission to adopt rules; amending s. 517.161, F.S.; revising a ground for a registration adverse action; providing an additional ground; amending ss. 520.02, 520.31, and 520.61, F.S.; defining the term "control person"; amending ss. 520.03, 520.32, 520.52, and 520.63, F.S.; revising requirements and procedures for licensing motor vehicle retail installment sellers, retail installment transaction retail sellers, sales finance companies, and home improvement finance sellers; revising duties and authority of the commission and office; specifying certain fees as nonrefundable; amending s. 520.994, F.S.; revising commission authority to adopt rules to include electronic submissions; providing for accommodating a technological or financial hardship; amending s. 520.995, F.S.; providing an additional ground for taking disciplinary action; revising a provision applying disciplinary actions to certain persons; amending s. 520.997, F.S.; revising commission authority to adopt rules relating to a licensee's books, accounts, records, and documents; creating s. 520.999, F.S.; providing additional requirements of licensees in sales and finance; authorizing the office to bring an administrative action under certain circumstances; authorizing the commission to adopt rules; amending s. 537.009, F.S., relating to the Florida Title Loan Act; revising provisions relating to a licensee's books, accounts, records, and documents; amending s. 559.9232, F.S.; correcting cross-references; amending s. 560.105, F.S., relating to the Money Transmitters' Code; authorizing the commission to adopt rules for electronic submission of money transmitter licensee forms, documents, or fees; providing for exemptions due to technological or financial hardship; amending s. 560.114, F.S.; providing an additional ground for taking disciplinary action; amending s. 560.121, F.S.; authorizing the commission to adopt rules relating to a licensee's books, accounts, records, and documents; amending s. 560.126, F.S.; revising information reporting requirements; providing requirements for acquiring a controlling interest; authorizing the office to bring an administrative action under certain circumstances; authorizing the commission to adopt rules; amending s. 560.127, F.S.; revising criteria for determining control over a money transmitter; deleting provisions regulating the acquisition or purchase of a money transmitter; amending s. 560.205, F.S.; revising requirements and procedures for registering money transmitters; revising duties of the commission and office; providing duties of the Department of Law Enforcement; amending s. 560.207, F.S.; revising requirements and procedures for renewing a registration; authorizing the commission to adopt rules; providing that specified fees are nonrefundable; providing conditions for reinstating a registration; providing an additional fee; providing for expiration of registration; amending s. 560.210, F.S.; revising required accounting principles; amending s. 560.211, F.S.; revising certain recordkeeping requirements; amending s. 560.305, F.S., relating to the Check Cashing and Foreign Currency Exchange Act; revising requirements and procedures for registration; amending s. 560.306, F.S.; revising fingerprinting requirements and procedures; providing duties of the office and Department of Law Enforcement; amending s. 560.308, F.S.; revising requirements for renewal of registration; providing for expiration of registration; providing that specified fees are nonrefundable; providing conditions for reinstatement of a registration; amending s. 560.310, F.S.; revising certain recordkeeping requirements; amending s. 560.403, F.S.; revising requirements for registration renewal notices of intent; providing that specified fees are nonrefundable; providing conditions for reinstatement of a notice of intent; creating s. 655.851, F.S.; providing that credit balances that result from the performance of or participation in check-clearing functions are not subject to certain reporting requirements; amending s. 655.935, F.S.; authorizing the search of a safe-deposit box co-leased by a decedent; providing construction; amending s. 655.936, F.S.; providing for the delivery of a safe-deposit box to a court-appointed personal representative; amending s. 655.937, F.S.; revising provisions for access to safe-deposit boxes; providing a penalty; amending s. 679.705, F.S.; extending the effective date of a financing statement filed under previous law; amending s. 733.6065, F.S.; revising provisions relating to the initial opening of certain safe-deposit boxes; providing an appropriation; providing effective dates.

—a companion measure, was substituted for **CS for SB 2744** and read the second time by title.

Senator Atwater moved the following amendment which was adopted:

Amendment 1 (112098)(with title amendment)—Lines 3516-3529, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

Lines 229-232, delete those lines and insert: intent; amending s. 655.935,

Pursuant to Rule 4.19, **HB 7153** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Bullard, by two-thirds vote **HB 911** was withdrawn from the Committees on Governmental Oversight and Productivity; Domestic Security; and General Government Appropriations.

On motion by Senator Bullard—

HB 911—A bill to be entitled An act relating to the use of state facilities as emergency shelters; amending s. 252.385, F.S.; providing for use of certain state facilities as emergency shelters; requiring the Department of Management Services to list state-owned facilities that are suitable for use as emergency shelters; providing requirements with respect to such listing; defining terms; providing an effective date.

—a companion measure, was substituted for **CS for SB 678** and read the second time by title.

Pursuant to Rule 4.19, **HB 911** was placed on the calendar of Bills on Third Reading.

On motion by Senator Margolis—

SB 952—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.031, F.S.; continuing in effect an exemption from the tax on rental or license fees which is provided for certain property rented, leased, or licensed by a convention or exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility for a specified period; postponing the repeal of s. 212.031(10), F.S., relating to an exemption provided for certain charges imposed by a convention or exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility upon a lessee or licensee; amending s. 212.04, F.S., relating to the tax on admissions; continuing in effect a provision that excludes certain service charges from the sales price or actual value of an admission; continuing in effect an exemption from the tax which is provided for admission charges to an event sponsored by a governmental entity, sports authority, or sports commission for a specified period; continuing in effect provisions governing the remitting of certain admission taxes to the Department of Revenue; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 952** to **HB 421**.

Pending further consideration of **SB 952** as amended, on motion by Senator Margolis, by two-thirds vote **HB 421** was withdrawn from the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; and Ways and Means.

On motion by Senator Margolis—

HB 421—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.031, F.S.; continuing an exemption from the tax on rental or license fees which is provided for certain property rented, leased, or licensed by a convention or exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility for a specified period; providing for future repeal; postponing the repeal of and reviving and readopting s. 212.031(10), F.S., relating to an exemption provided for certain charges imposed by a convention or exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility upon a lessee or licensee; providing for future repeal; amending s. 212.04, F.S., relating to the tax on admissions; continuing in effect a provision that excludes certain service charges from the sale price or actual value of an admission; continuing an exemption from the tax which is provided for admission charges to an event sponsored by a governmental entity, sports authority, or sports commission; providing for future repeal; continuing in effect provisions governing the remitting of certain admission taxes to the Department of Revenue; providing an effective date.

—a companion measure, was substituted for **SB 952** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 421** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1092** and **CS for CS for SB 282** was deferred.

On motion by Senator Wise, by two-thirds vote **HB 7115** was withdrawn from the Committees on Criminal Justice; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Wise—

HB 7115—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding autopsy photographs and video and audio recordings; amending s. 406.135, F.S., which provides an exemption from public records requirements for photographs and video and audio recordings of an autopsy in the custody of a medical examiner; reorganizing the section and making editorial changes; removing the scheduled repeal of the exemption; providing an effective date.

—a companion measure, was substituted for **CS for SB 1052** and read the second time by title.

Pursuant to Rule 4.19, **HB 7115** was placed on the calendar of Bills on Third Reading.

SM 2626—A memorial to the Congress of the United States, urging Congress to establish a Catastrophic Natural Disaster Insurance Fund.

WHEREAS, the massive devastation wrought by Hurricane Katrina, Rita, and Wilma in 2005 demonstrated the far-reaching consequences of catastrophic events and the need for new legislation establishing federal catastrophic natural disaster insurance, and

WHEREAS, a catastrophic natural disaster such as Hurricane Katrina can lead to economic devastation throughout the country, including in many states in which the event did not occur, and

WHEREAS, ultimately the United States Government must pay for such catastrophic natural disasters as evidenced by Hurricane Katrina, and

WHEREAS, scientists warn than an even more damaging, $100-billion storm is inevitable and predict particularly active hurricane seasons in years to come, and

WHEREAS, other recent natural disasters, including wildfires in California and tornadoes and flooding throughout the Midwest, have caused millions of dollars in insured losses and the displacement of thousands of insurance consumers, and

WHEREAS, natural hazards, including volcanoes in the Pacific Northwest and Hawaii and earthquakes in the West and along the Midwest's New Madrid fault line, continue to threaten insurance markets and consumers across the nation, and

WHEREAS, insurance protection against hurricane damage has been difficult to obtain at reasonable premium rates for many residents of the United States and coastal states in particular, and

WHEREAS, property and casualty insurers are withdrawing underwriting capacity from the market by refusing to issue new policies or renew existing policies or by increasing premiums to unaffordable levels, and

WHEREAS, the unavailability and increasing cost of homeowners' insurance presents a significant impediment to home ownership for Floridians, and

WHEREAS, the establishment of a Catastrophic Natural Disaster Insurance Fund that pays for damages above a significant, predetermined amount, providing a backstop, would limit uncertainty in insurance underwriting and stabilize the insurance market, thereby increasing the availability and affordability of property and casualty insurance, including homeowners' insurance in the State of Florida, NOW, THEREFORE,

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

That the Congress of the United States of America is urged to enact catastrophic natural disaster insurance legislation, including a Catastrophic Natural Disaster Insurance Fund that does not increase policyholder premiums, and to recognize the time sensitivity of this matter and act in all expediency.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

—was read the second time in full. On motion by Senator Geller, **SM 2626** was adopted and certified to the House. The vote on adoption was:

Yeas—39

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

Nays—None

On motion by Senator Atwater, by two-thirds vote **HB 1033** was withdrawn from the Committees on Children and Families; and Health and Human Services Appropriations.

On motion by Senator Atwater—

HB 1033—A bill to be entitled An act relating to child abuse; requiring the Office of Program Policy Analysis and Government Accountability to evaluate compliance with continuing education requirements for professionals required to provide their names when reporting child abuse, neglect, or abandonment; requiring a report to the Governor and Legislature; requiring the Department of Health to make available a curriculum; providing an effective date.

—a companion measure, was substituted for **CS for SB 2360** and read the second time by title.

Pursuant to Rule 4.19, **HB 1033** was placed on the calendar of Bills on Third Reading.

On motion by Senator Geller—

SB 2076—A bill to be entitled An act relating to public records; creating s. 343.59, F.S.; providing an exemption from public-records requirements for certain appraisal reports, offers, and counteroffers relating to land acquisition by the South Florida Regional Transportation Authority; providing that the exemption expires upon execution of a certain contract or at a certain time before a purchase contract or agreement is considered for approval; providing exceptions to the exemption; providing for future legislative review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 2076** to **HB 1117**.

Pending further consideration of **SB 2076** as amended, on motion by Senator Geller, by two-thirds vote **HB 1117** was withdrawn from the Committees on Transportation; Community Affairs; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Geller—

HB 1117—A bill to be entitled An act relating to public records; creating s. 343.59, F.S.; providing an exemption from public records requirements for certain appraisal reports, offers, and counteroffers relating to land acquisition by the South Florida Regional Transportation Authority; providing that the exemption expires upon execution of a certain contract or at a certain time before a purchase contract or agreement is considered for approval; providing exceptions to the exemption; providing for future legislative review and repeal; providing a finding of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **SB 2076** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1117** was placed on the calendar of Bills on Third Reading.

On motion by Senator Geller—

SB 2078—A bill to be entitled An act relating to the South Florida Regional Transportation Authority; amending s. 343.54, F.S.; revising provisions relating to powers and duties of the authority; deleting the term "commuter rail"; amending s. 343.55, F.S.; providing pledge to bondholders that the state will not alter certain rights vested in the authority that affect the rights of bondholders while bonds are outstanding; amending s. 343.58, F.S.; revising provisions for funding of the authority; requiring counties served by the authority to annually transfer certain funds before a certain date; removing provisions for sources of that funding; removing authorization for a vehicle registration tax; providing for certain funding by the state to fund capital and operating and maintenance expenses; revising county funding amounts to fund operations; providing for cessation of specified county funding contributions and providing for certain refunding of the contributions under certain circumstances; revising the timeframe for repeal of specified funding provisions under certain circumstances; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **SB 2078** to **HB 1115**.

Pending further consideration of **SB 2078** as amended, on motion by Senator Geller, by two-thirds vote **HB 1115** was withdrawn from the Committees on Transportation; Community Affairs; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

On motion by Senator Geller—

HB 1115—A bill to be entitled An act relating to the South Florida Regional Transportation Authority; amending s. 343.54, F.S.; revising language relating to powers and duties of the authority; deleting the term "commuter rail"; amending s. 343.55, F.S.; providing pledge to bondholders that the state will not alter certain rights vested in the authority that affect the rights of bondholders while bonds are outstanding; amending s. 343.58, F.S.; revising provisions for funding of the authority; requiring counties served by the authority to annually transfer certain funds before a certain date; removing provisions for sources of that funding; removing authorization for a vehicle registration tax; providing for a certain funding source for capital, operating, and maintenance expenses; revising county funding amounts to fund operations; providing for cessation of specified county funding contributions and providing for certain refunding of the contributions under certain circumstances; revising timeframe for repeal of specified funding provisions under certain circumstances; providing a statement of important state interest; providing an effective date.

—a companion measure, was substituted for **SB 2078** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1115** was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos, by two-thirds vote **HJR 353** was withdrawn from the Committees on Community Affairs; Government Efficiency Appropriations; General Government Appropriations; Ways and Means; and Rules and Calendar.

On motion by Senator Haridopolos—

HJR 353—A joint resolution proposing an amendment to Section 6 of Article VII and the creation of Section 26 of Article XII of the State Constitution to increase the maximum additional homestead exemption for low-income seniors from $25,000 to $50,000 and to schedule the amendment to take effect January 1, 2007, if adopted.

—a companion measure, was substituted for **SJR 1840** and read the second time by title.

Pursuant to Rule 4.19, **HJR 353** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1020—A bill to be entitled An act relating to growth management; amending s. 163.3177, F.S.; encouraging local governments to adopt boating facility siting plans; providing criteria and exemptions for such plans; authorizing assistance for the development of such plans; amending s. 163.3180, F.S., relating to concurrency; providing restrictions upon requirements that local governments may impose upon transportation facilities; amending s. 197.303, F.S.; revising the criteria for ad valorem tax deferral for working waterfront properties; including public lodging establishments in the description of working waterfront properties; amending s. 342.07, F.S.; adding recreational activities as an important state interest; including public lodging establishments 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; 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 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; amending s. 380.0651, F.S.; revising the statewide guidelines and standards for development-of-regional-impact review of certain types of developments; allowing the state land planning agency to consider the impacts of independent developments of regional impact cumulatively under certain circumstances; 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; prohibiting the sale or exclusive control of the real property or operations of any port in this state to an entity controlled by a foreign government or a foreign business entity without the express consent of the Legislature; providing for severability; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendment which was moved by Senator Bennett:

Amendment 1 (352586)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (g) of subsection (6) and paragraph (d) of subsection (11) of section 163.3177, Florida Statutes, are amended to read:

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

(6) In addition to the requirements of subsections (1)-(5) and (12), the comprehensive plan shall include the following elements:

(g)*1.* For those units of local government identified in s. 380.24, a coastal management element, appropriately related to the particular requirements of paragraphs (d) and (e) and meeting the requirements of s. 163.3178(2) and (3). The coastal management element shall set forth the policies that shall guide the local government's decisions and program implementation with respect to the following objectives:

a.~~1.~~ Maintenance, restoration, and enhancement of the overall quality of the coastal zone environment, including, but not limited to, its amenities and aesthetic values.

b.~~2.~~ Continued existence of viable populations of all species of wildlife and marine life.

c.~~3.~~ The orderly and balanced utilization and preservation, consistent with sound conservation principles, of all living and nonliving coastal zone resources.

d.~~4.~~ Avoidance of irreversible and irretrievable loss of coastal zone resources.

e.~~5.~~ Ecological planning principles and assumptions to be used in the determination of suitability and extent of permitted development.

f.~~6.~~ Proposed management and regulatory techniques.

g.~~7.~~ Limitation of public expenditures that subsidize development in high-hazard coastal areas.

h.~~8.~~ Protection of human life against the effects of natural disasters.

i.~~9.~~ The orderly development, maintenance, and use of ports identified in s. 403.021(9) to facilitate deepwater commercial navigation and other related activities.

j.~~10.~~ Preservation, including sensitive adaptive use of historic and archaeological resources.

2. As part of this element, affected local governments are encouraged to adopt a boating facility siting plan or policy that includes applicable criteria and considers such factors as natural resources, manatee protection needs, and recreation and economic demands as generally outlined in the Boat Facility Siting Guide dated August 2000 and prepared by the Bureau of Protected Species Management of the Fish and Wildlife Conservation Commission. The local government's adoption of a boating facility siting plan or policy by comprehensive plan amendment is exempt from the provisions of s. 163.3187(1). Local governments that wish to adopt a boating facility siting plan or policy may be eligible for assistance with the development of a plan or policy through the Florida Coastal Management Program.

(11)

(d)1. The department, in cooperation with the Department of Agriculture and Consumer Services, the Department of Environmental Protection, water management districts, and regional planning councils, shall provide assistance to local governments in the implementation of this paragraph and rule 9J-5.006(5)(l), Florida Administrative Code. Implementation of those provisions shall include a process by which the

department may authorize local governments to designate all or portions of lands classified in the future land use element as predominantly agricultural, rural, open, open-rural, or a substantively equivalent land use, as a rural land stewardship area within which planning and economic incentives are applied to encourage the implementation of innovative and flexible planning and development strategies and creative land use planning techniques, including those contained herein and in rule 9J-5.006(5)(l), Florida Administrative Code. Assistance may include, but is not limited to:

a. Assistance from the Department of Environmental Protection and water management districts in creating the geographic information systems land cover database and aerial photogrammetry needed to prepare for a rural land stewardship area;

b. Support for local government implementation of rural land stewardship concepts by providing information and assistance to local governments regarding land acquisition programs that may be used by the local government or landowners to leverage the protection of greater acreage and maximize the effectiveness of rural land stewardship areas; and

c. Expansion of the role of the Department of Community Affairs as a resource agency to facilitate establishment of rural land stewardship areas in smaller rural counties that do not have the staff or planning budgets to create a rural land stewardship area.

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

3. A local government, in conjunction with a regional planning council, a stakeholder organization of private land owners, or another local government, shall notify the department in writing of its intent to designate a rural land stewardship area. The written notification shall describe the basis for the designation, including the extent to which the rural land stewardship area enhances rural land values, controls urban sprawl, provides necessary open space for agriculture and protection of the natural environment, promotes rural economic activity, and maintains rural character and the economic viability of agriculture.

4. A rural land stewardship area shall be not less than 10,000 acres and shall be located outside of municipalities and established urban growth boundaries, and shall be designated by plan amendment. The plan amendment designating a rural land stewardship area shall be subject to review by the Department of Community Affairs pursuant to s. 163.3184 and shall provide for the following:

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

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

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

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

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

5. A receiving area shall be designated by the adoption of a land development regulation. Prior to the designation of a receiving area, the local government shall provide the Department of Community Affairs a period of 30 days in which to review a proposed receiving area for consistency with the rural land stewardship area plan amendment and to provide comments to the local government. At the time of designation of a stewardship receiving area, a listed species survey will be performed. If listed species occur on the receiving area site, the developer shall coordinate with each appropriate local, state, or federal agency to determine if adequate provisions have been made to protect those species in accordance with applicable regulations. In determining the adequacy of provisions for the protection of listed species and their habitats, the rural land stewardship area shall be considered as a whole, and the impacts to areas to be developed as receiving areas shall be considered together with the environmental benefits of areas protected as sending areas in fulfilling this criteria.

6. Upon the adoption of a plan amendment creating a rural land stewardship area, the local government shall, by ordinance, establish the methodology for the creation, conveyance, and use of transferable rural land use credits, otherwise referred to as stewardship credits, the application of which shall not constitute a right to develop land, nor increase density of land, except as provided by this section. The total amount of transferable rural land use credits within the rural land stewardship area must enable the realization of the long-term vision and goals for the 25-year or greater projected population of the rural land stewardship area*, which may take into consideration the anticipated effect of the proposed receiving areas*. Transferable rural land use credits are subject to the following limitations:

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

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

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

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

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

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

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

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

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

j. Transferable rural land use credits may be assigned at different ratios of credits per acre according to the natural resource or other beneficial use characteristics of the land and according to the land use remaining following the transfer of credits, with the highest number of credits per acre assigned to the most environmentally valuable land or, in locations where the retention of open space and agricultural land is a priority, to such lands.

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

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

a. Opportunity to accumulate transferable mitigation credits.

b. Extended permit agreements.

c. Opportunities for recreational leases and ecotourism.

d. Payment for specified land management services on publicly owned land, or property under covenant or restricted easement in favor of a public entity.

e. Option agreements for sale to public entities or private land conservation entities, in either fee or easement, upon achievement of conservation objectives.

8. The department shall report to the Legislature on an annual basis on the results of implementation of rural land stewardship areas authorized by the department, including successes and failures in achieving the intent of the Legislature as expressed in this paragraph.

Section 2. Paragraph (a) of subsection (12) of section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.—

(12) When authorized by a local comprehensive plan, a multiuse development of regional impact may satisfy the transportation concurrency requirements of the local comprehensive plan, the local government's concurrency management system, and s. 380.06 by payment of a proportionate-share contribution for local and regionally significant traffic impacts, if:

(a) The development of regional impact meets or exceeds the guidelines and standards of s. 380.0651(3)*(h)*~~(i)~~ and rule 28-24.032(2), Florida Administrative Code, and includes a residential component that contains at least 100 residential dwelling units or 15 percent of the applicable residential guideline and standard, whichever is greater;

The proportionate-share contribution may be applied to any transportation facility to satisfy the provisions of this subsection and the local comprehensive plan, but, for the purposes of this subsection, the amount of the proportionate-share contribution shall be calculated based upon the cumulative number of trips from the proposed development expected to reach roadways during the peak hour from the complete buildout of a stage or phase being approved, divided by the change in the peak hour maximum service volume of roadways resulting from construction of an improvement necessary to maintain the adopted level of service, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted level of service. For purposes of this subsection, "construction cost" includes all associated costs of the improvement.

Section 3. Subsection (3) of section 197.303, Florida Statutes, is amended to read:

197.303 Ad valorem tax deferral for recreational and commercial working waterfront properties.—

(3) The ordinance shall designate the *percentage or amount of the deferral and the* type and location of working waterfront property*, including the type of public lodging establishments,* for which deferrals may be granted, which may include any property meeting the provisions of s. 342.07(2), which property may be further required to be located within a particular geographic area or areas of the county or municipality.

Section 4. Section 342.07, Florida Statutes, is amended to read:

342.07 Recreational and commercial working waterfronts; legislative findings; definitions.—

(1) The Legislature recognizes that there is an important state interest in facilitating boating *and other recreational* access to the state's navigable waters. This access is vital to *tourists and* recreational users and the marine industry in the state, to maintaining or enhancing the *$57 billion economic impact of tourism and the* $14 billion economic impact of boating in the state *annually*, and to ensuring continued access to all residents and visitors to the navigable waters of the state. The Legislature recognizes that there is an important state interest in maintaining viable water-dependent support facilities, such as *public lodging establishments and* boat hauling and repairing and commercial fishing facilities, and in maintaining the availability of public access to the navigable waters of the state. The Legislature further recognizes that the waterways of the state are important for engaging in commerce and the transportation of goods and people upon such waterways and that such commerce and transportation is not feasible unless there is access to and from the navigable waters of the state through recreational and commercial working waterfronts.

(2) As used in this section, the term "recreational and commercial working waterfront" means a parcel or parcels of real property that provide access for water-dependent commercial *and recreational* activities*, including public lodging establishments as defined in chapter 509,* or provide access for the public to the navigable waters of the state. Recreational and commercial working waterfronts require direct access to or a location on, over, or adjacent to a navigable body of water. The term includes water-dependent facilities that are open to the public and offer public access by vessels to the waters of the state or that are support facilities for recreational, commercial, research, or governmental vessels. These facilities include *public lodging establishments,* docks, wharfs, lifts, wet and dry marinas, boat ramps, boat hauling and repair facilities, commercial fishing facilities, boat construction facilities, and other support structures over the water. As used in this section, the term "vessel" has the same meaning as in s. 327.02(37). Seaports are excluded from the definition.

Section 5. Section 373.4132, Florida Statutes, is created to read:

373.4132 Dry storage facility permitting.—The governing board or the department shall require a permit under this part, including s. 373.4145, for the construction, alteration, operation, maintenance, abandonment, or removal of a dry storage facility for 10 or more vessels that is functionally associated with a boat launching area. As part of an applicant's demonstration that such a facility will not be harmful to the water resources and will not be inconsistent with the overall objectives of the district, the governing board or department shall require the applicant to provide reasonable assurance that the secondary impacts from the facility will not cause adverse impacts to the functions of wetlands and surface waters, including violations of state water quality standards applicable to waters as defined in s. 403.031(13), and will meet the public interest test of s. 373.414(1)(a), including the potential adverse impacts to manatees. Nothing in this section shall affect the authority of the governing board or the department to regulate such secondary impacts under this part for other regulated activities.

Section 6. Paragraph (d) of subsection (2), paragraphs (a) and (i) of subsection (4), and subsections (15), (19), and (24) of section 380.06,

Florida Statutes, are amended, and subsection (28) is added to that section, to read:

380.06 Developments of regional impact.—

(2) STATEWIDE GUIDELINES AND STANDARDS.—

(d) The guidelines and standards shall be applied as follows:

1. Fixed thresholds.—

a. A development that is below 100 percent of all numerical thresholds in the guidelines and standards shall not be required to undergo development-of-regional-impact review.

b. A development that is at or above 120 percent of any numerical threshold shall be required to undergo development-of-regional-impact review.

c. Projects certified under s. 403.973 which create at least 100 jobs and meet the criteria of the Office of Tourism, Trade, and Economic Development as to their impact on an area's economy, employment, and prevailing wage and skill levels that are at or below 100 percent of the numerical thresholds for industrial plants, industrial parks, distribution, warehousing or wholesaling facilities, office development or multiuse projects other than residential, as described in s. 380.0651(3)(c), (d), and *(h)*~~(i)~~, are not required to undergo development-of-regional-impact review.

2. Rebuttable presumption.—It shall be presumed that a development that is at 100 percent or between 100 and 120 percent of a numerical threshold shall be required to undergo development-of-regional-impact review.

(4) BINDING LETTER.—

(a) If any developer is in doubt whether his or her proposed development must undergo development-of-regional-impact review under the guidelines and standards, whether his or her rights have vested pursuant to subsection (20), or whether a proposed substantial change to a development of regional impact concerning which rights had previously vested pursuant to subsection (20) would divest such rights, the developer may request a determination from the state land planning agency. *The developer or the appropriate local government having jurisdiction may request that the state land planning agency determine whether the amount of development that remains to be built in an approved development of regional impact meets the criteria of subparagraph (15)(g)3.*

(i) In response to an inquiry from a developer *or the appropriate local government having jurisdiction*, the state land planning agency may issue an informal determination in the form of a clearance letter as to whether a development is required to undergo development-of-regional-impact review *or whether the amount of development that remains to be built in an approved development of regional impact meets the criteria of subparagraph (15)(g)3*. A clearance letter may be based solely on the information provided by the developer, and the state land planning agency is not required to conduct an investigation of that information. If any material information provided by the developer is incomplete or inaccurate, the clearance letter is not binding upon the state land planning agency. A clearance letter does not constitute final agency action.

(15) LOCAL GOVERNMENT DEVELOPMENT ORDER.—

(a) The appropriate local government shall render a decision on the application within 30 days after the hearing unless an extension is requested by the developer.

(b) When possible, local governments shall issue development orders concurrently with any other local permits or development approvals that may be applicable to the proposed development.

(c) The development order shall include findings of fact and conclusions of law consistent with subsections (13) and (14). The development order:

1. Shall specify the monitoring procedures and the local official responsible for assuring compliance by the developer with the development order.

2. Shall establish compliance dates for the development order, including a deadline for commencing physical development and for compliance with conditions of approval or phasing requirements, and shall include a *buildout* ~~termination~~ date that reasonably reflects the time *anticipated* ~~required~~ to complete the development.

3. Shall establish a date until which the local government agrees that the approved development of regional impact shall not be subject to downzoning, unit density reduction, or intensity reduction, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the development order have occurred or the development order was based on substantially inaccurate information provided by the developer or that the change is clearly established by local government to be essential to the public health, safety, or welfare. *The date established pursuant to this subparagraph shall be no sooner than the buildout date of the project.*

4. Shall specify the requirements for the biennial report designated under subsection (18), including the date of submission, parties to whom the report is submitted, and contents of the report, based upon the rules adopted by the state land planning agency. Such rules shall specify the scope of any additional local requirements that may be necessary for the report.

5. May specify the types of changes to the development which shall require submission for a substantial deviation determination *or a notice of proposed change* under subsection (19).

6. Shall include a legal description of the property.

(d) Conditions of a development order that require a developer to contribute land for a public facility or construct, expand, or pay for land acquisition or construction or expansion of a public facility, or portion thereof, shall meet the following criteria:

1. The need to construct new facilities or add to the present system of public facilities must be reasonably attributable to the proposed development.

2. Any contribution of funds, land, or public facilities required from the developer shall be comparable to the amount of funds, land, or public facilities that the state or the local government would reasonably expect to expend or provide, based on projected costs of comparable projects, to mitigate the impacts reasonably attributable to the proposed development.

3. Any funds or lands contributed must be expressly designated and used to mitigate impacts reasonably attributable to the proposed development.

4. Construction or expansion of a public facility by a nongovernmental developer as a condition of a development order to mitigate the impacts reasonably attributable to the proposed development is not subject to competitive bidding or competitive negotiation for selection of a contractor or design professional for any part of the construction or design ~~unless required by the local government that issues the development order~~.

(e)1. ~~Effective July 1, 1986,~~ A local government shall not include, as a development order condition for a development of regional impact, any requirement that a developer contribute or pay for land acquisition or construction or expansion of public facilities or portions thereof unless the local government has enacted a local ordinance which requires other development not subject to this section to contribute its proportionate share of the funds, land, or public facilities necessary to accommodate any impacts having a rational nexus to the proposed development, and the need to construct new facilities or add to the present system of public facilities must be reasonably attributable to the proposed development.

2. A local government shall not approve a development of regional impact that does not make adequate provision for the public facilities needed to accommodate the impacts of the proposed development unless the local government includes in the development order a commitment by the local government to provide these facilities consistently with the development schedule approved in the development order; however, a local government's failure to meet the requirements of subparagraph 1. and this subparagraph shall not preclude the issuance of a development order where adequate provision is made by the developer for the public

facilities needed to accommodate the impacts of the proposed development. Any funds or lands contributed by a developer must be expressly designated and used to accommodate impacts reasonably attributable to the proposed development.

3. The Department of Community Affairs and other state and regional agencies involved in the administration and implementation of this act shall cooperate and work with units of local government in preparing and adopting local impact fee and other contribution ordinances.

(f) Notice of the adoption of a development order or the subsequent amendments to an adopted development order shall be recorded by the developer, in accordance with s. 28.222, with the clerk of the circuit court for each county in which the development is located. The notice shall include a legal description of the property covered by the order and shall state which unit of local government adopted the development order, the date of adoption, the date of adoption of any amendments to the development order, the location where the adopted order with any amendments may be examined, and that the development order constitutes a land development regulation applicable to the property. The recording of this notice shall not constitute a lien, cloud, or encumbrance on real property, or actual or constructive notice of any such lien, cloud, or encumbrance. This paragraph applies only to developments initially approved under this section after July 1, 1980.

(g) A local government shall not issue permits for development subsequent to the *buildout* ~~termination date or expiration~~ date contained in the development order unless:

1. The proposed development has been evaluated cumulatively with existing development under the substantial deviation provisions of subsection (19) subsequent to the termination or expiration date;

2. The proposed development is consistent with an abandonment of development order that has been issued in accordance with the provisions of subsection (26); ~~or~~

3. The development of regional impact is essentially built out, in that all the mitigation requirements in the development order have been satisfied, all developers are in compliance with all applicable terms and conditions of the development order except the buildout date, and the amount of proposed development that remains to be built is less than 20 percent of any applicable development-of-regional-impact threshold; or

4.~~3.~~ The project has been determined to be an essentially built-out development of regional impact through an agreement executed by the developer, the state land planning agency, and the local government, in accordance with s. 380.032, which will establish the terms and conditions under which the development may be continued. If the project is determined to be essentially *built out* ~~built-out~~, development may proceed pursuant to the s. 380.032 agreement after the termination or expiration date contained in the development order without further development-of-regional-impact review subject to the local government comprehensive plan and land development regulations or subject to a modified development-of-regional-impact analysis. As used in this paragraph, an "essentially built-out" development of regional impact means:

a. The *developers are* ~~development is~~ in compliance with all applicable terms and conditions of the development order except the *buildout* ~~built-out~~ date; and

b.(I) The amount of development that remains to be built is less than the substantial deviation threshold specified in paragraph (19)(b) for each individual land use category, or, for a multiuse development, the sum total of all unbuilt land uses as a percentage of the applicable substantial deviation threshold is equal to or less than 100 percent; or

(II) The state land planning agency and the local government have agreed in writing that the amount of development to be built does not create the likelihood of any additional regional impact not previously reviewed.

The single-family residential portions of a development may be considered "essentially built out" if all of the workforce housing obligations and all of the infrastructure and horizontal development have been completed, at least 50 percent of the dwelling units have been completed, and more than 80 percent of the lots have been conveyed to third-party individual lot owners or to individual builders who own no more than 40 lots at the time of the determination. The mobile home park portions of a development may be considered "essentially built out" if all the infrastructure and horizontal development has been completed, and at least 50 percent of the lots are leased to individual mobile home owners.

(h) If the property is annexed by another local jurisdiction, the annexing jurisdiction shall adopt a new development order that incorporates all previous rights and obligations specified in the prior development order.

(19) SUBSTANTIAL DEVIATIONS.—

(a) Any proposed change to a previously approved development which creates a reasonable likelihood of additional regional impact, or any type of regional impact created by the change not previously reviewed by the regional planning agency, shall constitute a substantial deviation and shall cause the *proposed change* ~~development~~ to be subject to further development-of-regional-impact review. There are a variety of reasons why a developer may wish to propose changes to an approved development of regional impact, including changed market conditions. The procedures set forth in this subsection are for that purpose.

(b) Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:

1. An increase in the number of parking spaces at an attraction or recreational facility by *10* ~~5~~ percent or *330* ~~300~~ spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by *10* ~~5~~ percent or *1,100* ~~1,000~~ spectators, whichever is greater.

2. A new runway, a new terminal facility, a 25-percent lengthening of an existing runway, or a 25-percent increase in the number of gates of an existing terminal, but only if the increase adds at least three additional gates.

~~3. An increase in the number of hospital beds by 5 percent or 60 beds, whichever is greater.~~

3.~~4.~~ An increase in industrial development area by *10* ~~5~~ percent or *35* ~~32~~ acres, whichever is greater.

4.~~5.~~ An increase in the average annual acreage mined by *10* ~~5~~ percent or *11* ~~10~~ acres, whichever is greater, or an increase in the average daily water consumption by a mining operation by *10* ~~5~~ percent or *330,000* ~~300,000~~ gallons, whichever is greater. *A net* ~~An~~ increase in the size of the mine by *10* ~~5~~ percent or *825* ~~750~~ acres, whichever is less. *For purposes of calculating any net increases in size, only additions and deletions of lands that have not been mined shall be considered.* An increase in the size of a heavy mineral mine as defined in s. 378.403(7) will only constitute a substantial deviation if the average annual acreage mined is more than *550* ~~500~~ acres and consumes more than *3.3* ~~3~~ million gallons of water per day.

5.~~6.~~ An increase in land area for office development by *10* ~~5~~ percent or an increase of gross floor area of office development by *10* ~~5~~ percent or *66,000* ~~60,000~~ gross square feet, whichever is greater.

~~7. An increase in the storage capacity for chemical or petroleum storage facilities by 5 percent, 20,000 barrels, or 7 million pounds, whichever is greater.~~

~~8. An increase of development at a waterport of wet storage for 20 watercraft, dry storage for 30 watercraft, or wet/dry storage for 60 watercraft in an area identified in the state marina siting plan as an appropriate site for additional waterport development or a 5-percent increase in watercraft storage capacity, whichever is greater.~~

6.~~9.~~ An increase in the number of dwelling units by *10* ~~5~~ percent or *55* ~~50~~ dwelling units, whichever is greater.

7. An increase in the number of dwelling units by 50 percent or 200 units, whichever is greater, provided that 15 percent of the proposed additional dwelling units are dedicated to affordable workforce housing, subject to a recorded land use restriction, which includes resale provisions and provision for the workforce housing to be commenced prior to

the completion of 50 percent of the market rate dwelling. For purposes of this subparagraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For purposes of this subparagraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.

8.~~10.~~ An increase in commercial development by *55,000* ~~50,000~~ square feet of gross floor area or of parking spaces provided for customers for *330* ~~300~~ cars or a *10-percent* ~~5 percent~~ increase of either of these, whichever is greater.

9.~~11.~~ An increase in hotel or motel *rooms* ~~facility units~~ by *10* ~~5~~ percent or *83 rooms* ~~75 units~~, whichever is greater.

10.~~12.~~ An increase in a recreational vehicle park area by *10* ~~5~~ percent or *110* ~~100~~ vehicle spaces, whichever is less.

11.~~13.~~ A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less.

12.~~14.~~ A proposed increase to an approved multiuse development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is equal to or exceeds *110* ~~100~~ percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when *110* ~~100~~ percent has been reached or exceeded.

13.~~15.~~ A 15-percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.

14.~~16.~~ Any change which would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or species of special concern and their habitat, *any species protected by 16 U.S.C. s. 668a-668d,* primary dunes, or archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State. The ~~further~~ refinement of *the boundaries and configuration of* such areas ~~by survey~~ shall be considered under sub-subparagraph *(e)2.j.* ~~(e)5.b.~~

The substantial deviation numerical standards in subparagraphs *3., 5., 8., 9., and 12.* ~~4., 6., 10., 14.~~, excluding residential uses, and *in subparagraph 13.* ~~15.,~~ are increased by 100 percent for a project certified under s. 403.973 which creates jobs and meets criteria established by the Office of Tourism, Trade, and Economic Development as to its impact on an area's economy, employment, and prevailing wage and skill levels. The substantial deviation numerical standards in subparagraphs *3., 5., 6., 7., 8., 9., 12., and 13.* ~~4., 6., 9., 10., 11., and 14.~~ are increased by 50 percent for a project located wholly within an urban infill and redevelopment area designated on the applicable adopted local comprehensive plan future land use map and not located within the coastal high hazard area.

(c) An extension of the date of buildout of a development, or any phase thereof, by *more than* 7 ~~or more~~ years shall be presumed to create a substantial deviation subject to further development-of-regional-impact review. An extension of the date of buildout, or any phase thereof, of *more than* 5 years ~~or more~~ but *not more* ~~less~~ than 7 years shall be presumed not to create a substantial deviation. The extension of the date of buildout of an areawide development of regional impact by more than 5 years but less than 10 years is presumed not to create a substantial deviation. These presumptions may be rebutted by clear and convincing evidence at the public hearing held by the local government. An extension of *5 years or* less ~~than 5 years~~ is not a substantial deviation. For the purpose of calculating when a buildout *or*~~,~~ phase~~, or termination~~ date has been exceeded, the time shall be tolled during the pendency of administrative or judicial proceedings relating to development permits. Any extension of the buildout date of a project or a phase thereof shall automatically extend the commencement date of the project, the termination date of the development order, the expiration date of the development of regional impact, and the phases thereof *if applicable* by a like period of time.

(d) A change in the plan of development of an approved development of regional impact resulting from requirements imposed by the Department of Environmental Protection or any water management district created by s. 373.069 or any of their successor agencies or by any appropriate federal regulatory agency shall be submitted to the local government pursuant to this subsection. The change shall be presumed not to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government.

(e)1. Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order that individually or cumulatively with any previous change is less than any numerical criterion contained in subparagraphs *(b)1.-13.* ~~(b)1.-15.~~ and does not exceed any other criterion, or that involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years is not subject to the public hearing requirements of subparagraph (f)3., and is not subject to a determination pursuant to subparagraph (f)5. Notice of the proposed change shall be made to the regional planning council and the state land planning agency. Such notice shall include a description of previous individual changes made to the development, including changes previously approved by the local government, and shall include appropriate amendments to the development order.

2. The following changes, individually or cumulatively with any previous changes, are not substantial deviations:

a. Changes in the name of the project, developer, owner, or monitoring official.

b. Changes to a setback that do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.

c. Changes to minimum lot sizes.

d. Changes in the configuration of internal roads that do not affect external access points.

e. Changes to the building design or orientation that stay approximately within the approved area designated for such building and parking lot, and which do not affect historical buildings designated as significant by the Division of Historical Resources of the Department of State.

f. Changes to increase the acreage in the development, provided that no development is proposed on the acreage to be added.

g. Changes to eliminate an approved land use, provided that there are no additional regional impacts.

h. Changes required to conform to permits approved by any federal, state, or regional permitting agency, provided that these changes do not create additional regional impacts.

i. Any renovation or redevelopment of development within a previously approved development of regional impact which does not change land use or increase density or intensity of use.

j. Changes that modify boundaries and configuration of areas described in subparagraph (b)14. due to science-based refinement of such areas by survey, by habitat evaluation, by other recognized assessment methodology, or by an environmental assessment. In order for changes to qualify under this sub-subparagraph, the survey, habitat evaluation, or assessment must occur prior to the time a conservation easement protecting such lands is recorded and must not result in any net decrease in the total acreage of the lands specifically set aside for permanent preservation in the final development order.

k.~~j.~~ Any other change which the state land planning agency*, in consultation with the regional planning council,* agrees in writing is similar in nature, impact, or character to the changes enumerated in sub-subparagraphs *a.-j.* ~~a.-i.~~ and which does not create the likelihood of any additional regional impact.

This subsection does not require *the filing of a notice of proposed change but shall require an application to the local government to amend the development order in accordance with the local government's procedures for amendment of a development order. In accordance with the local government's procedures, including requirements for notice to the applicant and the public, the local government shall either deny the applica-*

tion for amendment or adopt an amendment to the development order which approves the application with or without conditions. Following adoption, the local government shall render to the state land planning agency the amendment to the development order. The state land planning agency may appeal, pursuant to s. 380.07(3), the amendment to the development order if the amendment involves sub-subparagraph g., sub-subparagraph h., sub-subparagraph j., or sub-subparagraph k. and it believes the change creates a reasonable likelihood of new or additional regional impacts ~~a development order amendment for any change listed in sub-subparagraphs a.-j. unless such issue is addressed either in the existing development order or in the application for development approval, but, in the case of the application, only if, and in the manner in which, the application is incorporated in the development order~~.

3. Except for the change authorized by sub-subparagraph 2.f., any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.

4. Any submittal of a proposed change to a previously approved development shall include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-regional-impact review.

5. The following changes to an approved development of regional impact shall be presumed to create a substantial deviation. Such presumption may be rebutted by clear and convincing evidence.

a. A change proposed for 15 percent or more of the acreage to a land use not previously approved in the development order. Changes of less than 15 percent shall be presumed not to create a substantial deviation.

~~b. Except for the types of uses listed in subparagraph (b)16., any change which would result in the development of any area which was specifically set aside in the application for development approval or in the development order for preservation, buffers, or special protection, including habitat for plant and animal species, archaeological and historical sites, dunes, and other special areas.~~

b.~~c.~~ Notwithstanding any provision of paragraph (b) to the contrary, a proposed change consisting of simultaneous increases and decreases of at least two of the uses within an authorized multiuse development of regional impact which was originally approved with three or more uses specified in s. 380.0651(3)(c), (d), *(e)*~~(f)~~, and *(f)*~~(g)~~ and residential use.

(f)1. The state land planning agency shall establish by rule standard forms for submittal of proposed changes to a previously approved development of regional impact which may require further development-of-regional-impact review. At a minimum, the standard form shall require the developer to provide the precise language that the developer proposes to delete or add as an amendment to the development order.

2. The developer shall submit, simultaneously, to the local government, the regional planning agency, and the state land planning agency the request for approval of a proposed change.

3. No sooner than 30 days but no later than 45 days after submittal by the developer to the local government, the state land planning agency, and the appropriate regional planning agency, the local government shall give 15 days' notice and schedule a public hearing to consider the change that the developer asserts does not create a substantial deviation. This public hearing shall be held within *60* ~~90~~ days after submittal of the proposed changes, unless that time is extended by the developer.

4. The appropriate regional planning agency or the state land planning agency shall review the proposed change and, no later than 45 days after submittal by the developer of the proposed change, unless that time is extended by the developer, and prior to the public hearing at which the proposed change is to be considered, shall advise the local government in writing whether it objects to the proposed change, shall specify the reasons for its objection, if any, and shall provide a copy to the developer.

5. At the public hearing, the local government shall determine whether the proposed change requires further development-of-regional-impact review. The provisions of paragraphs (a) and (e), the thresholds set forth in paragraph (b), and the presumptions set forth in paragraphs (c) and (d) and subparagraph (e)3. shall be applicable in determining whether further development-of-regional-impact review is required.

6. If the local government determines that the proposed change does not require further development-of-regional-impact review and is otherwise approved, or if the proposed change is not subject to a hearing and determination pursuant to subparagraphs 3. and 5. and is otherwise approved, the local government shall issue an amendment to the development order incorporating the approved change and conditions of approval relating to the change. *The requirement that a change be otherwise approved shall not be construed to require additional local review or approval if the change is allowed by applicable local ordinances without further local review or approval.* The decision of the local government to approve, with or without conditions, or to deny the proposed change that the developer asserts does not require further review shall be subject to the appeal provisions of s. 380.07. However, the state land planning agency may not appeal the local government decision if it did not comply with subparagraph 4. The state land planning agency may not appeal a change to a development order made pursuant to subparagraph (e)1. or subparagraph (e)2. for developments of regional impact approved after January 1, 1980, unless the change would result in a significant impact to a regionally significant archaeological, historical, or natural resource not previously identified in the original development-of-regional-impact review.

(g) If a proposed change requires further development-of-regional-impact review pursuant to this section, the review shall be conducted subject to the following additional conditions:

1. The development-of-regional-impact review conducted by the appropriate regional planning agency shall address only those issues raised by the proposed change except as provided in subparagraph 2.

2. The regional planning agency shall consider, and the local government shall determine whether to approve, approve with conditions, or deny the proposed change as it relates to the entire development. If the local government determines that the proposed change, as it relates to the entire development, is unacceptable, the local government shall deny the change.

3. If the local government determines that the proposed change~~, as it relates to the entire development,~~ should be approved, any new conditions in the amendment to the development order issued by the local government shall address only those issues raised by the proposed change *and require mitigation only for the individual and cumulative impacts of the proposed change*.

4. Development within the previously approved development of regional impact may continue, as approved, during the development-of-regional-impact review in those portions of the development which are not *directly* affected by the proposed change.

(h) When further development-of-regional-impact review is required because a substantial deviation has been determined or admitted by the developer, the amendment to the development order issued by the local government shall be consistent with the requirements of subsection (15) and shall be subject to the hearing and appeal provisions of s. 380.07. The state land planning agency or the appropriate regional planning agency need not participate at the local hearing in order to appeal a local government development order issued pursuant to this paragraph.

(i) An increase in the number of residential dwelling units shall not constitute a substantial deviation and shall not be subject to development-of-regional-impact review for additional impacts provided that all the residential dwelling units are dedicated to affordable workforce housing, subject to a recorded land use restriction, which includes resale provisions. For purposes of this paragraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For purposes of this paragraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released

each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.

(24) STATUTORY EXEMPTIONS.—

(a) Any proposed hospital ~~which has a designed capacity of not more than 100 beds~~ is exempt from the provisions of this section.

(b) Any proposed electrical transmission line or electrical power plant is exempt from the provisions of this section~~, except any steam or solar electrical generating facility of less than 50 megawatts in capacity attached to a development of regional impact~~.

(c) Any proposed addition to an existing sports facility complex is exempt from the provisions of this section if the addition meets the following characteristics:

1. It would not operate concurrently with the scheduled hours of operation of the existing facility.

2. Its seating capacity would be no more than 75 percent of the capacity of the existing facility.

3. The sports facility complex property is owned by a public body prior to July 1, 1983.

This exemption does not apply to any pari-mutuel facility.

(d) Any proposed addition or cumulative additions subsequent to July 1, 1988, to an existing sports facility complex owned by a state university is exempt if the increased seating capacity of the complex is no more than 30 percent of the capacity of the existing facility.

(e) Any addition of permanent seats or parking spaces for an existing sports facility located on property owned by a public body prior to July 1, 1973, is exempt from the provisions of this section if future additions do not expand existing permanent seating or parking capacity more than 15 percent annually in excess of the prior year's capacity.

(f) Any increase in the seating capacity of an existing sports facility having a permanent seating capacity of at least 50,000 spectators is exempt from the provisions of this section, provided that such an increase does not increase permanent seating capacity by more than 5 percent per year and not to exceed a total of 10 percent in any 5-year period, and provided that the sports facility notifies the appropriate local government within which the facility is located of the increase at least 6 months prior to the initial use of the increased seating, in order to permit the appropriate local government to develop a traffic management plan for the traffic generated by the increase. Any traffic management plan shall be consistent with the local comprehensive plan, the regional policy plan, and the state comprehensive plan.

(g) Any expansion in the permanent seating capacity or additional improved parking facilities of an existing sports facility is exempt from the provisions of this section, if the following conditions exist:

1.a. The sports facility had a permanent seating capacity on January 1, 1991, of at least 41,000 spectator seats;

b. The sum of such expansions in permanent seating capacity does not exceed a total of 10 percent in any 5-year period and does not exceed a cumulative total of 20 percent for any such expansions; or

c. The increase in additional improved parking facilities is a one-time addition and does not exceed 3,500 parking spaces serving the sports facility; and

2. The local government having jurisdiction of the sports facility includes in the development order or development permit approving such expansion under this paragraph a finding of fact that the proposed expansion is consistent with the transportation, water, sewer and stormwater drainage provisions of the approved local comprehensive plan and local land development regulations relating to those provisions.

Any owner or developer who intends to rely on this statutory exemption shall provide to the department a copy of the local government application for a development permit. Within 45 days of receipt of the application, the department shall render to the local government an advisory and nonbinding opinion, in writing, stating whether, in the department's opinion, the prescribed conditions exist for an exemption under this paragraph. The local government shall render the development order approving each such expansion to the department. The owner, developer, or department may appeal the local government development order pursuant to s. 380.07, within 45 days after the order is rendered. The scope of review shall be limited to the determination of whether the conditions prescribed in this paragraph exist. If any sports facility expansion undergoes development of regional impact review, all previous expansions which were exempt under this paragraph shall be included in the development of regional impact review.

(h) Expansion to port harbors, spoil disposal sites, navigation channels, turning basins, harbor berths, and other related inwater harbor facilities of ports listed in s. 403.021(9)(b), port transportation facilities and projects listed in s. 311.07(3)(b), and intermodal transportation facilities identified pursuant to s. 311.09(3) are exempt from the provisions of this section when such expansions, projects, or facilities are consistent with comprehensive master plans that are in compliance with the provisions of s. 163.3178.

(i) Any proposed facility for the storage of any petroleum product or any expansion of an existing facility is exempt from the provisions of this section~~, if the facility is consistent with a local comprehensive plan that is in compliance with s. 163.3177 or is consistent with a comprehensive port master plan that is in compliance with s. 163.3178~~.

(j) Any renovation or redevelopment within the same land parcel which does not change land use or increase density or intensity of use.

(k)~~1.~~ *Waterport and marina development, including dry storage facilities, are exempt from the provisions of this section* ~~Any waterport or marina development is exempt from the provisions of this section if the relevant county or municipality has adopted a boating facility siting plan or policy which includes applicable criteria, considering such factors as natural resources, manatee protection needs and recreation and economic demands as generally outlined in the Bureau of Protected Species Management Boat Facility Siting Guide, dated August 2000, into the coastal management or land use element of its comprehensive plan. The adoption of boating facility siting plans or policies into the comprehensive plan is exempt from the provisions of s. 163.3187(1). Any waterport or marina development within the municipalities or counties with boating facility siting plans or policies that meet the above criteria, adopted prior to April 1, 2002, are exempt from the provisions of this section, when their boating facility siting plan or policy is adopted as part of the relevant local government's comprehensive plan.~~

~~2. Within 6 months of the effective date of this law, The Department of Community Affairs, in conjunction with the Department of Environmental Protection and the Florida Fish and Wildlife Conservation Commission, shall provide technical assistance and guidelines, including model plans, policies and criteria to local governments for the development of their siting plans~~.

(l) Any proposed development within an urban service boundary established under s. 163.3177(14) is exempt from the provisions of this section if the local government having jurisdiction over the area where the development is proposed has adopted the urban service boundary, ~~and~~ has entered into a binding agreement with ~~adjacent~~ jurisdictions *that would be impacted* and *with* the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16).

(m) Any proposed development within a rural land stewardship area created under s. 163.3177(11)(d) is exempt from the provisions of this section if the local government that has adopted the rural land stewardship area has entered into a binding agreement with jurisdictions that would be impacted and the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16).

(n) Any proposed development or redevelopment within an area designated as an urban infill and redevelopment area under s. 163.2517 is exempt from ~~the provisions of~~ this section if the local government has entered into a binding agreement with jurisdictions that would be impacted and the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16).

(o) The establishment, relocation, or expansion of any military installation as defined in s. 163.3175, is exempt from this section.

(p) Any self-storage warehousing that does not allow retail or other services is exempt from this section.

(q) Any proposed nursing home or assisted living facility is exempt from this section.

(r) Any development identified in an airport master plan and adopted into the comprehensive plan pursuant to s. 163.3177(6)(k) is exempt from this section.

(s) Any development identified in a campus master plan and adopted pursuant to s. 1013.30 is exempt from this section.

(t) Any development in a specific area plan which is prepared pursuant to s. 163.3245 and adopted into the comprehensive plan is exempt from this section.

If a use is exempt from review as a development of regional impact under paragraphs (a)-(t) but will be part of a larger project that is subject to review as a development of regional impact, the impact of the exempt use must be included in the review of the larger project.

(28) PARTIAL STATUTORY EXEMPTIONS.—

(a) If the binding agreement referenced under paragraph (24)(l) for urban service boundaries is not entered into within 12 months after establishment of the urban service boundary, the development-of-regional-impact review for projects within the urban service boundary must address transportation impacts only.

(b) If the binding agreement referenced under paragraph (24)(m) for rural land stewardship areas is not entered into within 12 months after the designation of a rural land stewardship area, the development-of-regional-impact review for projects within the rural land stewardship area must address transportation impacts only.

(c) If the binding agreement referenced under paragraph (24)(n) for designated urban infill and redevelopment areas is not entered into within 12 months after the designation of the area or July 1, 2007, whichever occurs later, the development-of-regional-impact review for projects within the urban infill and redevelopment area must address transportation impacts only.

(d) A local government that does not wish to enter into a binding agreement or that is unable to agree on the terms of the agreement referenced under paragraph (24)(l), paragraph (24)(m), or paragraph (24)(n) shall provide written notification to the state land planning agency of the decision to not enter into a binding agreement or the failure to enter into a binding agreement within the 12-month period referenced in paragraphs (a), (b) and (c). Following the notification of the state land planning agency, development-of-regional-impact review for projects within an urban service boundary under paragraph (24)(l), a rural land stewardship area under paragraph (24)(m), or an urban infill and redevelopment area under paragraph (24)(n), must address transportation impacts only.

(e) The vesting provision of s. 163.3167(8) relating to an authorized development of regional impact shall not apply to those projects partially exempt from the development-of-regional-impact review process under paragraphs (a)-(d).

Section 7. Paragraphs (d) and (e) of subsection (3) of section 380.0651, Florida Statutes, are amended, paragraphs (f) through (i) are redesignated as paragraphs (e) through (h), respectively, paragraph (j) is redesignated as paragraph (i) and amended, and a new paragraph (j) is added to that subsection, to read:

380.0651 Statewide guidelines and standards.—

(3) The following statewide guidelines and standards shall be applied in the manner described in s. 380.06(2) to determine whether the following developments shall be required to undergo development-of-regional-impact review:

(d) Office development.—Any proposed office building or park operated under common ownership, development plan, or management that:

1. Encompasses 300,000 or more square feet of gross floor area; or

2. Encompasses more than 600,000 square feet of gross floor area in a county with a population greater than 500,000 and only in a geographic area specifically designated as highly suitable for increased threshold intensity in the approved local comprehensive plan ~~and in the strategic regional policy plan~~.

~~(e) Port facilities.—The proposed construction of any waterport or marina is required to undergo development-of-regional-impact review, except one designed for:~~

~~1.a. The wet storage or mooring of fewer than 150 watercraft used exclusively for sport, pleasure, or commercial fishing, or~~

~~b. The dry storage of fewer than 200 watercraft used exclusively for sport, pleasure, or commercial fishing, or~~

~~c. The wet or dry storage or mooring of fewer than 150 watercraft on or adjacent to an inland freshwater lake except Lake Okeechobee or any lake which has been designated an Outstanding Florida Water, or~~

~~d. The wet or dry storage or mooring of fewer than 50 watercraft of 40 feet in length or less of any type or purpose. The exceptions to this paragraph's requirements for development-of-regional-impact review shall not apply to any waterport or marina facility located within or which serves physical development located within a coastal barrier resource unit on an unbridged barrier island designated pursuant to 16 U.S.C. s. 3501.~~

~~In addition to the foregoing, for projects for which no environmental resource permit or sovereign submerged land lease is required, the Department of Environmental Protection must determine in writing that a proposed marina in excess of 10 slips or storage spaces or a combination of the two is located so that it will not adversely impact Outstanding Florida Waters or Class II waters and will not contribute boat traffic in a manner that will have an adverse impact on an area known to be, or likely to be, frequented by manatees. If the Department of Environmental Protection fails to issue its determination within 45 days of receipt of a formal written request, it has waived its authority to make such determination. The Department of Environmental Protection determination shall constitute final agency action pursuant to chapter 120.~~

~~2. The dry storage of fewer than 300 watercraft used exclusively for sport, pleasure, or commercial fishing at a marina constructed and in operation prior to July 1, 1985.~~

~~3. Any proposed marina development with both wet and dry mooring or storage used exclusively for sport, pleasure, or commercial fishing, where the sum of percentages of the applicable wet and dry mooring or storage thresholds equals 100 percent. This threshold is in addition to, and does not preclude, a development from being required to undergo development-of-regional-impact review under sub-subparagraphs 1.a. and b. and subparagraph 2.~~

(i)~~(j)~~ Residential development.—No rule may be adopted concerning residential developments which treats a residential development in one county as being located in a less populated adjacent county unless more than 25 percent of the development is located within 2 or less miles of the less populated adjacent county. *The residential thresholds of adjacent counties with less population and a lower threshold shall not be controlling on any development wholly located within a municipality in a rural county of economic concern.*

(j) Workforce housing.—The applicable guidelines for residential development and the residential component for multiuse development shall be increased by 50 percent where the developer demonstrates that at least 15 percent of the total residential dwelling units authorized within the development of regional impact will be dedicated to affordable workforce housing, subject to a recorded land use restriction, which includes resale provisions and provisions for the workforce housing to be commenced prior to the completion of 50 percent of the market rate dwelling. For purposes of this paragraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For the purposes of this paragraph, the term "statewide median purchase price of a single-family existing

home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.

Section 8. Section 380.07, Florida Statutes, is amended to read:

380.07 Florida Land and Water Adjudicatory Commission.—

(1) There is hereby created the Florida Land and Water Adjudicatory Commission, which shall consist of the Administration Commission. The commission may adopt rules necessary to ensure compliance with the area of critical state concern program and the requirements for developments of regional impact as set forth in this chapter.

(2) Whenever any local government issues any development order in any area of critical state concern, or in regard to any development of regional impact, copies of such orders as prescribed by rule by the state land planning agency shall be transmitted to the state land planning agency, the regional planning agency, and the owner or developer of the property affected by such order. The state land planning agency shall adopt rules describing development order rendition and effectiveness in designated areas of critical state concern. Within 45 days after the order is rendered, the owner, the developer, or the state land planning agency may appeal the order to the Florida Land and Water Adjudicatory Commission by filing a *petition alleging that the development order is not consistent with the provisions of this part* ~~notice of appeal with the commission~~. The appropriate regional planning agency by vote at a regularly scheduled meeting may recommend that the state land planning agency undertake an appeal of a development-of-regional-impact development order. Upon the request of an appropriate regional planning council, affected local government, or any citizen, the state land planning agency shall consider whether to appeal the order and shall respond to the request within the 45-day appeal period. ~~Any appeal taken by a regional planning agency between March 1, 1993, and the effective date of this section may only be continued if the state land planning agency has also filed an appeal. Any appeal initiated by a regional planning agency on or before March 1, 1993, shall continue until completion of the appeal process and any subsequent appellate review, as if the regional planning agency were authorized to initiate the appeal.~~

(3) Notwithstanding any other provision of law, an appeal of a development order by the state land planning agency under this section may include consistency of the development order with the local comprehensive plan. However, if a development order relating to a development of regional impact has been challenged in a proceeding under s. 163.3215 and a party to the proceeding serves notice to the state land planning agency of the pending proceeding under s. 163.3215, the state land planning agency shall:

(a) Raise its consistency issues by intervening as a full party in the pending proceeding under s. 163.3215 within 30 days after service of the notice; and

(b) Dismiss the consistency issues from the development order appeal.

(4) The appellant shall furnish a copy of the petition to the opposing party, as the case may be, and to the local government that issued the order. The filing of the petition stays the effectiveness of the order until after the completion of the appeal process.

(5)~~(3)~~ The 45-day appeal period for a development of regional impact within the jurisdiction of more than one local government shall not commence until after all the local governments having jurisdiction over the proposed development of regional impact have rendered their development orders. The appellant shall furnish a copy of the notice of appeal to the opposing party, as the case may be, and to the local government which issued the order. The filing of the notice of appeal shall stay the effectiveness of the order until after the completion of the appeal process.

(6)~~(4)~~ Prior to issuing an order, the Florida Land and Water Adjudicatory Commission shall hold a hearing pursuant to the provisions of chapter 120. The commission shall encourage the submission of appeals on the record made below in cases in which the development order was issued after a full and complete hearing before the local government or an agency thereof.

(7)~~(5)~~ The Florida Land and Water Adjudicatory Commission shall issue a decision granting or denying permission to develop pursuant to the standards of this chapter and may attach conditions and restrictions to its decisions.

(8)~~(6)~~ If an appeal is filed with respect to any issues within the scope of a permitting program authorized by chapter 161, chapter 373, or chapter 403 and for which a permit or conceptual review approval has been obtained prior to the issuance of a development order, any such issue shall be specifically identified in the notice of appeal which is filed pursuant to this section, together with other issues which constitute grounds for the appeal. The appeal may proceed with respect to issues within the scope of permitting programs for which a permit or conceptual review approval has been obtained prior to the issuance of a development order only after the commission determines by majority vote at a regularly scheduled commission meeting that statewide or regional interests may be adversely affected by the development. In making this determination, there shall be a rebuttable presumption that statewide and regional interests relating to issues within the scope of the permitting programs for which a permit or conceptual approval has been obtained are not adversely affected.

Section 9. Section 380.115, Florida Statutes, is amended to read:

380.115 Vested rights and duties; effect of *size reduction, changes in guidelines and standards* ~~chs. 2002-20 and 2002-296~~.—

(1) *A change in a development-of-regional-impact guideline and standard does not abridge* ~~Nothing contained in this act abridges~~ or *modify* ~~modifies~~ any vested or other right or any duty or obligation pursuant to any development order or agreement that is applicable to a development of regional impact ~~on the effective date of this act~~. A development that has received a development-of-regional-impact development order pursuant to s. 380.06, but is no longer required to undergo development-of-regional-impact review by operation *of a change in the guidelines and standards or has reduced its size below the thresholds in s. 380.0651* ~~of this act~~, shall be governed by the following procedures:

(a) The development shall continue to be governed by the development-of-regional-impact development order and may be completed in reliance upon and pursuant to the development order *unless the developer or landowner has followed the procedures for rescission in paragraph (b). Any proposed changes to those developments which continue to be governed by a development order shall be approved pursuant to s. 380.06(19) as it existed prior to a change in the development-of-regional-impact guidelines and standards except that all percentage criteria shall be doubled and all other criteria shall be increased by 10 percent*. The development-of-regional-impact development order may be enforced by the local government as provided by ss. 380.06(17) and 380.11.

(b) If requested by the developer or landowner, the development-of-regional-impact development order *shall* ~~may~~ be *rescinded by the local government having jurisdiction upon a showing that all required mitigation related to the amount of development that existed on the date of rescission has been completed* ~~abandoned pursuant to the process in s. 380.06(26)~~.

(2) A development with an application for development approval pending, ~~and determined sufficient~~ pursuant to *s. 380.06* ~~s. 380.06(10)~~, on the effective date of *a change to the guidelines and standards* ~~this act~~, or a notification of proposed change pending on the effective date of *a change to the guidelines and standards* ~~this act~~, may elect to continue such review pursuant to s. 380.06. At the conclusion of the pending review, including any appeals pursuant to s. 380.07, the resulting development order shall be governed by the provisions of subsection (1).

(3) A landowner that has filed an application for a development-of-regional-impact review prior to the adoption of an optional sector plan pursuant to s. 163.3245 may elect to have the application reviewed pursuant to s. 380.06, comprehensive plan provisions in force prior to adoption of the sector plan, and any requested comprehensive plan amendments that accompany the application.

Section 10. Paragraph (i) of subsection (2) of section 403.813, Florida Statutes, is amended to read:

403.813 Permits issued at district centers; exceptions.—

(2) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, for activities associated with the following types of projects; however, except as otherwise provided in this subsection, nothing in this subsection relieves an applicant from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or any water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

(i) The construction of private docks *of 1,000 square feet or less of over-water surface area* and seawalls in artificially created waterways where such construction will not violate existing water quality standards, impede navigation, or affect flood control. This exemption does not apply to the construction of vertical seawalls in estuaries or lagoons unless the proposed construction is within an existing manmade canal where the shoreline is currently occupied in whole or part by vertical seawalls.

Section 11. This act shall take effect July 1, 2006.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to growth management; amending s. 163.3177, F.S.; encouraging local governments to adopt boating facility siting plans or policies; providing criteria and exemptions for such plans and policies; authorizing assistance for the development of such plans and policies; revising guidelines for determining rural 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 for working waterfront properties; including public lodging establishments in the description of working waterfront properties; amending s. 342.07, F.S.; adding recreational activities as an important state interest; including public lodging establishments 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; 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.

Senator Bennett moved the following amendments to **Amendment 1** which were adopted:

Amendment 1A (632704)—On page 13, lines 27 and 28, delete those lines and insert: (a) and (i) of subsection (4), and subsections (15), (19), (24), and (26) of section 380.06, Florida Statutes, are amended, and

Amendment 1B (102280)(with title amendment)—On page 40, between lines 13 and 14, insert:

(26) ABANDONMENT OF DEVELOPMENTS OF REGIONAL IMPACT.—*(a)* There is hereby established a process to abandon a development of regional impact and its associated development orders. A development of regional impact and its associated development orders may be proposed to be abandoned by the owner or developer. The local government in which the development of regional impact is located also may propose to abandon the development of regional impact, provided that the local government gives individual written notice to each development-of-regional-impact owner and developer of record, and provided that no such owner or developer objects in writing to the local government prior to or at the public hearing pertaining to abandonment of the development of regional impact. The state land planning agency is authorized to promulgate rules that shall include, but not be limited to, criteria for determining whether to grant, grant with conditions, or deny a proposal to abandon, and provisions to ensure that the developer satisfies all applicable conditions of the development order and adequately mitigates for the impacts of the development. If there is no existing development within the development of regional impact at the time of abandonment and no development within the development of regional impact is proposed by the owner or developer after such abandonment, an abandonment order shall not require the owner or developer to contribute any land, funds, or public facilities as a condition of such abandonment order. The rules shall also provide a procedure for filing notice of the abandonment pursuant to s. 28.222 with the clerk of the circuit court for each county in which the development of regional impact is located. Any decision by a local government concerning the abandonment of a development of regional impact shall be subject to an appeal pursuant to s. 380.07. The issues in any such appeal shall be confined to whether the provisions of this subsection or any rules promulgated thereunder have been satisfied.

(b) Upon receipt of written confirmation from the state land planning agency that any required mitigation applicable to completed development has occurred, an industrial development of regional impact located within the coastal high-hazard area of a rural county of economic concern which was approved prior to the adoption of the local government's comprehensive plan required under s. 163.3167 and which plan's future land use map and zoning designates the land use for the development of regional impact as commercial may be unilaterally abandoned without the need to proceed through the process described in paragraph (a) if the developer or owner provides a notice of abandonment to the local government and records such notice with the applicable clerk of court. Abandonment shall be deemed to have occurred upon the recording of the notice. All development following abandonment shall be fully consistent with the current comprehensive plan and applicable zoning.

And the title is amended as follows:

On page 52, line 28, after the semicolon (;) insert: revising provisions for the abandonment of developments of regional impact; providing an exemption from such provisions for certain developments of regional impact;

Amendment 1C (562546)(with title amendment)—On page 50, between lines 22 and 23, insert:

Section 11. Subsection (11) of section 163.01, Florida Statutes, is amended to read:

163.01 Florida Interlocal Cooperation Act of 1969.—

(11) Prior to its effectiveness, an interlocal agreement and subsequent amendments thereto shall be filed with the clerk of the circuit court of each county where a party to the agreement is located. *However, if the parties to the agreement are located in multiple counties and the agreement under subsection (7) provides for a separate legal entity or administrative entity to administer the agreement, the interlocal agreement and any amendments thereto may be filed with the clerk of the circuit court in the county where the legal or administrative entity maintains its principal place of business.*

Section 12. Section 336.68, Florida Statutes, is created to read:

336.68 Special road and bridge district boundaries; property owner rights and options.—

(1) The owner of real property located within both the boundaries of a community development district created under chapter 190 and within the boundaries of a special road and bridge district created by the alternative method of establishing special road and bridge districts previously authorized under ss. 336.61-336.67 shall have the option to select the community development district to be the provider of the road and drainage improvements to the property of the owner. Having made the selection, the property owner shall further have the right to withdraw the property from the boundaries of the special road and bridge district under the procedures set forth in this section.

(2) To be eligible for withdrawal, the subject property may not have received improvements or benefits from the special road and bridge district; there may be no outstanding bonded indebtedness of the special road and bridge district for which the property is subject to ad valorem tax levies; and the withdrawal of the property may not create an enclave bounded on all sides by the other property within the boundaries of the district when the property owner withdraws the property from the boundaries of the district.

(3) The election by a property owner to withdraw property from the boundaries of a district as described in this section shall be accomplished by filing a certificate in the official records of the county in which the property is located. The certificate shall identify the name and mailing address of the owner, the legal description of the property, the name of the district from which the property is being withdrawn, and the general location of the property within the district. The certificate shall further state that the property has not received benefits from the district from which the property is to be withdrawn; that there is no bonded indebtedness owed by the district; and that the property being withdrawn will not become an enclave within the district boundaries.

(4) The property owner shall provide copies of the recorded certificate to the governing body of the district from which the property is being withdrawn within 10 days after the date that the certificate is recorded. If the district does not record an objection to the withdrawal of the property in the public records within 30 days after the recording of the certificate identifying the criteria in this section that has not been met, the withdrawal shall be final and the property shall be permanently withdrawn from the boundaries of the district.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 53, line 23, after the semicolon (;) insert: amending s. 163.01, F.S.; revising provisions for filing certain interlocal agreements and amendments; creating s. 336.68, F.S.; providing that a property owner having real property located within the boundaries of a community development district and a special road and bridge district may select the community development district to be the provider of the road and drainage improvements to the property of the owner; authorizing the owner of the property to withdraw the property from the special road and bridge district; specifying the procedures and criteria required in order to remove the real property from the special road and bridge district; authorizing the governing body of the special road and bridge district to file a written objection to the proposed withdrawal of the property;

MOTION

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

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

Amendment 1D (601496)(with title amendment)—On page 50, between lines 22 and 23, insert:

Section 11. *For purposes of ss. 810.08 and 810.09, Florida Statutes, a person may not lawfully remain on any property or in any structure that is held open to the public generally for commercial purposes after the owner or the owner's agent orders that person to leave the premises because the person is engaged in an activity that is deemed by the owner or the owner's agent to be detrimental to the commercial purposes for which the premises is held open to the public.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 53, line 23, after the semicolon (;) insert: clarifying laws governing trespass to prohibit a person from remaining on commercial property after an order to leave the premises by the property owner or the owner's agent;

On motion by Senator Bennett, further consideration of **CS for CS for SB 1020** with pending **Amendment 1 (352586)** and **Amendment 1D (601496)** was deferred.

On motion by Senator Bennett, by two-thirds vote **HB 1139** was withdrawn from the Committees on Regulated Industries; and Judiciary.

On motion by Senator Bennett—

HB 1139—A bill to be entitled An act relating to construction defects; amending ss. 558.001, 558.002, and 558.004, F.S.; revising provisions to expand application to construction defects in any property other than public transportation projects; deleting language limiting application to only residential property; amending s. 558.005, F.S.; revising provisions relating to required notices for construction defect claims under certain construction contracts; applying provisions of ch. 558, F.S., notwithstanding certain notice requirements; providing an effective date.

—a companion measure, was substituted for **CS for SB 2036** and read the second time by title.

Pursuant to Rule 4.19, **HB 1139** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lawson, by two-thirds vote **HB 1269** was withdrawn from the Committees on Community Affairs; Regulated Industries; and Government Efficiency Appropriations.

On motion by Senator Lawson—

HB 1269—A bill to be entitled An act relating to local occupational license taxes; amending ch. 205, F.S., consisting of ss. 205.013-205.1973, F.S.; changing the term "local occupational license tax" to "local business tax"; defining the term "receipt" as it relates to business taxes; amending provisions to conform; providing an effective date.

—a companion measure, was substituted for **CS for SB 2218** and read the second time by title.

Pursuant to Rule 4.19, **HB 1269** was placed on the calendar of Bills on Third Reading.

REMARKS

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

Senator Lawson: This bill is intended only to change the name of the local occupational license tax and is not intended to make any substantive change in the law, ordinance, or case law relating to occupational licenses. I request that these comments be spread upon the journal.

On motion by Senator Haridopolos—

SB 2438—A bill to be entitled An act relating to weapons; amending s. 790.001, F.S.; revising the definition of "weapon"; amending s. 790.115, F.S.; revising and clarifying provisions related to the prohibited exhibition and possession of specified weapons and firearms at a school-sponsored event or on school property; providing penalties; amending s. 810.095, F.S.; clarifying provisions with respect to prohibited trespass on school property with a firearm or other weapon; providing a penalty; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 2438** to **HB 1291**.

Pending further consideration of **SB 2438** as amended, on motion by Senator Haridopolos, by two-thirds vote **HB 1291** was withdrawn from the Committees on Education; and Criminal Justice.

On motion by Senator Haridopolos—

HB 1291—A bill to be entitled An act relating to weapons; amending s. 790.001, F.S.; revising the definition of "weapon"; amending s. 790.115, F.S.; revising and clarifying provisions related to the prohibited exhibition and possession of specified weapons and firearms at a school-sponsored event or on school property; providing penalties; amending s. 810.095, F.S.; clarifying provisions with respect to prohibited trespass on school property with a firearm or other weapon; providing a penalty; providing an effective date.

—a companion measure, was substituted for **SB 2438** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1291** was placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg—

CS for CS for SB 2238—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Homeownership For All license plate; providing for the distribution of annual use fees received from the sale of such plates; conforming provisions related to Florida Memorial College license plates; changing the name to the Florida Memorial University license plate; authorizing a maximum of 10 percent of the proceeds from the sale of Keep Kids Drug Free license plates to be used for marketing and certain administrative costs; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 2238** to **HB 1589**.

Pending further consideration of **CS for CS for SB 2238** as amended, on motion by Senator Aronberg, by two-thirds vote **HB 1589** was withdrawn from the Committees on Transportation; and Transportation and Economic Development Appropriations.

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

HB 1589—A bill to be entitled An act relating to specialty license plates; amending s. 320.08056, F.S.; revising specialty license plate use fee provisions to change a name; establishing an annual use fee for the Homeownership For All license plate; exempting collegiate license plates from discontinuance requirements; amending s. 320.08058, F.S.; revising authorized uses of the use fees received from sales of the Keep Kids Drug-Free license plate; changing the name of the Florida Memorial College license plate to the Florida Memorial University license plate; revising authorized uses of the use fees received from sales of the Sportsmen's National Land Trust license plate; creating the Homeownership For All license plate and providing for distribution of the fees received from sales of the plate; amending s. 320.0807, F.S.; creating special license plates for legislative presiding officers; amending s. 320.08056, F.S.; establishing an annual use fee for the Future Farmers of America license plate; amending s. 320.08058, F.S.; creating the Future Farmers of America license plate and providing for use of funds received from the sale of the plates; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2238** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1589** was placed on the calendar of Bills on Third Reading.

CS for CS for CS for SB 1388—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; 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 criteria for eligibility to take the commercial landscape maintenance personnel examination; clarifying requirements relating to proof of education and insurance; 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; creating s. 570.954, F.S.; creating the Farm-to-Fuel Initiative; providing the purpose of the initiative and authorizing the department to conduct an education program; providing for coordination between the department and the Department of Environmental Protection; amending s. 582.06, F.S.; revising the membership of the Soil and Water Conservation Council; amending s. 828.30, F.S.; updating references to the Rabies Vaccination Certificate; amending s. 403.067, F.S.; clarifying rules adopted by the department relating to best-management practices; clarifying the authority for certain measures to be implemented by the Department of Environmental Protection for certain water bodies; repealing s. 482.211(11), F.S., relating to an exemption from ch. 482, F.S., provided for a yard worker when applying a pesticide to the lawn or ornamental plants of an individual residential property owner under certain circumstances; designating the "Austin Dewey Gay Agricultural Inspection Station" in Escambia County; amending s. 500.12, F.S.; exempting certain producers of sugar cane or sorghum syrup from permitting requirements; amending s. 570.249, F.S.; expanding the conditions under which loan funds to certain agricultural producers may be granted; increasing the maximum amount of a loan; providing definitions; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for CS for SB 1388** to **HB 7075**.

Pending further consideration of **CS for CS for CS for SB 1388** as amended, on motion by Senator Smith, by two-thirds vote **HB 7075** was withdrawn from the Committees on Agriculture; and Commerce and Consumer Services.

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

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.

—a companion measure, was substituted for **CS for CS for CS for SB 1388** as amended and read the second time by title.

Senator Smith moved the following amendment:

Amendment 1 (065004)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (7) and (12) of section 482.021, Florida Statutes, are amended to read:

482.021 Definitions.—For the purposes of this chapter, and unless otherwise required by the context, the term:

(7) "Employee" means a person who is employed by a licensee that provides that person *with* necessary training, supervision, pesticides, equipment, and insurance and who receives compensation from and is under the *personal* supervision and *direct* control of the *licensee's certified operator in charge and* ~~licensee~~ from *whose* ~~which~~ compensation ~~of~~ the licensee regularly deducts and matches federal insurance contributions and federal income and Social Security taxes.

(12) "Independent contractor" means an entity separate from the licensee that:

(a) Receives moneys from a customer which are deposited in a bank account other than that of the licensee;

(b) Owns or supplies its own service vehicle, equipment, and pesticides; ~~or~~

(c) Maintains a business operation, office, or support staff independent of the licensee's direct control;

(d) Pays its own operating expenses such as fuel, equipment, pesticides, and materials; or

(e)~~(c)~~ Pays its own *workers'* ~~worker's~~ compensation as an independent contractor.

Section 2. Subsection (5) of section 482.051, Florida Statutes, is amended to read:

482.051 Rules.—The department has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter. Prior to proposing the adoption of a rule, the department shall counsel with members of the pest control industry concerning the proposed rule. The department shall adopt rules for the protection of the health, safety, and welfare of pest control employees and the general public which require:

(5) That any pesticide used *as the primary preventive treatment* for ~~preconstruction treatments for the prevention of~~ subterranean termites *in new construction* be applied in the amount, concentration, and treatment area in accordance with the label; that a copy of the label of the registered pesticide being applied be carried in a vehicle at the site where the pesticide is being applied; and that the licensee maintain for 3 years the record of each preconstruction treatment, indicating the date of treatment, the location or address of the property treated, the total square footage of the structure treated, the type of pesticide applied, the concentration of each substance in the mixture applied, and the total amount of pesticide applied.

Section 3. Paragraph (a) of subsection (2) of section 482.091, Florida Statutes, is amended to read:

482.091 Employee identification cards.—

(2)(a) An identification cardholder must be an employee of the licensee and work under the direction and supervision of the licensee's certified operator in charge and *shall* ~~may~~ not be an independent contractor. An identification cardholder *shall operate* ~~may perform~~ only ~~pest control services~~ out of, *and* ~~or~~ for customers *assigned* ~~arising~~ from, the licensee's licensed business location. An identification cardholder *shall* ~~may~~ not perform any pest control independently of and without the knowledge of the licensee and the licensee's certified operator in charge and *shall* ~~may~~ perform pest control only for the licensee's customers.

Section 4. Subsections (1), (2), and (3) of section 482.156, Florida Statutes, are amended to read:

482.156 Limited certification for commercial landscape maintenance personnel.—

(1) The department shall establish a limited certification category for *individual* commercial landscape maintenance personnel to authorize them to apply herbicides for controlling weeds in plant beds and to perform integrated pest management on ornamental plants using ~~the following materials:~~ insecticides *and fungicides* having the signal word "caution" but not having the word "warning" or "danger" on the label~~, insecticidal soaps, horticultural oils, and bacillus thuringiensis formulations~~. The application equipment that may be used by a person certified pursuant to this section is limited to portable, handheld 3-gallon compressed air sprayers or backpack sprayers having no more than a 5-gallon capacity and does not include power equipment.

(2)(a) A person seeking limited certification under this section must pass an examination given by the department. Each application for examination must be accompanied by an examination fee set by *rule of* the department, in an amount of not more than $150 or less than $50~~; however, until a rule setting this fee is adopted by the department, the examination fee is $50~~. *Prior to the department's issuing a limited certification under this section,* each person *applying* ~~making application~~ for *the* certification ~~under this section~~ must furnish proof of having a certificate of insurance which states that the employer meets the requirements for minimum financial responsibility for bodily injury and property damage required by s. 482.071(4).

(b) To be eligible to take the examination, an applicant must have completed *6* ~~8~~ classroom hours of plant bed and ornamental continuing education training approved by the department and provide sufficient proof, according to criteria established by department rule~~, that the applicant has been in the landscape maintenance business for at least 3 years~~.

~~(b)~~ The department shall provide the appropriate reference materials for the examination and make the examination readily accessible and available to applicants at least quarterly or as necessary in each county.

(3) An application for recertification under this section must be made annually and be accompanied by a recertification fee set by *rule of* the department, in an amount of not more than $75 or less than $25~~; however, until a rule setting this fee is adopted by the department, the fee for recertification is $25~~. The application must also be accompanied by proof of having completed 4 classroom hours of acceptable continuing education and the same proof of having a certificate of insurance as is required for *issuance of this* ~~initial~~ certification. After a grace period not exceeding 30 calendar days following the annual date that recertification is due, a late renewal charge of $50 shall be assessed and must be paid in addition to the renewal fee. Unless timely recertified, a certificate automatically expires 180 calendar days after the anniversary recertification date. Subsequent to such expiration, a certificate may be issued only upon successful reexamination and upon payment of the examination fees due.

Section 5. Subsection (7) of section 482.211, Florida Statutes, is amended to read:

482.211 Exemptions.—This chapter does not apply to:

(7) ~~Area~~ Mosquito control *activities conducted by a local government or district established under chapter 388 or by special act or by a contractor of the local government or district*.

Section 6. Section 500.033, Florida Statutes, is amended to read:

500.033 Florida Food Safety and Food *Defense* ~~Security~~ Advisory Council.—

(1) There is created the Florida Food Safety and Food *Defense* ~~Security~~ Advisory Council for the purpose of serving as a forum for presenting, investigating, and evaluating issues of current importance to the assurance of a safe and secure food supply to the citizens of Florida. The Florida Food Safety and Food *Defense* ~~Security~~ Advisory Council shall consist of, but not be limited to: the Commissioner of Agriculture or his or her designee; the Secretary of Health or his or her designee; the Secretary of Business and Professional Regulation or his or her designee; the person responsible for domestic security with the ~~Florida~~ Department of Law Enforcement; members representing the production, processing, distribution, and sale of foods; consumers *or* ~~and/or~~ members of citizens groups*; representatives of* ~~or~~ food industry groups; scientists or other experts in aspects of food safety from state universities; representatives from local, state, and federal agencies that are charged with responsibilities for food safety or food *defense* ~~security~~; the chairs of the Agriculture Committees of the Senate and the House of Representatives or their designees; and the chairs of the committees of the Senate and the House of Representatives with jurisdictional oversight of home defense issues or their designees. The Commissioner of Agriculture shall appoint the remaining members. The council shall make periodic reports to the Department of Agriculture and Consumer Services concerning findings and recommendations in the area of food safety and food *defense* ~~security~~.

(2) The council shall consider the development of appropriate advice or recommendations on food safety or food *defense* ~~security~~ issues. In the discharge of their duties, the council members may receive for review confidential data exempt from the provisions of s. 119.07(1); however, it is unlawful for any member of the council to use the data for his or her advantage or reveal the data to the general public.

Section 7. Section 570.954, Florida Statutes, is created to read:

570.954 Farm-to-fuel initiative.—

(1) The department may develop a farm-to-fuel initiative to enhance the market for and promote the production and distribution of renewable energy from Florida-grown crops, agricultural wastes and residues, and other biomass and to enhance the value of agricultural products or expand agribusiness in the state.

(2) The department may conduct a statewide comprehensive information and education program aimed at educating the general public about the benefits of renewable energy and the use of alternative fuels.

(3) The department shall coordinate with and solicit the expertise of the state energy office within the Department of Environmental Protection when developing and implementing this initiative.

Section 8. Paragraphs (b) and (c) of subsection (1) of section 582.06, Florida Statutes, are amended to read:

582.06 Soil and Water Conservation Council; powers and duties.—

(1) COMPOSITION.—The Soil and Water Conservation Council is created in the Department of Agriculture and Consumer Services and shall be composed of 23 members as follows:

(b) Twelve ~~nonvoting ex officio~~ members shall include one representative each from the Department of Environmental Protection, the five water management districts, the Institute of Food and Agricultural Sciences at the University of Florida, the United States Department of Agriculture Natural Resources Conservation Service, the Florida Association of Counties, *and* the Florida League of Cities~~,~~ and two representatives of environmental interests.

(c) All members shall be appointed by the commissioner. ~~Ex officio~~ Members *appointed pursuant to paragraph (b)* shall be appointed by the commissioner from recommendations provided by the organization or interest represented.

Section 9. Subsection (3) of section 828.30, Florida Statutes, is amended to read:

828.30 Rabies vaccination of dogs, cats, and ferrets.—

(3) Upon vaccination against rabies, the licensed veterinarian shall provide the animal's owner and the animal control authority with a rabies vaccination certificate. Each animal control authority and veterinarian shall use *the* ~~Form 51,~~ "Rabies Vaccination Certificate~~,~~" of the National Association of State Public Health Veterinarians (NASPHV) or an equivalent form approved by the local government that contains all the information required by *the* NASPHV *Rabies Vaccination Certificate* ~~Form 51~~. The veterinarian who administers the rabies vaccine to an animal as required under this section may affix his or her signature stamp in lieu of an actual signature.

Section 10. Paragraph (c) of subsection (7) and subsection (11) of section 403.067, Florida Statutes, are amended to read:

403.067 Establishment and implementation of total maximum daily loads.—

(7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

(c) Best management practices.—

1. The department, in cooperation with the water management districts and other interested parties, as appropriate, may develop suitable interim measures, best management practices, or other measures necessary to achieve the level of pollution reduction established by the department for nonagricultural nonpoint pollutant sources in allocations developed pursuant to subsection (6) and this subsection. These practices and measures may be adopted by rule by the department and the water management districts pursuant to ss. 120.536(1) and 120.54, and, where adopted by rule, shall be implemented by those parties responsible for nonagricultural nonpoint source pollution.

2. The Department of Agriculture and Consumer Services may develop and adopt by rule pursuant to ss. 120.536(1) and 120.54 suitable interim measures, best management practices, or other measures necessary to achieve the level of pollution reduction established by the department for agricultural pollutant sources in allocations developed pursuant to subsection (6) and this subsection *or for programs implemented pursuant to paragraph (11)(b)*. These practices and measures may be implemented by those parties responsible for agricultural pollutant sources and the department, the water management districts, and the Department of Agriculture and Consumer Services shall assist with implementation. In the process of developing and adopting rules for interim measures, best management practices, or other measures, the Department of Agriculture and Consumer Services shall consult with the department, the Department of Health, the water management districts, representatives from affected farming groups, and environmental group representatives. Such rules shall also incorporate provisions for a notice of intent to implement the practices and a system to assure the implementation of the practices, including recordkeeping requirements.

3. Where interim measures, best management practices, or other measures are adopted by rule, the effectiveness of such practices in achieving the levels of pollution reduction established in allocations developed by the department pursuant to subsection (6) and this subsection *or in programs implemented pursuant to paragraph (11)(b)* shall be verified at representative sites by the department. The department shall use best professional judgment in making the initial verification that the best management practices are *reasonably expected to be* effective and, where applicable, shall notify the appropriate water management district *or* ~~and~~ the Department of Agriculture and Consumer Services of its initial verification prior to the adoption of a rule proposed pursuant to this paragraph. Implementation, in accordance with rules adopted under this paragraph, of practices that have been initially verified to be effective, or verified to be effective by monitoring at representative sites, by the department, shall provide a presumption of compliance with state water quality standards and release from the provisions of s. 376.307(5) for those pollutants addressed by the practices, and the department is not authorized to institute proceedings against the owner of the source of pollution to recover costs or damages associated with the contamination of surface water or groundwater caused by those pollutants. *Research projects funded by the department, a water management district, or the Department of Agriculture and Consumer Services to develop or demonstrate interim measures or best management practices shall be granted a presumption of compliance with state water quality standards and a release from the provisions of s. 376.307(5). The presumption of*

compliance and release shall be limited to the research site and only for those pollutants addressed by the interim measures or best management practices. Eligibility for the presumption of compliance and release shall be limited to research projects on sites where the owner or operator of the research site and the department, a water management district, or the Department of Agriculture and Consumer Services have entered into a contract or other agreement that, at a minimum, specifies the research objectives, the cost-share responsibilities of the parties, and a schedule that details the beginning and ending dates of the project.

4. Where water quality problems are demonstrated, despite the appropriate implementation, operation, and maintenance of best management practices and other measures according to rules adopted under this paragraph, the department, a water management district, or the Department of Agriculture and Consumer Services, in consultation with the department, shall institute a reevaluation of the best management practice or other measure. Should the reevaluation determine that the best management practice or other measure requires modification, the department, a water management district, or the Department of Agriculture and Consumer Services, as appropriate, shall revise the rule to require implementation of the modified practice within a reasonable time period as specified in the rule.

5. Individual agricultural records relating to processes or methods of production, or relating to costs of production, profits, or other financial information which are otherwise not public records, which are reported to the Department of Agriculture and Consumer Services pursuant to subparagraphs 3. and 4. or pursuant to any rule adopted pursuant to subparagraph 2. shall be confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Upon request of the department or any water management district, the Department of Agriculture and Consumer Services shall make such individual agricultural records available to that agency, provided that the confidentiality specified by this subparagraph for such records is maintained. This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

6. The provisions of subparagraphs 1. and 2. shall not preclude the department or water management district from requiring compliance with water quality standards or with current best management practice requirements set forth in any applicable regulatory program authorized by law for the purpose of protecting water quality. Additionally, subparagraphs 1. and 2. are applicable only to the extent that they do not conflict with any rules adopted by the department that are necessary to maintain a federally delegated or approved program.

(11) IMPLEMENTATION OF ADDITIONAL PROGRAMS.—

(a) The department shall not implement, without prior legislative approval, any additional regulatory authority pursuant to s. 303(d) of the Clean Water Act or 40 C.F.R. part 130, if such implementation would result in water quality discharge regulation of activities not currently subject to regulation.

(b) Interim measures, best management practices, or other measures may be developed and voluntarily implemented pursuant to *paragraph* ~~subparagraphs~~ (7)(c)~~1. and 2.~~ for any water body or segment for which a total maximum daily load or allocation has not been established. The implementation of such pollution control programs may be considered by the department in the determination made pursuant to subsection (4).

Section 11. *Austin Dewey Gay Agricultural Inspection Station designated; department to erect suitable markers.—*

(1) The agricultural inspection station located at or near mile marker 1 on Interstate Highway 10 in Escambia County is designated as "Austin Dewey Gay Memorial Agricultural Inspection Station."

(2) The Department of Agriculture and Consumer Services is directed to erect suitable markers designating the Austin Dewey Gay Memorial Agricultural Inspection Station as described in subsection (1).

Section 12. Paragraph (a) of subsection (1) of section 500.12, Florida Statutes, is amended to read:

500.12 Food permits; building permits.—

(1)(a) A food permit from the department is required of any person who operates a food establishment or retail food store, except:

1. Persons operating minor food outlets, including, but not limited to, video stores, that sell commercially prepackaged, nonpotentially hazardous candy, chewing gum, soda, or popcorn, provided the shelf space for those items does not exceed 12 linear feet and no other food is sold by the minor food outlet.

2. Persons subject to continuous, onsite federal or state inspection.

3. Persons selling only legumes in the shell, either parched, roasted, or boiled.

4. Persons selling sugar cane or sorghum syrup that has been boiled and bottled on a premise located within the state. Such bottles must contain a label listing the producer's name and street address, all added ingredients, the net weight or volume of product, and a statement that reads "This product has not been produced in a facility permitted by the Florida Department of Agriculture and Consumer Services."

Section 13. Subsection (1) of section 570.249, Florida Statutes, is amended to read:

570.249 Agricultural Economic Development Program disaster loans and grants and aid.—

(1) USE OF LOAN FUNDS.—

(a) Loan funds to agricultural producers who have experienced ~~crop~~ losses from a natural disaster or a socioeconomic condition or event may be used to*:*

1. Restore or replace essential physical property *or remove debris from essential physical property.*~~, such as animals, fences, equipment, structural production facilities, and orchard trees;~~

2. Pay all or part of production costs associated with the disaster year.~~;~~

3. Pay essential family living expenses.~~; and~~

4. Restructure farm debts.

(b) To be eligible, agricultural producers must have a parcel or parcels of land in production not exceeding 300 acres.

(c) Funds may be issued as direct loans, or as loan guarantees for up to 90 percent of the total loan, in amounts not less than $30,000 nor more than *$300,000* ~~$250,000~~. Applicants must provide at least 10 percent equity.

(d) For purposes of this subsection, the term:

1. "Losses" means loss or damage to crops, agricultural products, agricultural facilities, infrastructure, or farmworker housing.

2. "Essential physical property" means fences, equipment, structural production facilities such as shade houses and greenhouses, other agricultural facilities, infrastructure, or farmworker housing.

Section 14. Paragraph (h) is added to subsection (2) of section 810.09, Florida Statutes, to read:

810.09 Trespass on property other than structure or conveyance.—

(2)

(h) The offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property trespassed upon is an agricultural chemicals manufacturing facility that is legally posted and identified in substantially the following manner: "THIS AREA IS A DESIGNATED AGRICULTURAL CHEMICALS MANUFACTURING FACILITY, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY."

Section 15. Subsection (12) is added to section 810.011, Florida Statutes, to read:

810.011 Definitions.—As used in this chapter:

(12) "Agricultural chemicals manufacturing facility" means any facility, and any properties or structures associated with the facility, used for the manufacture, processing, or storage of agricultural chemicals classified in Industry Group 287 contained in the Standard Industrial Classification Manual, 1987, as published by the Office of Management and Budget, Executive Office of the President.

Section 16. *Assessment of obsolete agricultural equipment.—*

(1) For purposes of ad valorem property taxation, agricultural equipment that is located on property classified as agricultural under s. 193.461, Florida Statutes, and that is no longer usable for its intended purpose shall be deemed to have a market value no greater than its value for salvage.

(2) This section shall take effect January 1, 2007.

Section 17. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2006.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; 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 criteria for eligibility to take the commercial landscape maintenance personnel examination; clarifying requirements relating to proof of education and insurance; 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; creating s. 570.954, F.S.; creating the Farm-to-Fuel Initiative; providing the purpose of the initiative and authorizing the department to conduct an education program; providing for coordination between the department and the Department of Environmental Protection; amending s. 582.06, F.S.; revising the membership of the Soil and Water Conservation Council; amending s. 828.30, F.S.; updating references to the Rabies Vaccination Certificate; amending s. 403.067, F.S.; clarifying rules adopted by the department relating to best-management practices; clarifying the authority for certain measures to be implemented by the Department of Environmental Protection for certain water bodies; limiting eligibility for presumption of compliance and release; designating the "Austin Dewey Gay Agricultural Inspection Station" in Escambia County; amending s. 500.12, F.S.; exempting certain producers of sugar cane or sorghum syrup from permitting requirements; amending s. 570.249, F.S.; expanding the conditions under which loan funds to certain agricultural producers may be granted; increasing the maximum amount of a loan; providing definitions; amending s. 810.09, F.S.; providing criminal penalties for trespassing on certain property; requiring warning signage; amending s. 810.011, F.S.; defining the term "agricultural chemicals manufacturing facility"; providing for certain ad valorem taxation for agricultural equipment under certain circumstances; providing effective dates.

On motion by Senator Smith, further consideration of **HB 7075** with pending **Amendment 1 (065004)** was deferred.

On motion by Senator Argenziano—

CS for CS for CS for SB 2490—A bill to be entitled An act relating to saltwater fisheries; providing for ratification of a rule; requiring that rule amendments be submitted to the Legislature for review; providing conditions for rule amendments to take effect; amending s. 370.135, F.S.; establishing certain endorsement fees for the taking of blue crabs; establishing an annual trap tag fee; authorizing the Fish and Wildlife Conservation Commission to establish an amount of equitable rent by rule; providing for legislative approval of the rule; authorizing the commission to waive endorsement and trap tag fees for a 1-year period; authorizing the waiver of blue crab trap replacement tag fees under certain conditions; requiring the deposit of certain proceeds into the Marine Resources Conservation Trust Fund; specifying the use of such proceeds; providing administrative penalties for certain violations; prohibiting the unauthorized possession of blue crab trap gear or removal of blue crab trap contents and providing penalties therefor; providing penalties for certain other prohibited activities relating to blue crab traps, lines, buoys, and trap tags; providing penalties for fraudulent reports related to endorsement transfers; prohibiting certain activities during endorsement suspension and revocation; preserving state jurisdiction for certain convictions; providing requirements for certain license renewal; appropriating certain fee revenues to the commission for blue crab effort management program costs; amending s. 370.13, F.S.; providing for legislative approval of commission rules establishing equitable rent; authorizing the waiver of stone crab trap replacement tag fees under certain conditions; amending s. 370.14, F.S.; clarifying provisions regulating spiny lobsters; amending s. 370.142, F.S.; providing administrative penalties for certain violations of the spiny lobster trap certificate program; authorizing the waiver of spiny lobster trap replacement tag fees under certain conditions; providing for legislative approval of rules establishing equitable rent; amending s. 370.143, F.S.; revising provisions for certain trap retrieval programs and fees; amending s. 370.0603, F.S.; authorizing the deposit of certain funds into the Marine Resources Conservation Trust Fund; providing purposes for which funds may be used; amending s.370.025, F.S.; revising rulemaking authority; requiring the commission to adopt an adequate due-process rule; providing legislative intent; amending s. 921.0022, F.S.; deleting certain Level One offense designations; providing an effective date.

—was read the second time by title.

Senator Argenziano moved the following amendments which were adopted:

Amendment 1 (814544)(with title amendment)—On page 3, lines 1-10, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 3-6, delete those lines and insert: amending s.

Amendment 2 (623736)(with title amendment)—On page 11, between lines 15 and 16, insert:

(7) Subsections (3), (4), (5), and (6) shall expire on July 1, 2008, unless reenacted by the Legislature during the 2008 Regular Session.

And the title is amended as follows:

On page 2, delete line 1 and insert: certain license renewal; providing for the expiration of certain provisions unless reenacted by the Legislature during the 2008 Regular Session; appropriating certain

Amendment 3 (535402)(with title amendment)—On page 29, lines 11-21, delete those lines and insert:

Section 10. Paragraph (a) of subsection (8) of section 20.331, Florida Statutes, is amended to read:

20.331 Fish and Wildlife Conservation Commission.—

(8) ADEQUATE DUE PROCESS PROCEDURES.—

(a) *The commission shall adopt a rule establishing adequate due-process procedures to be accorded to any party, as defined in s. 120.52, whose substantial interests are affected by any action of the commission in the performance of its constitutional duties and responsibilities. The adequate due-process rule shall be published in the Florida Administrative Code.* ~~The commission shall implement a system of adequate due process procedures to be accorded to any party, as defined in s. 120.52, whose substantial interests will be affected by any action of the commission in the performance of its constitutional duties or responsibilities.~~

Section 11. *It is the intent of the Legislature to review, prior to the 2008 Regular Session, laws relating to the Fish and Wildlife Conservation Commission's role in the management of marine fishery resources to conform statutes to clarify that the power with respect to marine life which the Marine Fisheries Commission had on March 1, 1998 did not*

include the power which the Legislature had given to the Department of Environmental Protection to regulate marine life, and that the authority transferred by the Legislature from the Department of Environmental Protection to the Fish and Wildlife Conservation Commission is statutory and not constitutional.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, delete line 23 and insert: F.S.; revising rulemaking authority; amending s. 20.331, F.S.; requiring

Pursuant to Rule 4.19, **CS for CS for CS for SB 2490** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

CS for CS for SB 1020—A bill to be entitled An act relating to growth management; amending s. 163.3177, F.S.; encouraging local governments to adopt boating facility siting plans; providing criteria and exemptions for such plans; authorizing assistance for the development of such plans; amending s. 163.3180, F.S., relating to concurrency; providing restrictions upon requirements that local governments may impose upon transportation facilities; amending s. 197.303, F.S.; revising the criteria for ad valorem tax deferral for working waterfront properties; including public lodging establishments in the description of working waterfront properties; amending s. 342.07, F.S.; adding recreational activities as an important state interest; including public lodging establishments 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; 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 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; amending s. 380.0651, F.S.; revising the statewide guidelines and standards for development-of-regional-impact review of certain types of developments; allowing the state land planning agency to consider the impacts of independent developments of regional impact cumulatively under certain circumstances; 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; prohibiting the sale or exclusive control of the real property or operations of any port in this state to an entity controlled by a foreign government or a foreign business entity without the express consent of the Legislature; providing for severability; providing an effective date.

—which was previously considered this day with pending **Amendment 1 (352586)** by the Committee on Transportation and **Amendment 1D (601496)** by Senator Posey. **Amendment 1D** was withdrawn. The question recurred on **Amendment 1** as amended which was adopted.

Pending further consideration of **CS for CS for SB 1020** as amended, on motion by Senator Bennett, by two-thirds vote **HB 683** was withdrawn from the Committees on Community Affairs; Governmental Oversight and Productivity; Environmental Preservation; Transportation and Economic Development Appropriations; and Ways and Means.

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

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.

—a companion measure, was substituted for **CS for CS for SB 1020** as amended and read the second time by title.

Senator Bennett moved the following amendment which was adopted:

Amendment 1 (431442)—In title, on page 1, line 14, after the semicolon (;) insert : creating s. 336.68, F.S.; providing that a property owner having real property located within the boundaries of a community development district and a special road and bridge district may select the community development district to be the provider of the road and drainage improvements to the property of the owner; authorizing the owner of the property to withdraw the property from the special road and

bridge district; specifying the procedures and criteria required in order to remove the real property from the special road and bridge district; authorizing the governing body of the special road and bridge district to file a written objection to the proposed withdrawal of the property;

MOTION

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

Senator Bennett moved the following amendment which was adopted:

Amendment 2 (934780)(with title amendment)—On page 49, line 1311 through line 1313, delete those lines and insert:

(u) Any development within a county with a research and education authority created by special act and is also within a research and development park that is operated or managed by a research and development authority pursuant to part V of chapter 159 is exempt from this section.

If a use is exempt from review as a development of regional impact under paragraphs (a)-(t), except for paragraph (u), but will be part of a larger

And the title is amended as follows:

On page 2, line 47, after the semicolon (;) insert: providing an exception;

Pursuant to Rule 4.19, **HB 683** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

CS for SB 2358—A bill to be entitled An act relating to community associations; creating s. 712.11, F.S.; providing for the revival of certain covenants that have lapsed; amending s. 718.106, F.S.; prohibiting local ordinances that limit the access of certain persons to beaches that adjoin condominiums; amending s. 718.110, F.S.; revising provisions relating to the amendment of declarations; providing legislative findings and a finding of compelling state interest; providing criteria for consent to an amendment; requiring notice regarding proposed amendments to mortgagees; providing criteria for notification; providing for voiding certain amendments; amending s. 718.112, F.S.; revising the implementation date for retrofitting of common areas with a sprinkler system; amending s. 718.114, F.S.; providing that certain leaseholds, memberships, or other possessory or use interests shall be considered a material alteration or substantial addition to certain real property; amending s. 718.404, F.S.; providing retroactive application of provisions relating to mixed-use condominiums; amending s. 719.103, F.S.; providing a definition; amending s. 719.507, F.S.; prohibiting laws, ordinances, or regulations that apply only to improvements that are or may be subjected to an equity club form of ownership; amending s. 720.302, F.S.; revising governing provisions relating to corporations that operate residential homeowners' associations; amending s. 720.303, F.S.; revising application to include certain meetings; requiring the association to provide certain information to prospective purchasers or lienholders; authorizing the association to charge a reasonable fee for providing certain information; requiring the budget to provide for annual operating expenses; authorizing the budget to include reserve accounts for capital expenditures and deferred maintenance; providing a formula for calculating the amount to be reserved; authorizing the association to adjust replacement reserve assessments annually; authorizing the developer to vote to waive the reserves or reduce the funding of reserves for a certain period; revising provisions relating to financial reporting; revising time periods in which the association must complete its reporting; repealing s. 720.303(2), F.S., as amended, relating to board meetings, to remove conflicting versions of that subsection; creating s. 720.3035, F.S.; providing for architectural control covenants and parcel owner improvements; authorizing the review and approval of plans and specifications; providing limitations; providing rights and privileges for parcel owners as set forth in the declaration of covenants; amending s. 720.305, F.S.; providing that, where a member is entitled to collect attorney's fees against the association, the member may also recover additional amounts as determined by the court; amending s. 720.306, F.S.; providing that certain mergers or consolidations of an association shall not be considered a material or adverse alteration of the proportionate voting interest appurtenant to a parcel; amending s. 720.307, F.S.; requiring developers to deliver financial records to the board in any transition of association control to members; requiring certain information to be included in the records and for the records to be prepared in a specified manner; amending s. 720.308, F.S.; providing circumstances under which a guarantee of common expenses shall be effective; providing for approval of the guarantee by association members; providing for a guarantee period and extension thereof; requiring the stated dollar amount of the guarantee to be an exact dollar amount for each parcel identified in the declaration; providing payments required from the guarantor to be determined in a certain manner; providing a formula to determine the guarantor's total financial obligation to the association; providing that certain expenses incurred in the production of certain revenues shall not be included in the operating expenses; amending s. 720.311, F.S.; revising provisions relating to dispute resolution; providing that the filing of any petition for arbitration or the serving of an offer for presuit mediation shall toll the applicable statute of limitations; providing that certain disputes between an association and a parcel owner shall be subject to presuit mediation; revising provisions to conform; providing that temporary injunctive relief may be sought in certain disputes subject to presuit mediation; authorizing the court to refer the parties to mediation under certain circumstances; requiring the aggrieved party to serve on the responding party a written offer to participate in presuit mediation; providing a form for such offer; providing that service of the offer is effected by the sending of such an offer in a certain manner; providing that the prevailing party in any subsequent arbitration or litigation proceedings is entitled to seek recovery of all costs and attorney's fees incurred in the presuit mediation process; requiring the mediator or arbitrator to meet certain certification requirements; removing a requirement relating to development of an education program to increase awareness of the operation of homeowners' associations and the use of alternative dispute resolution techniques; providing effective dates.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 2358** to **HB 391**.

Pending further consideration of **CS for SB 2358** as amended, on motion by Senator Bennett, by two-thirds vote **HB 391** was withdrawn from the Committees on Regulated Industries; Community Affairs; and Judiciary.

On motion by Senator Bennett—

HB 391—A bill to be entitled An act relating to community associations; creating s. 712.11, F.S.; providing for the revival of certain covenants that have lapsed; amending s. 718.106, F.S.; prohibiting local governments from limiting the access of certain persons to beaches adjacent to or adjoining condominium property; amending s. 718.110, F.S.; revising provisions relating to the amendment of declarations; providing legislative findings and a finding of compelling state interest; providing criteria for consent to an amendment; requiring notice regarding proposed amendments to mortgagees; providing criteria for notification; providing for voiding certain amendments; amending s. 718.112, F.S.; revising the implementation date for retrofitting of common areas with a sprinkler system; amending s. 718.114, F.S.; providing that certain leaseholds, memberships, or other possessory or use interests shall be considered a material alteration or substantial addition to certain real property; amending s. 718.404, F.S.; providing retroactive application of provisions relating to mixed-use condominiums; amending s. 719.103, F.S.; providing a definition; amending s. 719.507, F.S.; prohibiting laws, ordinances, or regulations that apply only to improvements that are or may be subjected to an equity club form of ownership; amending s. 720.302, F.S.; revising governing provisions relating to corporations that operate residential homeowners' associations; amending s. 720.303, F.S.; revising application to include certain meetings; requiring the association to provide certain information to prospective purchasers or lienholders; authorizing the association to charge a reasonable fee for providing certain information; requiring the budget to provide for annual operating expenses; authorizing the budget to include reserve accounts for capital expenditures and deferred maintenance; providing a formula for calculating the amount to be reserved; authorizing the association to adjust replacement reserve assessments annually; authorizing the developer to vote to waive the reserves or reduce the funding of reserves for a certain period; revising provisions relating to financial reporting; revising time periods in which the association must complete its reporting; repealing s. 720.303(2), F.S., as amended, relating to board meetings, to remove conflicting versions of that subsection; creating s. 720.3035, F.S.; providing for architectural control covenants and parcel

owner improvements; authorizing the review and approval of plans and specifications; providing limitations; providing rights and privileges for parcel owners as set forth in the declaration of covenants; amending s. 720.305, F.S.; providing that, where a member is entitled to collect attorney's fees against the association, the member may also recover additional amounts as determined by the court; amending s. 720.306, F.S.; providing that certain mergers or consolidations of an association shall not be considered a material or adverse alteration of the proportionate voting interest appurtenant to a parcel; amending s. 720.307, F.S.; requiring developers to deliver financial records to the board in any transition of association control to members; requiring certain information to be included in the records and for the records to be prepared in a specified manner; amending s. 720.308, F.S.; providing circumstances under which a guarantee of common expenses shall be effective; providing for approval of the guarantee by association members; providing for a guarantee period and extension thereof; requiring the stated dollar amount of the guarantee to be an exact dollar amount for each parcel identified in the declaration; providing payments required from the guarantor to be determined in a certain manner; providing a formula to determine the guarantor's total financial obligation to the association; providing that certain expenses incurred in the production of certain revenues shall not be included in the operating expenses; amending s. 720.311, F.S.; revising provisions relating to dispute resolution; providing that the filing of any petition for arbitration or the serving of an offer for presuit mediation shall toll the applicable statute of limitations; providing that certain disputes between an association and a parcel owner shall be subject to presuit mediation; revising provisions to conform; providing that temporary injunctive relief may be sought in certain disputes subject to presuit mediation; authorizing the court to refer the parties to mediation under certain circumstances; requiring the aggrieved party to serve on the responding party a written offer to participate in presuit mediation; providing a form for such offer; providing that service of the offer is effected by the sending of such an offer in a certain manner; providing that the prevailing party in any subsequent arbitration or litigation proceedings is entitled to seek recovery of all costs and attorney's fees incurred in the presuit mediation process; requiring the mediator or arbitrator to meet certain certification requirements; removing a requirement relating to development of an education program to increase awareness of the operation of homeowners' associations and the use of alternative dispute resolution techniques; providing effective dates.

—a companion measure, was substituted for **CS for SB 2358** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 391** was placed on the calendar of Bills on Third Reading.

On motion by Senator Geller—

CS for SB 976—A bill to be entitled An act relating to automated external defibrillators; amending s. 401.2915, F.S.; revising legislative intent with respect to the use of an automated external defibrillator; defining the terms "automated external defibrillator" and "defibrillation"; providing that it is a first-degree misdemeanor for a person to commit certain acts involving the misuse of an automated external defibrillator; providing penalties and an exception; requiring the Department of Health to implement an educational campaign to inform the public about the lack of immunity from liability regarding the use of automated external defibrillators under certain conditions; amending s. 768.1325, F.S.; revising the definition of the term "automated external defibrillator"; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 976** to **HB 93**.

Pending further consideration of **CS for SB 976** as amended, on motion by Senator Geller, by two-thirds vote **HB 93** was withdrawn from the Committees on Health Care; Judiciary; and Health and Human Services Appropriations.

On motion by Senator Geller—

HB 93—A bill to be entitled An act relating to automated external defibrillators; amending s. 401.2915, F.S.; revising legislative intent with respect to the use of an automated external defibrillator; defining the terms "automated external defibrillator" and "defibrillation"; providing that it is a first degree misdemeanor for a person to commit certain acts involving the misuse of an automated external defibrillator; providing penalties and an exception; 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; amending s. 768.1325, F.S.; revising the definition of the term "automated external defibrillator"; providing an effective date.

—a companion measure, was substituted for **CS for SB 976** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 93** was placed on the calendar of Bills on Third Reading.

On motion by Senator King, by two-thirds vote **HB 1243** was withdrawn from the Committees on Education; and Education Appropriations.

On motion by Senator King—

HB 1243—A bill to be entitled An act relating to education personnel; amending s. 1012.985, F.S.; authorizing a regional professional development academy to receive funds from certain sources for the purpose of developing programs and services; providing that a regional professional development academy is not a component of any school district or governmental unit to which it provides services; providing an effective date.

—a companion measure, was substituted for **SB 1148** and read the second time by title.

Pursuant to Rule 4.19, **HB 1243** was placed on the calendar of Bills on Third Reading.

On motion by Senator Smith, the Senate resumed consideration of—

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.

—which was previously considered this day with pending **Amendment 1 (065004)** by Senator Smith.

MOTION

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

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

Amendment 1A (562602)(with title amendment)—On page 16, between lines 4 and 5, insert:

Section 17. Section 601.992, Florida Statutes, is amended to read:

601.992 Collection of dues and other payments on behalf of certain nonprofit corporations engaged in market news and grower education.—The Florida Department of Citrus or *the Department of Agriculture and Consumer Services or their successors* ~~its successor~~ may collect *or compel the entities regulated by the department to collect* dues, contributions, or any other financial payment upon request by, and on behalf of, any not-for-profit corporation, and its related not-for-profit corporations, located in this state which receives payments or dues from its members. Such not-for-profit corporation must be engaged, to the exclusion of agricultural commodities other than citrus, in market news and grower education solely for citrus growers, and must have at least 5,000 members who are engaged in growing citrus in this state for commercial sale. *The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section. The rules may establish indemnity requirements for the requesting corporation and for fees to be charged to the corporation which are sufficient but do not exceed the amount necessary to ensure that any direct costs incurred by the department in implementing this section are borne by the requesting corporation and not by the department.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 18, line 12, after the semicolon (;) insert: amending s. 601.992, F.S.; authorizing the Department of Citrus or the Department of Agriculture and Consumer Services to collect or require the collection of certain financial payments for certain not-for-profit entities under certain circumstances; authorizing fees and rulemaking;

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **HB 7075** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist, by two-thirds vote **HB 605** was withdrawn from the Committees on Criminal Justice; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Crist—

HB 605—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for the home addresses, telephone numbers, and photographs of current or former juvenile probation officers, juvenile probation supervisors, detention superintendents, assistant detention superintendents, senior juvenile detention officers, juvenile detention officer supervisors, juvenile detention officers, house parents I and II, house parent supervisors, group treatment leaders, group treatment leader supervisors, rehabilitation therapists, and social services counselors of the Department of Juvenile Justice, the names, home addresses, telephone numbers, and places of employment of spouses and children of such personnel, and the names and locations of schools and day care facilities attended by the children of such personnel; providing for review and repeal; reenacting s. 409.2577, F.S., relating to disclosure of information to the parent locator service of the Department of Children and Family Services, for the purpose of incorporating the amendment to s. 119.071, F.S., in a reference thereto; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1320** and read the second time by title.

Pursuant to Rule 4.19, **HB 605** was placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine, by two-thirds vote **HB 7131** was withdrawn from the Committees on Environmental Preservation; Commerce and Consumer Services; Government Efficiency Appropriations; General Government Appropriations; and Ways and Means.

On motion by Senator Constantine—

HB 7131—A bill to be entitled An act relating to the redevelopment of brownfields; amending ss. 199.1055, 220.1845, 376.30781, 376.80, and 376.86, F.S.; increasing the amount and percentage of the credit that may be applied against the intangible personal property tax and the corporate income tax for the cost of voluntary cleanup of a contaminated site; increasing the amount that may be received by the taxpayer as an incentive to complete the cleanup in the final year; increasing the total amount of credits that may be granted in any year; providing tax credits for voluntary cleanup activities related to solid waste disposal facilities; providing criteria for eligible sites and activities; increasing the amount of the Brownfield Areas Loan Guarantee; reducing the job creation requirements; directing the Department of Environmental Protection to apply certain criteria, requirements, and limitations for implementation of such provisions; providing certain exceptions; amending s. 288.9015, F.S.; requiring Enterprise Florida, Inc., to aggressively market brownfields; amending ss. 196.012 and 196.1995, F.S., to include brownfield areas in the implementation of the economic development ad valorem tax exemption authorized under s. 3, Art VII of the Florida Constitution; repealing s. 376.87, F.S., relating to the Brownfield Property Ownership Clearance Assistance; repealing s. 376.875, F.S., relating to the Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund; amending s. 14.2015, F.S.; deleting a reference to the trust fund to conform; providing an effective date.

—a companion measure, was substituted for **CS for SB 1092** and read the second time by title.

Senator Constantine moved the following amendments which were adopted:

Amendment 1 (821614)—Line 84, delete "*$5* ~~$2~~" and insert: $2

Amendment 2 (624718)—Line 244, delete "*$5* ~~$2~~" and insert: $2

Amendment 3 (350888)—Line 365, delete "*subsection (5)*" and insert: *paragraph (5)(a)*

Amendment 4 (701336)—Line 450, delete "*$5* ~~$2~~ and insert: $2

Amendment 5 (833474)—Line 546, delete "March 1" and insert: *March 31* ~~March 1~~

Amendment 6 (831316)—Line 556, delete "*$5* ~~$2~~ and insert: $2

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 7 (090880)(with title amendment)—Between lines 1173 and 1174, insert:

Section 11. *An amendment to any provision of chapter 199, Florida Statutes, contained in this act does not supersede a repeal of that provision contained in House Bill 209.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On line 30, after the semicolon (;) insert: providing that the repeal of certain provisions relating to the tax on intangible personal property prevails over any amendment to such provisions contained in this act;

Amendment 8 (612546)—Line 1032, delete "$2" and insert: *$1* ~~$2~~

Pursuant to Rule 4.19, **HB 7131** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz de la Portilla, by two-thirds vote **HB 7177** was withdrawn from the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

On motion by Senator Diaz de la Portilla—

HB 7177—A bill to be entitled An act relating to time limitations for criminal prosecutions; amending s. 775.15, F.S.; specifying the applicability period of a provision allowing an additional limitations period for specified offenses in certain circumstances; providing that a prosecution for specified offenses, unless otherwise barred by law, may be commenced at any time after the date on which the identity of the accused is established, or should have been established by the exercise of due diligence, through the analysis of deoxyribonucleic acid (DNA) evidence; providing an effective date.

—a companion measure, was substituted for **CS for SB 1522** and read the second time by title.

Pursuant to Rule 4.19, **HB 7177** was placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg—

SB 1746—A bill to be entitled An act relating to criminal acts committed during a state of emergency; amending s. 810.02, F.S.; providing enhanced penalties for specified burglaries that are committed during a state of emergency declared by the Governor and facilitated by conditions arising from the emergency; prohibiting the release of a person arrested for committing a burglary during such a state of emergency until that person appears before a magistrate at a first-appearance hearing; requiring that a felony burglary committed during a state of emergency declared by the Governor be reclassified one level above the current ranking of the offense committed; amending s. 812.014, F.S.; providing enhanced penalties for the theft of certain property stolen during a state of emergency declared by the Governor and facilitated by conditions arising from the emergency; requiring that a felony theft committed during such a state of emergency be reclassified one level above the current ranking of the offense committed; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1746** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker, by two-thirds vote **HB 1503** was withdrawn from the Committees on Children and Families; Health Care; Judiciary; and Health and Human Services Appropriations.

On motion by Senator Baker—

HB 1503—A bill to be entitled An act relating to persons with disabilities; amending s. 20.197, F.S.; requiring the director of the Agency for Persons with Disabilities to be subject to confirmation by the Senate; requiring the agency to create a Division of Budget and Planning and a Division of Operations; authorizing the director to recommend creating additional subdivisions of the agency in order to promote efficient and effective operation of the agency; amending s. 39.001, F.S., relating to the development of a comprehensive state plan for children; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the Agency for Persons with Disabilities; amending s. 39.202, F.S.; providing for certain employees, agents, and contract providers of the agency to have access to records concerning cases of child abuse or neglect for specified purposes; amending s. 39.407, F.S.; deleting provisions authorizing the treatment of a child under ch. 393, F.S., if the child is alleged to be dependent; amending s. 287.155, F.S.; authorizing the agency to purchase vehicles under certain circumstances; amending ss. 381.0072 and 383.14, F.S., relating to food service licenses and the Genetics and Newborn Screening Advisory Council, respectively; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the Agency for Persons with Disabilities; repealing s. 393.061, F.S., relating to a short title; amending s. 393.062, F.S.; revising legislative findings and intent to conform to changes in terminology; amending s. 393.063, F.S.; revising the definitions applicable to ch. 393, F.S., relating to developmental disabilities; amending s. 393.064, F.S.; revising the duties of the Agency for Persons with Disabilities with respect to prevention services, evaluations and assessments, intervention services, and support services; amending s. 393.0641, F.S.; defining the term "severe self-injurious behavior" for purposes of a program of prevention and treatment for individuals exhibiting such behavior; amending s. 393.065, F.S., relating to application for services and the determination of eligibility for services; providing for children in the child welfare system to be placed at the top of the agency's wait list for waiver services; authorizing the agency to adopt rules; amending s. 393.0651, F.S., relating to support plans for families and individuals; revising the age at which support plans are developed for children; deleting a prohibition against assessing certain fees; creating s. 393.0654, F.S.; specifying circumstances under which an employee of the agency may own, operate, or work in a private facility under contract with the agency; amending s. 393.0655, F.S.; revising the screening requirements for direct service providers; providing a temporary exemption from screening requirements for certain providers; amending s. 393.0657, F.S.; revising an exemption from certain requirements for refingerprinting and rescreening; amending s. 393.066, F.S.; revising certain requirements for the services provided by the agency; requiring agency approval for purchased services; revising the agency's rulemaking authority; amending s. 393.067, F.S.; revising requirements governing the agency's licensure procedures; revising the requirements for background screening of applicants for licensure and managers, supervisors, and staff members of service providers; requiring that the agency adopt rules governing the reporting of incidents; deleting certain responsibilities of the Agency for Health Care Administration with respect to the development and review of emergency management plans; amending s. 393.0673, F.S.; providing circumstances under which the agency may deny, revoke, or suspend a license or impose a fine; requiring the Agency for Persons with Disabilities to adopt rules for evaluating violations and determining the amount of fines; amending s. 393.0674, F.S.; providing a penalty for failure by a provider to comply with background screening requirements; amending s. 393.0675, F.S.; deleting certain obsolete provisions requiring that a provider be of good moral character; amending s. 393.0678, F.S.; deleting provisions governing receivership proceedings for an intermediate care facility for the developmentally disabled; amending s. 393.068, F.S.; requiring that the family care program emphasize self-determination; removing supported employment from the list of services available under the family care program; revising certain requirements for reimbursing a family care program provider; amending s. 393.0695, F.S., relating to in-home subsidies; requiring that the Agency for Persons with Disabilities adopt rules for such subsidies; amending s. 393.075, F.S., relating to liability coverage for facilities licensed by the agency; conforming terminology; amending s. 393.11, F.S.; revising provisions governing the involuntary admission of a person to residential services; clarifying provisions governing involuntary commitment; requiring that a person who is charged with a felony will have his or her competency determined under ch. 916, F.S.; conforming terminology; amending s. 393.122, F.S.; clarifying requirements governing applications for continued residential services; amending s. 393.13, F.S., relating to the Bill of Rights of Persons Who are Developmentally Disabled; deleting a provision protecting minimum wage compensation for certain programs; limiting the use of restraint and seclusion; requiring the agency to adopt rules governing the use of restraint or seclusion; revising requirements for client records; deleting certain requirements governing local advocacy councils; allowing the resident government to include disability advocates from the community; amending s. 393.135, F.S.; revising definitions; clarifying provisions making such misconduct a second-degree felony; amending s. 393.15, F.S.; establishing the Community Resources Development Loan Program to provide loans to foster homes, group homes, and supported employment programs; providing legislative intent; providing eligibility requirements; providing authorized uses of loan funds; requiring that the agency adopt rules governing the loan program; providing requirements

for repaying loans; amending s. 393.17, F.S.; authorizing the agency to establish certification programs for persons providing services to clients; requiring that the agency establish a certification program for behavior analysts; requiring that the program be reviewed and validated; creating s. 393.18, F.S.; providing for a comprehensive transition education program for persons who have severe or moderate maladaptive behaviors; specifying the types of treatment and education centers providing services under the program; providing requirements for licensure; requiring individual education plans for persons receiving services; limiting the number of persons who may receive services in such a program; authorizing licensure of certain existing programs; creating s. 393.23, F.S.; requiring that receipts from operating canteens, vending machines, and other like activities in a developmental disabilities institution be deposited in a trust account in a bank, credit union, or savings and loan association; describing how the moneys earned may be expended; allowing for the investment of the funds; requiring that the accounting system at the institution account for the revenues and expenses of the activities; requiring that sales tax moneys be remitted to the Department of Revenue; amending s. 393.501, F.S.; revising the agency's rulemaking authority; providing requirements for rules governing alternative living centers and independent living education centers; amending s. 394.453, F.S.; declaring that the policy of the state is to achieve an ongoing reduction of the use of restraint and seclusion on persons with mental illness who are served by programs and facilities operated, licensed, or monitored by the agency; amending s. 394.455, F.S.; defining the terms "restraint" and "seclusion" for purposes of the Baker Act; amending s. 394.457, F.S.; requiring the Department of Children and Family Services to adopt rules for the use of restraint and seclusion for cases handled under the Baker Act; amending s. 394.879, F.S.; requiring that rules be adopted for the use of restraint and seclusion; amending s. 397.405, F.S.; clarifying an exemption from licensure provided to certain facilities licensed under ch. 393, F.S.; amending s. 400.419, F.S.; requiring that a list of facilities subject to sanctions or fines be disseminated to the Agency for Persons with Disabilities; amending s. 400.960, F.S.; revising definitions for purposes of part XI of ch. 400, F.S., relating to nursing homes and related facilities; amending 400.962, F.S.; requiring an applicant for a license to operate an intermediate care facility to agree to provide or arrange for active treatment services; providing rulemaking authority; amending s. 400.967, F.S., relating to rules and classification of deficiencies; conforming provisions to the transfer of duties from the Department of Children and Family Services to the Agency for Persons with Disabilities; requiring that rules be adopted for the use of restraint and seclusion; amending ss. 402.115, 402.17, 402.181, 402.20, 402.22, and 402.33, F.S.; including the Agency for Persons with Disabilities within provisions governing the sharing of information, claims for the care and maintenance of facility residents, county contracts for services for persons with developmental disabilities, education programs for students who reside in state facilities, and fees for services; conforming provisions to changes made by the act; correcting a cross-reference; amending s. 408.036, F.S., relating to projects that are exempt from obtaining a certificate of need; conforming terminology; amending s. 409.221, F.S., relating to the consumer directed care program; conforming provisions to changes made by the act; amending ss. 409.908 and 409.9127, F.S., relating to the Medicaid program; conforming a cross-reference; deleting obsolete provisions; amending ss. 411.224 and 411.232, F.S.; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the Agency for Persons with Disabilities; amending ss. 415.102, 415.1035, 415.1055, and 415.107, F.S.; conforming terminology; including the Agency for Persons with Disabilities within provisions providing requirements that a facility inform residents of certain rights, notification requirements for administrative entities, and requirements for maintaining the confidentiality of reports and records; amending s. 435.03, F.S., relating to screening standards; conforming terminology and a cross-reference; amending ss. 490.014 and 491.014, F.S., relating to exemptions from licensure for psychologists and certain specified counselors, respectively; conforming provisions to changes made by the act; amending ss. 944.602, 945.025, 947.185, and 985.224, F.S., relating to the Department of Corrections, the Parole Commission, and petitions alleging delinquency; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the Agency for Persons with Disabilities; amending s. 1003.58, F.S.; including facilities operated by the Agency for Persons with Disabilities within provisions governing the residential care of students; amending ss. 17.61 and 400.464, F.S., relating to investment of certain funds and home health services for persons with disabilities, respectively; conforming provisions to changes made by the act; amending s. 744.704, F.S.; correcting a cross-reference; amending s. 984.22, F.S.; removing a provision that specifies fines be deposited into the Community Resources Development Trust Fund; creating part III of ch. 282, F.S.; requiring that the executive, legislative, and judicial branches of state government provide to individuals with disabilities access to and use of information and data that is comparable to the information and data provided to individuals who do not have disabilities; providing certain exceptions; providing definitions; requiring that each state agency use accessible electronic information and information technology that conforms with specified provisions of federal law; providing certain exceptions; requiring the Department of Management Services to adopt rules; providing an exception for electronic information and information technology involving military activities or criminal intelligence activities; specifying that the act applies to competitive solicitations; providing legislative intent; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2012** and read the second time by title.

Pursuant to Rule 4.19, **HB 1503** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano, by two-thirds vote **HB 761** was withdrawn from the Committees on Criminal Justice; Children and Families; and Justice Appropriations.

On motion by Senator Fasano—

HB 761—A bill to be entitled An act relating to trespass on the property of a certified domestic violence center; amending s. 810.09, F.S.; providing that a person commits a felony of the third degree if he or she trespasses on the property of a certified domestic violence center; providing a penalty; providing an effective date.

—a companion measure, was substituted for **SB 488** and read the second time by title.

Pursuant to Rule 4.19, **HB 761** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker—

CS for CS for SB 2128—A bill to be entitled An act relating to vessels; amending s. 206.606, F.S.; authorizing the use of certain funds for local boating related projects and activities; amending s. 327.59, F.S.; authorizing marina owners, operators, employees, and agents to take actions to secure vessels during severe weather and to charge fees and be held harmless for such service; holding marina operators, employees, and agents liable for damage caused by intentional acts or negligence while removing or securing vessels; authorizing contract provisions and providing contract notice requirements relating to removing or securing vessels; amending s. 327.60, F.S.; providing for local regulation of anchoring within mooring fields; amending s. 328.64, F.S.; requiring the Department of Highway Safety and Motor Vehicles to provide forms for certain notification related to vessels; requiring the department to provide by rule for the surrender and replacement of certificates of registration to reflect change of address; amending s. 328.72, F.S.; requiring counties to use funds for specific boating related purposes; requiring counties to provide reports demonstrating specified expenditure of such funds; providing penalties for failure to comply; amending s. 376.11, F.S.; authorizing the distribution of revenues from the Florida Coastal Protection Trust Fund to all local governments for the removal of certain vessels; amending s. 376.15, F.S.; revising provisions relating to the removal of abandoned and derelict vessels; specifying officers authorized to remove such vessels; providing that certain costs are recoverable; requiring the Department of Legal Affairs to represent the Fish and Wildlife Conservation Commission in certain actions; expanding eligibility for disbursement of grant funds for the removal of certain vessels; amending s. 403.813, F.S.; providing exemptions from permitting, registration, and regulation of floating vessel platforms or floating boat lifts by a local government; authorizing local governments to require certain permits or registration for floating vessel platforms or floating boat lifts under certain circumstances; amending s. 705.101, F.S.; revising the definition of "abandoned property" to include certain vessels; amending s. 705.103, F.S.; revising the terminology relating to abandoned or lost

property to conform; amending s. 823.11, F.S.; revising provisions relating to abandoned and derelict vessels and the removal of such vessels; providing a definition of "derelict vessel"; specifying which officers may remove such vessels; directing the Fish and Wildlife Conservation Commission to implement a plan for the procurement of federal disaster funds for the removal of derelict vessels; requiring the Department of Legal Affairs to represent the commission in certain actions; deleting a provision authorizing the commission to delegate certain authority to local governments under certain circumstances; authorizing private property owners to remove certain vessels with required notice; providing that cost of such removal is recoverable; prohibiting private property owners from hindering the removal of certain vessels by vessel owners or agents; providing for jurisdictional imposition of civil penalties for violations relating to certain vessels; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 2128** to **HB 7175**.

Pending further consideration of **CS for CS for SB 2128** as amended, on motion by Senator Baker, by two-thirds vote **HB 7175** was withdrawn from the Committees on Transportation; Environmental Preservation; Judiciary; Domestic Security; and General Government Appropriations.

On motion by Senator Baker—

HB 7175—A bill to be entitled An act relating to vessels; amending s. 206.606, F.S.; authorizing the use of certain funds for local boating related projects and activities; amending s. 327.59, F.S.; authorizing marina owners, operators, employees, and agents to take actions to secure vessels during severe weather and to charge fees and be held harmless for such service; holding marina operators, employees, and agents liable for damage caused by intentional acts or negligence while removing or securing vessels; authorizing contract provisions and providing contract notice requirements relating to removing or securing vessels; amending s. 327.60, F.S.; providing for local regulation of anchoring within mooring fields; amending s. 328.64, F.S.; requiring the Department of Highway Safety and Motor Vehicles to provide forms for certain notification related to vessels; requiring the department to provide by rule for the surrender and replacement of certificates of registration to reflect change of address; amending s. 328.72, F.S.; requiring counties to use funds for specific boating related purposes; requiring counties to provide reports demonstrating specified expenditure of such funds; providing penalties for failure to comply; amending s. 376.11, F.S.; authorizing the distribution of revenues from the Florida Coastal Protection Trust Fund to all local governments for the removal of certain vessels; amending s. 376.15, F.S.; revising provisions relating to the removal of abandoned and derelict vessels; specifying officers authorized to remove such vessels; providing that certain costs are recoverable; requiring the Department of Legal Affairs to represent the Fish and Wildlife Conservation Commission in certain actions; expanding eligibility for disbursement of grant funds for the removal of certain vessels; amending s. 403.813, F.S.; providing exemptions from permitting, registration, and regulation of floating vessel platforms or floating boat lifts by a local government; authorizing local governments to require certain permits or registration for floating vessel platforms or floating boat lifts under certain circumstances; amending s. 705.101, F.S.; revising the definition of "abandoned property" to include certain vessels; amending s. 705.103, F.S.; revising the terminology relating to abandoned or lost property to conform; amending s. 823.11, F.S.; revising provisions relating to abandoned and derelict vessels and the removal of such vessels; providing a definition of "derelict vessel"; specifying which officers may remove such vessels; directing the Fish and Wildlife Conservation Commission to implement a plan for the procurement of federal disaster funds for the removal of derelict vessels; requiring the Department of Legal Affairs to represent the commission in certain actions; deleting a provision authorizing the commission to delegate certain authority to local governments under certain circumstances; authorizing private property owners to remove certain vessels with required notice; providing that cost of such removal is recoverable; prohibiting private property owners from hindering the removal of certain vessels by vessel owners or agents; providing for jurisdictional imposition of civil penalties for violations relating to certain vessels; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2128** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 7175** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dawson—

SB 910—A bill to be entitled An act relating to the offense of leaving a child unattended or unsupervised in a motor vehicle; amending s. 316.6135, F.S.; providing that such offense constitutes a second-degree misdemeanor rather than a noncriminal traffic infraction; providing that such offense is a third-degree felony if the child suffers great bodily harm, disability, or disfigurement; providing penalties; providing an effective date.

—was read the second time by title. On motion by Senator Dawson, by two-thirds vote **SB 910** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Lawson

On motion by Senator Rich—

SB 1126—A bill to be entitled An act relating to criminal sentencing; amending s. 775.0823, F.S.; providing that adjudication of guilt or imposition of sentence may not be suspended, deferred, or withheld for an attempted felony murder committed against a law enforcement officer, correctional officer, state attorney, assistant state attorney, justice, or judge; amending s. 921.0024, F.S., relating to the worksheet for the Criminal Punishment Code; providing for computing sentence points if the primary offense is a violation of s. 775.0823, F.S.; amending s. 947.146, F.S., relating to inmates who are ineligible for control release; conforming cross-references to changes made by the act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1126** was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos—

CS for SB 2688—A bill to be entitled An act relating to schools; amending s. 1001.42, F.S., relating to powers and duties of district school boards; revising provisions relating to required school improvement plans; revising content of such plans; requiring public hearings and analysis relating to excess paperwork and data collection; requiring district school board establishment of a task force to reduce paper and electronic reporting requirements; providing task force duties; amending s. 1002.23, F.S.; requiring school districts to include certain information concerning meningococcal disease in a parent guide; amending s. 1002.42, F.S.; requiring the governing authority of a private school to provide certain information concerning meningococcal disease to parents; amending s. 1003.415, F.S.; deleting the personalized middle school success plan; amending s. 1008.25, F.S., relating to student progression; requiring implementation of progress-monitoring plans and

deleting student improvement plans; providing planning options to improve student academic achievement; deleting certain provisions relating to student remediation; amending ss. 411.227, 1002.20, 1003.51, and 1003.52, F.S.; conforming provisions; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 2688** to **HB 127**.

Pending further consideration of **CS for SB 2688** as amended, on motion by Senator Haridopolos, by two-thirds vote **HB 127** was withdrawn from the Committees on Education; and Education Appropriations.

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

HB 127—A bill to be entitled An act relating to immunizations; amending s. 1002.23, F.S.; requiring the Department of Education to include parental information regarding school entry requirements and recommended immunization schedules in the guidelines for a parent guide; requiring departmental guidelines regarding student health and other resources; specifying that each school district develop and disseminate a parent guide that provides certain health information, including a recommended immunization schedule and information regarding meningococcal disease; amending s. 1002.42, F.S.; requiring the governing authority of each private school to provide certain health information, including a recommended immunization schedule and information regarding meningococcal disease; providing an effective date.

—a companion measure, was substituted for **CS for SB 2688** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 127** was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

SB 1942—A bill to be entitled An act relating to bid protest standards; amending s. 24.109, F.S.; providing that the administrative law judge in a competitive-procurement protest may not conduct a de novo proceeding; requiring an administrative law judge in a competitive-procurement protest to review the intended agency action in order to make certain determinations; providing an effective date.

—which was previously considered and amended this day.

Pending further consideration of **SB 1942** as amended, on motion by Senator Clary, by two-thirds vote **HB 755** was withdrawn from the Committees on Governmental Oversight and Productivity; and Judiciary.

On motion by Senator Clary—

HB 755—A bill to be entitled An act relating to the Department of the Lottery; amending s. 24.109, F.S.; requiring an administrative law judge to conduct certain reviews in a competitive procurement protest and providing guidelines for such review; providing an effective date.

—a companion measure, was substituted for **SB 1942** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 755** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker, by two-thirds vote **HB 7199** was withdrawn from the Committees on Children and Families; Criminal Justice; Judiciary; and Health and Human Services Appropriations.

On motion by Senator Baker—

HB 7199—A bill to be entitled An act relating to forensic treatment and training; amending s. 916.105, F.S.; revising legislative intent with respect to the treatment or training of defendants who have mental illness, mental retardation, or autism and are committed to the Agency for Persons with Disabilities; providing intent with respect to the use of restraint and seclusion; amending s. 916.106, F.S.; providing and revising definitions; amending s. 916.107, F.S., relating to the rights of forensic clients; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the Agency for Persons with Disabilities; revising provisions governing the involuntary treatment of clients; requiring the coordination of services between the department, the agency, and the Department of Corrections; amending s. 916.1075, F.S.; revising certain prohibitions on sexual misconduct involving covered persons of the Department of Children and Family Services or the Agency for Persons with Disabilities; defining the term "covered person"; requiring that notice of sexual misconduct be provided to the inspector general of the agency or department; amending s. 916.1081, F.S.; providing that an escape or an attempt to escape from a civil or forensic facility constitutes a second-degree felony; amending s. 916.1085, F.S.; providing for certain prohibitions concerning contraband articles to apply to facilities under the supervision or control of the Agency for Persons with Disabilities; deleting a cross-reference; amending s. 916.1091, F.S.; authorizing the use of chemical weapons by agency personnel; amending s. 916.1093, F.S.; authorizing the agency to enter into contracts and adopt rules; requiring department and agency rules to address the use of restraint and seclusion; providing requirements for such rules; amending s. 916.111, F.S.; revising provisions governing the training of mental health experts; amending s. 916.115, F.S.; requiring that the court appoint experts to determine the mental condition of a criminal defendant; requiring that the Department of Children and Family Services annually provide the courts with a list of certain mental health professionals; amending s. 916.12, F.S.; revising provisions governing the evaluation of a defendant's competence to proceed; amending s. 916.13, F.S.; revising conditions under which a defendant may be involuntarily committed for treatment; amending s. 916.145, F.S., relating to dismissal of charges against a defendant adjudicated incompetent; conforming provisions to changes made by the act; amending s. 916.15, F.S.; clarifying that the determination of not guilty by reason of insanity is made under a specified Florida Rule of Criminal Procedure; amending s. 916.16, F.S.; providing for the continuing jurisdiction of the court over a defendant involuntarily committed due to mental illness; amending s. 916.17, F.S.; clarifying circumstances under which the court may order the conditional release of a defendant; amending s. 916.301, F.S.; requiring that certain evaluations be conducted by certain qualified experts; requiring that the Agency for Persons with Disabilities provide the court with a list of certain available retardation and autism professionals; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the agency; amending s. 916.3012, F.S.; clarifying provisions governing the determination of a defendant's mental competence to proceed; amending s. 916.302, F.S., relating to the involuntary commitment of a defendant; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the agency; requiring that the department and agency submit an evaluation to the court before the transfer of a defendant from one civil or forensic facility to another; amending s. 916.3025, F.S.; clarifying that the committing court retains jurisdiction over a defendant placed on conditional release; providing for the transfer of continuing jurisdiction to another court where the defendant resides; amending s. 916.303, F.S.; clarifying provisions governing the dismissal of charges against a defendant found to be incompetent to proceed due to retardation or autism; amending s. 916.304, F.S.; providing for the conditional release of a defendant to a civil facility; amending ss. 921.137 and 985.223, F.S., relating to provisions governing the imposition of the death sentence upon a defendant with mental retardation and the determination of incompetency in cases involving juvenile delinquency; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the Agency for Persons with Disabilities; amending ss. 287.057, 408.036, 943.0585, and 943.059, F.S.; conforming cross-references; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2010** and read the second time by title.

MOTION

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

Senator Baker moved the following amendment which was adopted:

Amendment 1 (704430)—Line 1511, delete that line and insert: (4) A child who is determined to *have mental illness, mental retardation,*

Pursuant to Rule 4.19, **HB 7199** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

CS for SB 2026—A bill to be entitled An act relating to the Florida State Employees' Charitable Campaign; amending s. 110.181, F.S.; revising the manner in which certain undesignated funds are distributed to participating charities; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 2026** to **HB 1129**.

Pending further consideration of **CS for SB 2026** as amended, on motion by Senator Wise, by two-thirds vote **HB 1129** was withdrawn from the Committees on Governmental Oversight and Productivity; and Community Affairs.

On motion by Senator Wise—

HB 1129—A bill to be entitled An act relating to the Florida State Employees' Charitable Campaign; amending s. 110.181, F.S.; revising the manner in which certain undesignated funds are distributed to participating charities; distributing the funds proportionately to such charities based upon their percentage of designations in each fiscal agent area; providing an effective date.

—a companion measure, was substituted for **CS for SB 2026** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1129** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist, by two-thirds vote **HB 1593** was withdrawn from the Committees on Judiciary; Justice Appropriations; and Ways and Means.

On motion by Senator Crist—

HB 1593—A bill to be entitled An act relating to cybercrime; creating s. 16.61, F.S.; creating the Cybercrime Office within the Department of Legal Affairs; authorizing the office to investigate certain violations of state law pertaining to the sexual exploitation of children; providing that investigators employed by the office are law enforcement officers of the state; authorizing the Attorney General to carry out certain duties and responsibilities; requiring the Attorney General to provide notice of an arrest to the local sheriff; providing an effective date.

—a companion measure, was substituted for **CS for SB 2322** and read the second time by title.

Pursuant to Rule 4.19, **HB 1593** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2096** was deferred.

CS for SB 2214—A bill to be entitled An act relating to the licensure of health care providers; amending s. 383.335, F.S.; exempting certain facilities from a provision prohibiting a birth center from providing conduction anesthesia; requiring that the Agency for Health Care Administration review patient safety data for purposes of determining the viability of statewide application of the exemption; creating parts I, II, III, and IV of ch. 408, F.S.; amending s. 408.036, F.S.; exempting a nursing home that is created by combining certain licensed beds from requirements for obtaining a certificate of need from the Agency for Health Care Administration; providing for future repeal; creating s. 408.801, F.S.; designating part II of ch. 408, F.S., consisting of ss. 408.801-408.820, F.S., as the "Health Care Licensing Procedures Act"; providing legislative findings and purpose; creating s. 408.802, F.S.; providing applicability; creating s. 408.803, F.S.; providing definitions; creating s. 408.804, F.S.; requiring providers to have and display a license from the Agency for Health Care Administration; providing limitations; creating s. 408.805, F.S.; establishing license fees; providing a method for calculating annual adjustment of fees; creating s. 408.806, F.S.; providing a license application process; requiring specified information to be included on the application; requiring payment of late fees under certain circumstances; requiring inspections; providing an exception; authorizing the Agency for Health Care Administration to establish procedures and rules for the electronic transmission of required information; creating s. 408.807, F.S.; providing procedures for a change of ownership by a licensee; requiring the transferor to notify the agency in writing within a specified period; providing for duties and liability of the transferor; providing for maintenance of records; creating s. 408.808, F.S.; providing license categories and requirements therefor; creating s. 408.809, F.S.; requiring background screening of specified employees; providing for submission of proof of compliance, under certain circumstances; providing conditions for granting provisional and standard licenses; providing an exception to screening requirements; creating s. 408.810, F.S.; providing minimum licensure requirements; providing procedures for discontinuance of operation and surrender of a license; requiring forwarding of client records; requiring publication of a notice of discontinuance of operation by a provider; providing penalties; providing for statewide toll-free telephone numbers for reporting complaints and abusive, neglectful, or exploitative practices; requiring that a provider provide proof of a legal right to occupy property, proof of insurance, and proof of financial viability, under certain circumstances; requiring disclosure of information relating to financial instability; providing a penalty; prohibiting the agency from licensing a health care provider that does not have a certificate of need or an exemption; creating s. 408.811, F.S.; providing for inspections and investigations by the agency to determine compliance; providing that inspection reports are public records; requiring retention of records for a specified period; creating s. 408.812, F.S.; prohibiting certain unlicensed activity by a provider; requiring unlicensed providers to cease activity; providing penalties; requiring the reporting of unlicensed providers; creating s. 408.813, F.S.; authorizing the agency to impose administrative fines; creating s. 408.814, F.S.; providing conditions for the agency to impose a moratorium or emergency suspension against a provider; requiring notice; creating s. 408.815, F.S.; providing grounds for denial or revocation of a license or change-of-ownership application; providing conditions for continuing operation; exempting renewal applications from provisions requiring the agency to approve or deny an application within a specified period, under certain circumstances; creating s. 408.816, F.S.; authorizing the agency to institute injunction proceedings, under certain circumstances; creating s. 408.817, F.S.; providing a basis for review of administrative proceedings challenging licensure enforcement action by the agency; creating s. 408.818, F.S.; requiring fees and fines related to health care licensing to be deposited into the Health Care Trust Fund; creating s. 408.819, F.S.; authorizing the agency to adopt rules; providing a timeframe for compliance; creating s. 408.820, F.S.; providing exemptions from specified requirements of part II of ch. 408, F.S.; amending s. 400.801, F.S.; providing that the definition of the term "homes for special services" applies to sites licensed by the agency after a certain date; amending s. 400.9905, F.S.; providing that the term "clinic" does not include certain employee stock ownership plans for purposes of the Health Care Clinic Act; revising the types of entities providing oncology or radiation therapy services which are included within the definition of the word "entities" for purposes of the Health Care Clinic Act; excluding certain entities providing emergency department staff or anesthesia services in facilities licensed under ch. 395, F.S., from the definition of "clinic"; amending s. 408.831, F.S.; revising provisions relating to agency action to deny, suspend, or revoke a license, registration, certificate, or application; conforming cross-references; amending s. 400.991, F.S.; prohibiting licensure of health care clinics when owned by specified entities licensed under the insurance code; providing for priority of application in case of conflict; authorizing the agency to adjust annual licensure fees to provide biennial licensure fees; requiring the Division of Statutory Revision to assist in preparing conforming legislation; authorizing the agency to issue licenses for less than a specified time period and providing conditions therefor; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 2214** to **HB 7141**.

Pending further consideration of **CS for SB 2214** as amended, on motion by Senator Saunders, by two-thirds vote **HB 7141** was withdrawn from the Committees on Health Care; Children and Families; and Health and Human Services Appropriations.

On motion by Senator Saunders—

HB 7141—A bill to be entitled An act relating to the licensure of health care providers; creating pts. I, II, III, and IV of ch. 408, F.S.; creating s. 408.801, F.S.; providing a short title; providing legislative findings and purpose; creating s. 408.802, F.S.; providing applicability; creating s. 408.803, F.S.; providing definitions; creating s. 408.804, F.S.; requiring providers to have and display a license; providing limitations; creating s. 408.805, F.S.; establishing license fees and conditions for assessment thereof; providing a method for calculating annual adjustment of fees; providing for inspection fees; providing that fees are nonrefundable; creating s. 408.806, F.S.; providing a license application process; requiring specified information to be included on the application; requiring payment of late fees under certain circumstances; requiring inspections; providing an exception; authorizing the Agency for Health Care Administration to establish procedures and rules for electronic transmission of required information; creating s. 408.807, F.S.; providing procedures for change of ownership; requiring the transferor to notify the agency in writing within a specified time period; providing for duties and liability of the transferor; providing for maintenance of certain records; creating s. 408.808, F.S.; providing license categories and requirements therefor; creating s. 408.809, F.S.; requiring background screening of specified employees; providing for submission of proof of compliance, under certain circumstances; providing conditions for granting provisional and standard licenses; providing an exception to screening requirements; creating s. 408.810, F.S.; providing minimum licensure requirements; providing procedures for discontinuance of operation and surrender of license; requiring forwarding of client records; requiring publication of a notice of discontinuance of operation of a provider; providing for statewide toll-free telephone numbers for reporting complaints and abusive, neglectful, and exploitative practices; requiring proof of legal right to occupy property, proof of insurance, and proof of financial viability, under certain circumstances; requiring disclosure of information relating to financial instability; providing a penalty; prohibiting the agency from licensing a health care provider that does not have a certificate of need or an exemption; creating s. 408.811, F.S.; providing for inspections and investigations to determine compliance; providing that inspection reports are public records; requiring retention of records for a specified period of time; creating s. 408.812, F.S.; prohibiting certain unlicensed activity by a provider; requiring unlicensed providers to cease activity; providing penalties; requiring reporting of unlicensed providers; creating s. 408.813, F.S.; authorizing the agency to impose administrative fines; creating s. 408.814, F.S.; providing conditions for the agency to impose a moratorium or emergency suspension on a provider; requiring notice; creating s. 408.815, F.S.; providing grounds for denial or revocation of a license or change-of-ownership application; providing conditions to continue operation; exempting renewal applications from provisions requiring the agency to approve or deny an application within a specified period of time, under certain circumstances; creating s. 408.816, F.S.; authorizing the agency to institute injunction proceedings, under certain circumstances; creating s. 408.817, F.S.; providing basis for review of administrative proceedings challenging agency licensure enforcement action; creating s. 408.818, F.S.; requiring fees and fines related to health care licensing to be deposited into the Health Care Trust Fund; creating s. 408.819, F.S.; authorizing the agency to adopt rules; providing a timeframe for compliance; creating s. 408.820, F.S.; providing exemptions from specified requirements of pt. II of ch. 408, F.S.; amending s. 400.801, F.S.; providing that the definition of homes for special services applies to sites licensed by the agency after a certain date; amending s. 400.9905, F.S.; excluding certain entities from the definition of "clinic"; amending s. 408.036, F.S.; exempting a nursing home created by combining certain licensed beds from requirements for obtaining a certificate of need from the agency; providing for future repeal; amending s. 408.831, F.S.; revising provisions relating to agency action to deny, suspend, or revoke a license, registration, certificate, or application; conforming cross-references; providing for priority of application in case of conflict; authorizing the agency to adjust annual licensure fees to provide biennial licensure fees; requesting interim assistance of the Division of Statutory Revision to prepare conforming legislation for the 2007 Regular Session; authorizing the agency to issue licenses for less than a specified time period and providing conditions therefor; providing an effective date.

—a companion measure, was substituted for **CS for SB 2214** as amended and read the second time by title.

MOTION

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

Senator Saunders moved the following amendment which was adopted:

Amendment 1 (851954)(with title amendment)—On line 1036, delete that line and insert:

Section 14. Section 395.4001, Florida Statutes, is amended to read:

395.4001 Definitions.—As used in this part, the term:

(1) "Agency" means the Agency for Health Care Administration.

(2) "Charity care" or "uncompensated trauma care" means that portion of hospital charges reported to the agency for which there is no compensation, other than restricted or unrestricted revenues provided to a hospital by local governments or tax districts regardless of method of payment, for care provided to a patient whose family income for the 12 months preceding the determination is less than or equal to 200 percent of the federal poverty level, unless the amount of hospital charges due from the patient exceeds 25 percent of the annual family income. However, in no case shall the hospital charges for a patient whose family income exceeds four times the federal poverty level for a family of four be considered charity.

(3) "Department" means the Department of Health.

(4) "Interfacility trauma transfer" means the transfer of a trauma victim between two facilities licensed under this chapter, pursuant to this part.

(5) "International Classification Injury Severity Score" means the statistical method for computing the severity of injuries sustained by trauma patients. The International Classification Injury Severity Score shall be the methodology used by the department and trauma centers to report the severity of an injury.

(6)~~(5)~~ "Level I trauma center" means a trauma center that:

(a) Has formal research and education programs for the enhancement of trauma care; is verified by the department to be in substantial compliance with Level I trauma center and pediatric trauma center standards; and has been approved by the department to operate as a Level I trauma center.

(b) Serves as a resource facility to Level II trauma centers, pediatric trauma centers, and general hospitals through shared outreach, education, and quality improvement activities.

(c) Participates in an inclusive system of trauma care, including providing leadership, system evaluation, and quality improvement activities.

(7)~~(6)~~ "Level II trauma center" means a trauma center that:

(a) Is verified by the department to be in substantial compliance with Level II trauma center standards and has been approved by the department to operate as a Level II trauma center.

(b) Serves as a resource facility to general hospitals through shared outreach, education, and quality improvement activities.

(c) Participates in an inclusive system of trauma care.

(8) "Local funding contribution" means local municipal, county, or tax district funding exclusive of any patient-specific funds received pursuant to ss. 154.301-154.316, private foundation funding, or public or private grant funding of at least $150,000 received by a hospital or health care system that operates a trauma center.

(9)~~(7)~~ "Pediatric trauma center" means a hospital that is verified by the department to be in substantial compliance with pediatric trauma

center standards as established by rule of the department and has been approved by the department to operate as a pediatric trauma center.

(10)~~(8)~~ "Provisional trauma center" means a hospital that has been verified by the department to be in substantial compliance with the requirements in s. 395.4025 and has been approved by the department to operate as a provisional Level I trauma center, Level II trauma center, or pediatric trauma center.

(11)~~(9)~~ "Trauma agency" means a department-approved agency established and operated by one or more counties, or a department-approved entity with which one or more counties contract, for the purpose of administering an inclusive regional trauma system.

(12)~~(10)~~ "Trauma alert victim" means a person who has incurred a single or multisystem injury due to blunt or penetrating means or burns, who requires immediate medical intervention or treatment, and who meets one or more of the adult or pediatric scorecard criteria established by the department by rule.

(13) "Trauma caseload volume" means the number of trauma patients reported by individual trauma centers to the Trauma Registry and validated by the department.

(14)~~(11)~~ "Trauma center" means a hospital that has been verified by the department to be in substantial compliance with the requirements in s. 395.4025 and has been approved by the department to operate as a Level I trauma center, Level II trauma center, or pediatric trauma center.

(15) "Trauma patient" means a person who has incurred a physical injury or wound caused by trauma and has accessed a trauma center.

(16)~~(12)~~ "Trauma scorecard" means a statewide methodology adopted by the department by rule under which a person who has incurred a traumatic injury is graded as to the severity of his or her injuries or illness and which methodology is used as the basis for making destination decisions.

(17)~~(13)~~ "Trauma transport protocol" means a document which describes the policies, processes, and procedures governing the dispatch of vehicles, the triage, prehospital transport, and interfacility trauma transfer of trauma victims.

(18)~~(14)~~ "Trauma victim" means any person who has incurred a single or multisystem injury due to blunt or penetrating means or burns and who requires immediate medical intervention or treatment.

Section 15. *Section 395.4035, Florida Statutes, is repealed.*

Section 16. Subsection (1) of section 395.4036, Florida Statutes, is amended to read:

395.4036 Trauma payments.—

(1) Recognizing the Legislature's stated intent to provide financial support to the current verified trauma centers and to provide incentives for the establishment of additional trauma centers as part of a system of state-sponsored trauma centers, the department shall utilize funds collected under s. 318.18*(15)*~~(14)~~ and deposited into the Administrative Trust Fund of the department to ensure the availability and accessibility of trauma services throughout the state as provided in this subsection.

(a) Twenty percent of the total funds collected under this subsection *during the state fiscal year* shall be distributed to verified trauma centers ~~located in a region~~ that *have* ~~has~~ a local funding contribution as of December 31. Distribution of funds under this paragraph shall be based on trauma caseload volume *for the most recent calendar year available*.

(b) Forty percent of the total funds collected under this subsection shall be distributed to verified trauma centers based on trauma caseload volume *for* ~~of~~ the *most recent* ~~previous~~ calendar year *available*. The determination of caseload volume for distribution of funds under this paragraph shall be based on the department's Trauma Registry data.

(c) Forty percent of the total funds collected under this subsection shall be distributed to verified trauma centers based on severity of trauma patients *for the most recent calendar year available*. The determination of severity for distribution of funds under this paragraph shall be based on the department's *International Classification* Injury Severity Scores *or another statistically valid and scientifically accepted method of stratifying a trauma patient's severity of injury, risk of mortality, and resource consumption as adopted by the department by rule*, weighted based on *the costs associated with and incurred by the trauma center in treating trauma patients. The weighting of scores shall be established by the department by rule* ~~scores of 1-14 and 15 plus~~.

Funds deposited in the department's Administrative Trust Fund for verified trauma centers may be used to maximize the receipt of federal funds that may be available for such trauma centers. Notwithstanding this section and s. 318.14, distributions to trauma centers may be adjusted in a manner to ensure that total payments to trauma centers represent the same proportional allocation as set forth in this section and s. 318.14. For purposes of this section and s. 318.14, total funds distributed to trauma centers may include revenue from the Administrative Trust Fund and federal funds for which revenue from the Administrative Trust Fund is used to meet state or local matching requirements. Funds collected under ss. 318.14 and 318.18(15) and deposited in the Administrative Trust Fund of the department shall be distributed to trauma centers on a quarterly basis using the most recent calendar year data available. Such data shall not be used for more than four quarterly distributions unless there are extenuating circumstances as determined by the department, in which case the most recent calendar year data available shall continue to be used and appropriate adjustments shall be made as soon as the more recent data becomes available. ~~Trauma centers may request that their distributions from the Administrative Trust Fund be used as intergovernmental transfer funds in the Medicaid program.~~

Section 17. Section 395.41, Florida Statutes, is created to read:

395.41 Trauma center startup grant program.—There is established a trauma center startup grant program.

(1) The Legislature recognizes the need for a statewide, cohesive, uniform, and integrated trauma system, and the Legislature acknowledges that the state has been divided into trauma service areas. Each of the trauma service areas should have at least one trauma center; however, some trauma service areas do not have a trauma center because of the significant up-front investment of capital required for hospitals to develop the physical space, equipment, and qualified personnel necessary to provide quality trauma services.

(2) An acute care general hospital that has submitted a letter of intent and an application to become a trauma center pursuant to s. 395.4025 may apply to the department for a startup grant. The grant applicant must demonstrate that:

(a) There are currently no other trauma centers in the hospital's trauma service area as established under s. 395.402.

(b) There is not a trauma center within a 100-mile radius of the proposed trauma center.

(c) The hospital has received a local funding contribution as defined under s. 395.4001.

(d) The hospital has incurred startup costs in excess of the amount of grant funding requested.

(e) The hospital is pursuing the establishment of a residency program in internal medicine or emergency medicine.

(3) A hospital receiving startup grant funding that does not become a provisional trauma center within 24 months after submitting an application to become a trauma center must forfeit any state grant funds received pursuant to this section.

(4) A hospital that receives startup grant funding may not receive more than $500,000, must ensure that the startup grant funding is matched on a dollar-for-dollar basis with a local funding contribution, and shall receive startup grant funding only one time.

Section 18. This act shall take effect October 1, 2006, except that section 395.41, Florida Statutes, as created by this act, shall take effect subject to an appropriation for the trauma center startup grant program in the 2006-2007 General Appropriations Act.

And the title is amended as follows:

On line 92, after the semicolon (;) insert: amending s. 395.4001, F.S.; providing definitions; repealing s. 395.4035, F.S., to terminate the Trauma Services Trust Fund; amending s. 395.4036, F.S.; revising provisions relating to distribution of funds to trauma centers and use thereof; creating s. 395.41, F.S.; establishing a trauma center startup grant program; providing conditions for the receipt of a startup grant; providing limitations; making the trauma center startup grant program subject to an appropriation in the General Appropriations Act; providing effective dates.

MOTION

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

Senator Jones moved the following amendment:

Amendment 2 (863642)(with title amendment)—Between lines 1035 and 1036, insert:

Section 14. Section 456.041, Florida Statutes, is amended to read:

456.041 Practitioner profile; creation.—

(1)(a) The Department of Health shall compile the information submitted pursuant to s. 456.039 into a practitioner profile of the applicant submitting the information, except that the Department of Health shall develop a format to compile uniformly any information submitted under s. 456.039(4)(b). Beginning July 1, 2001, the Department of Health may compile the information submitted pursuant to s. 456.0391 into a practitioner profile of the applicant submitting the information.

(b) Beginning July 1, 2005, the department shall verify the information submitted by the applicant under s. 456.039 concerning disciplinary history and medical malpractice claims at the time of initial licensure and license renewal using the National Practitioner Data Bank. The physician profiles shall reflect the disciplinary action and medical malpractice claims as reported by the National Practitioner Data Bank, and shall include information relating to liability and disciplinary actions obtained as a result of a search of the National Practitioner Data Bank.

(c) Within 30 calendar days after receiving an update of information required for the practitioner's profile, the department shall update the practitioner's profile in accordance with the requirements of subsection (7).

(2) On the profile published under subsection (1), the department shall indicate if the information provided under s. 456.039(1)(a)7. or s. 456.0391(1)(a)7. is or is not corroborated by a criminal history check conducted according to this subsection. The department, or the board having regulatory authority over the practitioner acting on behalf of the department, shall investigate any information received by the department or the board.

(3) The Department of Health shall include in each practitioner's practitioner profile that criminal information that directly relates to the practitioner's ability to competently practice his or her profession. The department must include in each practitioner's practitioner profile the following statement: "The criminal history information, if any exists, may be incomplete; federal criminal history information is not available to the public." The department shall provide in each practitioner profile, for every final disciplinary action taken against the practitioner, an easy-to-read narrative description that explains the administrative complaint filed against the practitioner and the final disciplinary action imposed on the practitioner. The department shall include a hyperlink to each final order listed in its website report of dispositions of recent disciplinary actions taken against practitioners.

(4) The Department of Health shall include, with respect to a practitioner licensed under chapter 458 or chapter 459, a statement of *which category* ~~how~~ the practitioner has elected to comply with the financial responsibility requirements of s. 458.320 or s. 459.0085. The department shall include, with respect to practitioners subject to s. 456.048, a statement of how the practitioner has elected to comply with the financial responsibility requirements of that section. The department shall include, with respect to practitioners licensed under chapter 461, information relating to liability actions which has been reported under s. 456.049 or s. 627.912 within the previous 10 years for any paid claim that exceeds $5,000. The department shall include, with respect to practitioners licensed under chapter 458 or chapter 459, information relating to liability actions which has been reported under ss. 456.049 and 627.912 within the previous 10 years for any paid claim that exceeds $100,000. Such claims information shall be reported in the context of comparing an individual practitioner's claims to the experience of other practitioners within the same specialty, or profession if the practitioner is not a specialist. The department must provide a hyperlink in such practitioner's profile to all such comparison reports. If information relating to a liability action is included in a practitioner's practitioner profile, the profile must also include the following statement: "Settlement of a claim may occur for a variety of reasons that do not necessarily reflect negatively on the professional competence or conduct of the practitioner. A payment in settlement of a medical malpractice action or claim should not be construed as creating a presumption that medical malpractice has occurred."

(5) The Department of Health shall include the date of a hospital or ambulatory surgical center disciplinary action taken by a licensed hospital or an ambulatory surgical center, in accordance with the requirements of s. 395.0193, in the practitioner profile. The department shall state whether the action related to professional competence and whether it related to the delivery of services to a patient.

(6) Each profile must include the appropriate information behind the following headings: general information, education and training, academic appointments, speciality certification, criminal offenses, disciplinary actions, medical malpractice insurance, and optional information.

(7) The department shall specifically provide in each practitioner profile an easy-to-read explanation of whether the practitioner had medical malpractice insurance, whether or not the practitioner has relinquished a license or had a license revoked in any state or jurisdiction, whether the practitioner is retired, and whether the practitioner is practicing in Florida.

(8) Upon notification the department shall indicate on each practitioner profile the date of death of the practitioner.

(9)~~(6)~~ The Department of Health may include in the practitioner's practitioner profile any other information that is a public record of any governmental entity and that relates to a practitioner's ability to competently practice his or her profession.

(1)~~(7)~~ Upon the completion of a practitioner profile under this section, the Department of Health shall furnish the practitioner who is the subject of the profile a copy of it for review and verification. The practitioner has a period of 30 days in which to review and verify the contents of the profile and to correct any factual inaccuracies in it. The Department of Health shall make the profile available to the public at the end of the 30-day period regardless of whether the practitioner has provided verification of the profile content. A practitioner shall be subject to a fine of up to $100 per day for failure to verify the profile contents and to correct any factual errors in his or her profile within the 30-day period. The department shall make the profiles available to the public through the World Wide Web and other commonly used means of distribution. The department must include the following statement, in boldface type, in each profile that has not been reviewed by the practitioner to which it applies: "The practitioner has not verified the information contained in this profile." *Beginning July 1, 2006, and annually thereafter, the department shall perform a random audit of 5 percent of all practitioner profiles in order to determine the accuracy of those profiles. A practitioner whose profile is factually incorrect shall be subject to a fine of a $50 per day from the time the content should have been reported until the factual inaccuracy is discovered by the department, not to exceed $5,000.*

(11)~~(8)~~ The Department of Health must provide in each profile an easy-to-read explanation of any disciplinary action taken and the reason the sanction or sanctions were imposed.

(12)~~(9)~~ The Department of Health may provide one link in each profile to a practitioner's professional website if the practitioner requests that such a link be included in his or her profile.

(13)~~(10)~~ Making a practitioner profile available to the public under this section does not constitute agency action for which a hearing under s. 120.57 may be sought.

(Redesignate subsequent sections.)

And the title is amended as follows:

On line 92, following the semicolon (;) insert: amending s. 456.041, F.S.; providing a format for practitioner profiles; requiring certain information to be included on such profiles; requiring a periodic audit of practitioner profiles; providing for fines for practitioners whose practitioner profiles are factually inaccurate;

On motion by Senator Saunders, further consideration of **HB 7141** with pending **Amendment 2 (863642)** was deferred.

On motion by Senator Fasano, by two-thirds vote **HB 595** was withdrawn from the Committees on Children and Families; Judiciary; Health and Human Services Appropriations; and Ways and Means.

On motion by Senator Fasano—

HB 595—A bill to be entitled An act relating to community behavioral health agencies; creating s. 394.9085, F.S.; providing that certain facilities or programs have liability limits in negligence actions under certain circumstances; limiting net economic damages allowed per claim; requiring that damages be offset by collateral source payment in accordance with s. 768.76, F.S.; requiring that costs to defend actions be assumed by the provider or its insurer; specifying occasions upon which the limitations on liability enjoyed by the provider extend to the employee; requiring that providers obtain and maintain specified liability coverage; specifying that persons providing contractual services to the state are not considered agents or employees under ch. 440, F.S.; providing for an annual increase in the conditional limitations on damages; providing definitions; providing construction; preserving sovereign immunity for governmental units and entities protected by sovereign immunity; providing an effective date.

—a companion measure, was substituted for **CS for SB 280** and read the second time by title.

Pursuant to Rule 4.19, **HB 595** was placed on the calendar of Bills on Third Reading.

CS for SB 1268—A bill to be entitled An act relating to the deferral of ad valorem property taxes; amending s. 197.252, F.S.; decreasing the age and increasing the income threshold required for eligibility to defer ad valorem property taxes; decreasing the maximum interest rate that may be charged on deferred ad valorem taxes; providing an effective date.

—was read the second time by title.

On motion by Senator Margolis, further consideration of **CS for SB 1268** was deferred.

On motion by Senator Fasano—

CS for CS for SB 1332—A bill to be entitled An act relating to the Coordinated Health Care Information and Transparency Act; specifying the purpose of the act; amending s. 20.42, F.S., relating to the Agency for Health Care Administration; conforming provisions to changes made by the act; amending s. 408.05, F.S.; renaming the State Center for Health Statistics as the Florida Center for Health Information and Policy Analysis; revising the center's duties; authorizing the Agency for Health Care Administration to manage and monitor certain grants; requiring the agency to oversee and manage health care data from certain state agencies; deleting the agency's requirement to establish the Comprehensive Health Information System Trust Fund; renaming the State Comprehensive Health Information System Advisory Council as the State Consumer Health Information and Policy Advisory Council; revising the membership of the State Consumer Health Information and Policy Advisory Council; providing for staggered terms of office; authorizing the reappointment of members to the council; providing duties of the council; amending s. 408.061, F.S.; providing that data submitted by health care providers may include professional organizations and specialty board affiliations; requiring the Secretary of Health Care Administration to ensure the coordination of health care data; amending s. 408.062, F.S.; revising the number of most frequently prescribed medicines for which the retail prices may be statistically collected for a special study; revising the date by which the agency must make available on its Internet website certain drug prices; deleting a requirement that a provider hospital assist the agency in determining the impact of ch. 408, F.S., on caesarean section rates; deleting the requirement for an annual report; authorizing the agency to develop an electronic health information network; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 1332** to **HB 7073**.

Pending further consideration of **CS for CS for SB 1332** as amended, on motion by Senator Fasano, by two-thirds vote **HB 7073** was withdrawn from the Committees on Health Care; and Health and Human Services Appropriations.

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

HB 7073—A bill to be entitled An act relating to health care information; providing a short title; providing purpose; amending s. 408.05, F.S.; renaming the State Center for Health Statistics; revising criteria for collection and use of certain health-related data; providing responsibilities of the Agency for Health Care Administration; providing for agency consultation with the State Consumer Health Information and Policy Advisory Council for the dissemination of certain consumer information; requiring the Florida Center for Health Information and Policy Analysis to provide certain technical assistance services; authorizing the agency to monitor certain grants; removing a provision that establishes the Comprehensive Health Information System Trust Fund as the repository of certain funds; renaming the State Comprehensive Health Information System Advisory Council; providing for duties and responsibilities of the State Consumer Health Information and Policy Advisory Council; providing for membership, terms, officers, and meetings; amending s. 408.061, F.S.; providing for health care providers to submit additional data to the agency; correcting a reference; amending s. 408.062, F.S.; revising provisions relating to availability of specified information on the agency's Internet website; requiring a report; removing an obsolete provision; authorizing the agency to develop an electronic health information network; amending ss. 20.42, 381.001, 395.602, 395.6025, 408.07, and 408.18, F.S.; conforming references to changes made by the act; amending ss. 381.026, 395.301, 627.6499, and 641.54, F.S.; conforming a cross-reference; amending s. 465.0244, F.S.; conforming a cross-reference; providing responsibility of the Agency for Health Care Administration for security of certain data and backup systems; providing requirements for a secure storage facility; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1332** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 7073** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

CS for CS for SB 2018—A bill to be entitled An act relating to pretrial release; amending s. 903.02, F.S.; providing that any judge setting or granting bail shall set a separate bail amount for each charge or offense; amending s. 903.047, F.S.; requiring a defendant to comply with all conditions of pretrial release; amending s. 903.27, F.S.; providing that in cases in which the bond forfeiture has been discharged by the court, the amount of the judgment may not exceed the amount of the unpaid fees or costs upon which the discharge had been conditioned; amending s. 903.31, F.S.; requiring the clerk of court to furnish an executed certificate of cancellation to the surety; providing that an acquittal or a withholding of adjudication of guilt satisfies bond conditions; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 2018** to **HB 827**.

Pending further consideration of **CS for CS for SB 2018** as amended, on motion by Senator Wise, by two-thirds vote **HB 827** was withdrawn

from the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

On motion by Senator Wise—

HB 827—A bill to be entitled An act relating to pretrial release; amending s. 903.02, F.S.; providing that any judge setting or granting bail shall set a separate bail amount for each charge or offense; amending s. 903.047, F.S.; requiring a defendant to comply with all conditions of pretrial release; amending s. 903.27, F.S.; providing that in cases in which the bond forfeiture has been discharged by the court, the amount of the judgment may not exceed the amount of the unpaid fees or costs upon which the discharge had been conditioned; amending s. 903.31, F.S.; providing that the clerk of court shall furnish an executed certificate of cancellation to the surety; providing that an acquittal or a withholding of adjudication of guilt shall satisfy bond conditions; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2018** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 827** was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

CS for SB 1268—A bill to be entitled An act relating to the deferral of ad valorem property taxes; amending s. 197.252, F.S.; decreasing the age and increasing the income threshold required for eligibility to defer ad valorem property taxes; decreasing the maximum interest rate that may be charged on deferred ad valorem taxes; providing an effective date.

—which was previously considered this day.

On motion by Senator Webster, by two-thirds vote **CS for SB 1268** was read the third time by title. On motion by Senator Miller, **CS for SB 1268** 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

On motion by Senator Crist—

SB 2274—A bill to be entitled An act relating to prostitution; amending s. 796.07, F.S.; providing for reclassification of penalties for certain violations committed within a specified distance of certain locations; providing an effective date.

—was read the second time by title.

The Committee on Community Affairs recommended the following amendment which was moved by Senator Crist and failed:

Amendment 1 (452288)—On page 1, line 23 through page 2, line 7, delete those lines and insert:

(b) If a felony or misdemeanor violation of this section was committed within 1,000 feet of the real property comprising a child care facility as defined in s. 402.302 that is in compliance with the signage requirements for child care facilities in s. 893.13(1)(c); a public or private elementary, middle, or secondary school; or a physical place of worship where a church or religious organization regularly conducts religious services; or in, on, or within 1,000 feet of real property comprising a state, county, or municipal park, a community center, or a publicly owned recreational facility, the penalty shall be reclassified as follows:

1. A misdemeanor of the first degree is reclassified to a felony of the third degree.

2. A felony of the third degree is reclassified to a felony of the second degree.

3. A misdemeanor of the second degree is reclassified to a misdemeanor of the first degree.

Senator Crist moved the following amendment which was adopted:

Amendment 2 (324962)(with title amendment)—On page 1, line 10 through page 2, line 7, delete those lines and insert:

Section 1. Subsection (4) of section 796.07, Florida Statutes, is amended, subsections (5) and (6) of that section are redesignated as subsections (6) and (7), and a new subsection (5) is added to that section, to read:

796.07 Prohibiting prostitution, etc.; evidence; penalties; definitions.—

(4) A person who violates any provision of this section*, except as provided in subsection (5),* commits:

(a) A misdemeanor of the second degree for a first violation, punishable as provided in s. 775.082 or s. 775.083.

(b) A misdemeanor of the first degree for a second violation, punishable as provided in s. 775.082 or s. 775.083.

(c) A felony of the third degree for a third or subsequent violation, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) A person who violates any provision of this section within 1,000 feet of the real property comprising a child care facility as defined in s. 402.302 that is in compliance with the signage requirements for child care facilities in s. 893.13(1)(c); a public or private elementary, middle, or secondary school; or a physical place of worship where a church or religious organization regularly conducts religious services; or in, on, or within 1,000 feet of real property comprising a state, county, or municipal park, a community center, or a publicly owned recreational facility, commits:

(a) A misdemeanor of the first degree for a first violation, punishable as provided in s. 775.082, s.775.083, or s. 775.084.

(b) A felony of the third degree for a second violation, punishable as provided in s. 775.082, s.775.083, or s. 775.084.

(c) A felony of the second degree for a third or subsequent violation, punishable as provided in s. 775.082, s.775.083, or s. 775.084.

And the title is amended as follows:

On page 1, line 3, delete "reclassification of"

Pursuant to Rule 4.19, **SB 2274** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR WEBSTER PRESIDING

CS for CS for CS for SB 2280—A bill to be entitled An act relating to high-risk offenders; amending s. 322.141, F.S.; requiring distinctive markings for driver's licenses and identification cards issued to persons who are designated as sexual predators or subject to registration as sexual offenders; amending s. 322.212, F.S.; prohibiting the alteration of sexual predator or sexual offender markings on driver's licenses or identification cards, for which there are criminal penalties; amending s. 775.21, F.S.; requiring sexual predators to obtain a distinctive driver's license or identification card; amending s. 943.0435, F.S.; requiring sexual offenders to obtain a distinctive driver's license or identification

card; amending s. 944.607, F.S.; requiring specified offenders who are under the supervision of the Department of Corrections but are not incarcerated to obtain a distinctive driver's license or identification card; amending s. 1012.465, F.S.; amending background screening requirements for certain noninstructional school district employees and contractors; adding noninstructional contractors to those who must meet the screening requirements; defining the terms "noninstructional contractor," "convicted," and "school grounds"; creating s. 1012.467, F.S.; providing for the submission of fingerprints; requiring school districts to screen results of criminal records checks; requiring the cost of background screening requirements to be borne by certain parties; providing a cap on fees that may be charged; authorizing the retention of fingerprints; providing a list of violations that such persons must not have committed if they are to satisfy the screening requirements; providing sanctions for failure to meet requirements; providing grounds for contesting denial of access to school grounds; providing reporting requirements; providing that the failure to meet requirements is a misdemeanor of the first degree; allowing certain educational entities to share information derived from checks of criminal history records; authorizing the Department of Law Enforcement to adopt rules; providing immunity from civil or criminal liability; creating s. 1012.468, F.S.; specifying exemptions for contractors; providing criteria and conditions; providing that exempted contractors are subject to a search of certain databases that list sexual predators and sexual offenders; providing consequences of a failure to meet the screening requirements; prohibiting school districts from conducting additional criminal history checks; creating s. 1012.321, F.S.; creating an exception for certain instructional personnel; providing criteria; providing effective dates.

—was read the second time by title.

Senator Aronberg moved the following amendment which was adopted:

Amendment 1 (590314)(with title amendment)—On page 4, lines 12-14, delete those lines and insert:

Section 3. Paragraphs (f) and (g) of subsection (2) and paragraph (f) of subsection (6) of section 775.21, Florida Statutes, are amended to read:

775.21 The Florida Sexual Predators Act.—

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

(f) "Permanent residence" means a place where the person abides, lodges, or resides for *5* ~~14~~ or more consecutive days.

(g) "Temporary residence" means a place where the person abides, lodges, or resides for a period of *5* ~~14~~ or more days in the aggregate during any calendar year and which is not the person's permanent address *or,*~~;~~ for a person whose permanent residence is not in this state, a place where the person is employed, practices a vocation, or is enrolled as a student for any period of time in this state~~; or a place where the person routinely abides, lodges, or resides for a period of 4 or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence, including any out-of-state address~~.

And the title is amended as follows:

On page 1, line 12, after the semicolon (;) insert: redefining the terms "permanent residence" and "temporary residence" in order to reduce the number of consecutive days and days in the aggregate which constitute the residence of a sexual predator for purposes of requirements that the predator register with the Department of Law Enforcement, the sheriff's office, or the Department of Corrections;

Senator Argenziano moved the following amendment:

Amendment 2 (352334)(with title amendment)—On page 12, lines 3-23, delete those lines and insert:

(4) A noninstructional contractor who has been convicted of any of the offenses listed in paragraph (2)(g) may not be permitted on school grounds when students are present, unless the contractor has received a full pardon or has had his or her civil rights restored. A noninstructional contractor who is present on school grounds in violation of this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(5) If a school district has reasonable cause to believe that grounds exist for the denial of a contractor's access to school grounds when students are present, it shall notify the contractor in writing, stating the specific record that indicates noncompliance with the standards set forth in this section. It is the responsibility of the affected contractor to contest his or her denial. The only basis for contesting the denial is proof of mistaken identity.

(6) Each contractor who is subject to the requirements of this section shall agree to inform his or her employer or the party to whom he or she is under contract and the school district within 48 hours if he or she is arrested for any of the disqualifying offenses in paragraph (2)(g). A contractor who willfully fails to comply with this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. If the employer of a contractor or the party to whom the contractor is under contract knows the contractor has been arrested for any of the disqualifying offenses in paragraph (2)(g) and authorizes the contractor to be present on school grounds when students are present, such employer or such party commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

And the title is amended as follows:

On page 2, lines 8 and 9, delete those lines and insert: providing penalties; providing grounds for contesting

SENATOR CARLTON PRESIDING

MOTION

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

Senator Wise moved the following amendment to **Amendment 2**:

Amendment 2A (142720)—On page 2, lines 12-15, delete those lines and insert: *offenses in paragraph (2)(g) and knowingly and willfully authorizes the contractor to be present on school grounds when students are present:*

(a) If the employer holds a professional license under chapter 455, the employer commits an act constituting grounds for discipline as described in s. 455.227(1)(a).

(b) If the employer holds a professional license under chapter 456, the employer commits an act constituting grounds for discipline as described in s. 456.072(1)(a).

On motion by Senator Argenziano, further consideration of **CS for CS for CS for SB 2280** with pending **Amendment 2 (352334)** and **Amendment 2A (142720)** was deferred.

On motion by Senator Haridopolos—

CS for CS for SB 2412—A bill to be entitled An act relating to the Division of Alcoholic Beverages and Tobacco; amending s. 20.165, F.S.; requiring each employee serving as a law enforcement officer for the division to meet the qualifications of a law enforcement officer set forth in ch. 943, F.S., for employment or appointment; requiring each such employee to be certified as a law enforcement officer by the Department of Law Enforcement; providing the law enforcement officer with certain powers, authority, and jurisdiction; specifying the primary and secondary responsibilities of law enforcement officers of the division; amending s. 561.422, F.S.; providing for issuance of temporary permits to sell alcoholic beverages upon approval of the local government; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 2412** to **HB 1271**.

Pending further consideration of **CS for CS for SB 2412** as amended, on motion by Senator Haridopolos, by two-thirds vote **HB 1271** was withdrawn from the Committees on Regulated Industries; Criminal Justice; and General Government Appropriations.

On motion by Senator Haridopolos—

HB 1271—A bill to be entitled An act relating to the Division of Alcoholic Beverages and Tobacco; amending s. 20.165, F.S.; requiring each employee serving as a law enforcement officer for the division to meet the qualifications of a law enforcement officer set forth in ch. 943, F.S., for employment or appointment; requiring each such employee to be certified as a law enforcement officer by the Department of Law Enforcement; providing the law enforcement officer with certain powers, authority, and jurisdiction; specifying the primary and secondary responsibilities for law enforcement officers of the division; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2412** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1271** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden, by two-thirds vote **HB 1367** was withdrawn from the Committees on Regulated Industries; and Community Affairs.

On motion by Senator Peaden—

HB 1367—A bill to be entitled An act relating to contracting exemptions; amending ss. 489.103 and 489.503, F.S.; revising exemptions for certain owners of property from certain contracting provisions; increasing maximum construction costs allowed for exemption; requiring owners of property to satisfy certain local permitting agency requirements; providing for penalties; providing an exemption for owners of property damaged by certain natural causes; providing an effective date.

—a companion measure, was substituted for **SB 2472** and read the second time by title.

Pursuant to Rule 4.19, **HB 1367** was placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz de la Portilla—

CS for CS for CS for SB 856—A bill to be entitled An act relating to domestic security; amending s. 282.318, F.S.; requiring the Department of Management Services to recommend minimum operating procedures for the security of data and information technology resources; requiring each agency to conduct certain procedures to assure the security of data, information, and information technology resources; requiring that the results of certain internal audits and evaluations be available to the Auditor General; requiring the department to establish an Office of Information Security and to designate a Chief Information Security Officer; requiring the office to develop a strategic plan; providing that the office is responsible for certain procedures and standards; providing legislative findings with respect to the provision of additional funds for enhancements and improvements to the radio system used by state law enforcement agencies; providing for the implementation of certain recommendations contingent upon appropriation; providing an appropriation and authorizing positions; prescribing requirements for fire hydrants to prevent backflow contamination of the domestic water supply; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for SB 856** was placed on the calendar of Bills on Third Reading.

On motion by Senator Villalobos—

SB 1128—A bill to be entitled An act relating to certification of court interpreters; requiring the Supreme Court to establish standards and procedures for training and certifying court interpreters; requiring that the Supreme Court set fees for certification; specifying that the fees from applicants for certification as court interpreters be deposited into the Grants and Donations Trust Fund within the state courts system; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1128** to **HB 849**.

Pending further consideration of **SB 1128** as amended, on motion by Senator Villalobos, by two-thirds vote **HB 849** was withdrawn from the Committees on Judiciary; and Justice Appropriations.

On motion by Senator Villalobos—

HB 849—A bill to be entitled An act relating to regulation of foreign language court interpreters; requiring the Supreme Court to establish standards and procedures for qualifications, certification, conduct, discipline, and training of appointed foreign language court interpreters; requiring the Supreme Court to set fees for certification applications; specifying the use and deposit of such fees; authorizing the Supreme Court to appoint or employ personnel for certain administration assistance purposes; providing an effective date.

—a companion measure, was substituted for **SB 1128** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 849** was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders, the Senate resumed consideration of—

HB 7141—A bill to be entitled An act relating to the licensure of health care providers; creating pts. I, II, III, and IV of ch. 408, F.S.; creating s. 408.801, F.S.; providing a short title; providing legislative findings and purpose; creating s. 408.802, F.S.; providing applicability; creating s. 408.803, F.S.; providing definitions; creating s. 408.804, F.S.; requiring providers to have and display a license; providing limitations; creating s. 408.805, F.S.; establishing license fees and conditions for assessment thereof; providing a method for calculating annual adjustment of fees; providing for inspection fees; providing that fees are nonrefundable; creating s. 408.806, F.S.; providing a license application process; requiring specified information to be included on the application; requiring payment of late fees under certain circumstances; requiring inspections; providing an exception; authorizing the Agency for Health Care Administration to establish procedures and rules for electronic transmission of required information; creating s. 408.807, F.S.; providing procedures for change of ownership; requiring the transferor to notify the agency in writing within a specified time period; providing for duties and liability of the transferor; providing for maintenance of certain records; creating s. 408.808, F.S.; providing license categories and requirements therefor; creating s. 408.809, F.S.; requiring background screening of specified employees; providing for submission of proof of compliance, under certain circumstances; providing conditions for granting provisional and standard licenses; providing an exception to screening requirements; creating s. 408.810, F.S.; providing minimum licensure requirements; providing procedures for discontinuance of operation and surrender of license; requiring forwarding of client records; requiring publication of a notice of discontinuance of operation of a provider; providing for statewide toll-free telephone numbers for reporting complaints and abusive, neglectful, and exploitative practices; requiring proof of legal right to occupy property, proof of insurance, and proof of financial viability, under certain circumstances; requiring disclosure of information relating to financial instability; providing a penalty; prohibiting the agency from licensing a health care provider that does not have a certificate of need or an exemption; creating s. 408.811, F.S.; providing for inspections and investigations to determine compliance; providing that inspection reports are public records; requiring retention of records for a specified period of time; creating s. 408.812, F.S.; prohibiting certain unlicensed activity by a provider; requiring unlicensed providers to cease activity; providing penalties; requiring reporting of unlicensed providers; creating s. 408.813, F.S.; authorizing the agency to impose administrative fines; creating s. 408.814, F.S.; providing conditions for the agency to impose a moratorium or emergency suspension on a provider; requiring notice; creating s. 408.815, F.S.; providing grounds for denial or revocation of a license or change-of-ownership application; providing conditions to continue operation; exempting renewal applications from provisions requiring the agency to approve or deny an application within a specified period of time, under certain circumstances; creating s. 408.816, F.S.; authorizing the agency to institute injunction proceedings, under certain circumstances; creating s. 408.817, F.S.; providing basis for review of administrative proceedings challenging agency

licensure enforcement action; creating s. 408.818, F.S.; requiring fees and fines related to health care licensing to be deposited into the Health Care Trust Fund; creating s. 408.819, F.S.; authorizing the agency to adopt rules; providing a timeframe for compliance; creating s. 408.820, F.S.; providing exemptions from specified requirements of pt. II of ch. 408, F.S.; amending s. 400.801, F.S.; providing that the definition of homes for special services applies to sites licensed by the agency after a certain date; amending s. 400.9905, F.S.; excluding certain entities from the definition of "clinic"; amending s. 408.036, F.S.; exempting a nursing home created by combining certain licensed beds from requirements for obtaining a certificate of need from the agency; providing for future repeal; amending s. 408.831, F.S.; revising provisions relating to agency action to deny, suspend, or revoke a license, registration, certificate, or application; conforming cross-references; providing for priority of application in case of conflict; authorizing the agency to adjust annual licensure fees to provide biennial licensure fees; requesting interim assistance of the Division of Statutory Revision to prepare conforming legislation for the 2007 Regular Session; authorizing the agency to issue licenses for less than a specified time period and providing conditions therefor; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 2 (863642)** by Senator Jones was withdrawn.

Pursuant to Rule 4.19, **HB 7141** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

CS for SB 2298—A bill to be entitled An act relating to legal actions; amending s. 48.193, F.S.; providing that entering into certain specified contracts subjects a person to the jurisdiction of the courts of this state; amending s. 55.502, F.S.; redefining the term "foreign judgment" under the Florida Enforcement of Foreign Judgments Act; amending s. 685.102, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2298** was placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

CS for CS for SB 2602—A bill to be entitled An act relating to health-related education in the public schools; creating s. 1003.453, F.S.; requiring each school district to submit to the Department of Education, by a specified deadline, copies of the district's school wellness policy and physical education policy; requiring the school district to review those policies annually; requiring the department and school districts to post links to those policies on their websites; requiring the department to provide website links to certain resources and prescribing the types of information those resources must provide; encouraging school districts to provide basic training in first aid to students in certain grade levels; amending s. 1003.455, F.S.; requiring that school district physical education programs and curricula be reviewed by a certified physical education instructor; encouraging school districts to provide physical education for a specified amount of time; deleting obsolete language; amending s. 381.0056, F.S., the "School Health Services Act"; requiring schools to annually provide certain information to students' parents and guardians; providing requirements relating to membership of school health advisory committees; encouraging the committees to address specified matters; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2602** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2708** was deferred.

On motion by Senator Bennett, by two-thirds vote **HB 1145** was withdrawn from the Committees on Governmental Oversight and Productivity; and Judiciary.

On motion by Senator Bennett—

HB 1145—A bill to be entitled An act relating to official state designations; creating s. 15.0301, F.S.; designating an official state motto; creating s. 15.052, F.S.; designating the future Admiral John H. Fetterman State of Florida Maritime Museum and Research Center in Pensacola as the official state maritime museum; providing for future review and repeal of the designation; providing an effective date.

—a companion measure, was substituted for **CS for SB 1494** and read the second time by title.

Pursuant to Rule 4.19, **HB 1145** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 772—A bill to be entitled An act relating to schools; amending s. 1001.47, F.S.; clarifying the applicability of the salary formula and certification programs to elected district school superintendents; amending s. 1001.50, F.S.; authorizing participation by appointed district school superintendents in certification programs established by the Department of Education; amending s. 1003.02, F.S.; authorizing district school board attendance policies to allow accumulated tardies and early departures to be recorded as unexcused absences; authorizing district school board policies for student referral to a child study team under certain circumstances; amending s. 1003.21, F.S.; providing that students who have attained 16 years of age and have not graduated are subject to compulsory school attendance under certain circumstances; requiring student exit interviews prior to terminating school enrollment; amending s. 1003.26, F.S.; providing district school superintendent's responsibility to support local law enforcement agencies in enforcing school attendance; providing required and authorized child study team interventions; authorizing visits by school representatives; transferring and amending s. 1013.721, F.S.; renaming the Florida Business and Education in School Together Program as "A Business-Community (ABC) School Program"; defining the term "A Business-Community School"; requiring each school board to submit certain documentation to the Department of Education; requiring each school board to designate a school program liaison; requiring each school district to establish an evaluation committee; requiring each school board to provide to the department information about each member of the committee; requiring the committee to submit an annual report to the school board and the superintendent; providing for the committee's responsibilities; providing for admissions of students to the school program; authorizing a school district and a business to enter into a contract for operation of the school program; amending s. 1013.502, F.S.; providing for facilities for the school program; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Constantine moved the following amendment which was adopted:

Amendment 1 (960108)(with title amendment)—On page 18, between lines 9 and 10, insert:

Section 8. *(1) Each public school that is a member of the Florida High School Athletic Association must have an operational automated external defibrillator on the school grounds. Public and private partnerships are encouraged to cover the cost associated with the purchase and placement of the defibrillator and training in the use of the defibrillator.*

(2) Each school must ensure that all employees or volunteers who are reasonably expected to use the device obtain appropriate training, including completion of a course in cardiopulmonary resuscitation or a basic first aid course that includes cardiopulmonary resuscitation training, and demonstrated proficiency in the use of an automated external defibrillator.

(3) The location of each automated external defibrillator must be registered with a local emergency medical services medical director.

(4) The use of automated external defibrillators by employees and volunteers is covered under ss. 768.13 and 768.1325, Florida Statutes.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 18, after the semicolon (;) insert: requiring certain public schools to have an operational automated external defibrillator on the school grounds; providing for training; requiring such devices to be registered with a local medical services director;

MOTION

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

Senator Wise moved the following amendment which was adopted:

Amendment 2 (173800)(with title amendment)—On page 18, between lines 9 and 10, insert:

Section 1. Section 1003.493, Florida Statutes, is created to read:

1003.493 Career and professional academies.—

(1) A "career and professional academy" is a research-based program that integrates a rigorous academic curriculum with an industry-driven career curriculum. Career and professional academies may be offered by public schools, school districts, or the Florida Virtual School. Students completing career and professional academy programs receive a standard high school diploma, the highest available industry certification, and postsecondary credit if the academy partners with a postsecondary institution.

(2) The goals of a career and professional academy are to:

(a) Increase student academic achievement and graduation rates through integrated academic and career curricula.

(b) Focus on career preparation through rigorous academics and industry certification.

(c) Raise student aspiration and commitment to academic achievement and work ethics.

(d) Support graduation requirements by providing creative, applied majors as provided by law.

(e) Promote acceleration mechanisms, such as dual enrollment, articulated credit, or occupational completion points, so that students may earn postsecondary credit while in high school.

(f) Support the state's economy by meeting industry needs for skilled employees in high-demand occupations.

(3) A career and professional academy may be offered as one of the following small learning communities:

(a) A school-within-a-school career academy, as part of an existing high school, that provides courses in one occupational cluster. Students in the high school are not required to be students in the academy.

(b) A total school configuration providing multiple academies, each structured around an occupational cluster. Every student in the school is in an academy.

(4) Each career and professional academy must:

(a) Provide a rigorous standards-based academic curriculum integrated with a career curriculum. The curriculum must take into consideration multiple styles of student learning; promote learning by doing through application and adaptation; maximize relevance of the subject matter; enhance each student's capacity to excel; and include an emphasis on work habits and work ethics.

(b) Include one or more partnerships with postsecondary institutions, businesses, industry, employers, economic development organizations, or other appropriate partners from the local community. Such partnerships must provide opportunities for:

1. Instruction from highly skilled professionals.

2. Internships, externships, and on-the-job training.

3. A postsecondary degree, diploma, or certificate.

4. The highest available level of industry certification. Where no national or state certification exists, school districts may establish a local certification in conjunction with the local workforce development board, the chamber of commerce, or the Agency for Workforce Innovation.

5. Maximum articulation of credits pursuant to s. 1007.23 upon program completion.

(c) Provide creative and tailored student advisement, including parent participation and coordination with middle schools to provide career exploration and education planning. Coordination with middle schools must provide information to middle school students about secondary and postsecondary career education programs and academies.

(d) Provide a career education certification on the high school diploma pursuant to s. 1003.431.

(e) Provide instruction in careers designated as high growth, high demand, and high pay by the local workforce development board, the chamber of commerce, or the Agency for Workforce Innovation.

(f) Deliver academic content through instruction relevant to the career, including intensive reading and mathematics intervention, with an emphasis on strengthening reading for information skills.

(g) Offer applied courses that combine academic content with technical skills. Such courses must be submitted to the Department of Education no later than 5 months before the beginning of the school term in which such courses are planned to be offered. The State Board of Education must approve or disapprove courses no later than 3 months before the beginning of the school term in which such courses are planned to be offered. The department shall present new courses to the state board for approval a minimum of three times annually.

(h) Provide instruction resulting in competency, certification, or credentials in workplace skills, including, but not limited to, communication skills, interpersonal skills, decisionmaking skills, the importance of attendance and timeliness in the work environment, and work ethics.

(i) Provide opportunities for students to obtain the Florida Ready to Work Certification as provided by law.

(j) Include an evaluation plan developed jointly with the Department of Education. The evaluation plan must include a self-assessment tool based on standards, such as the Career Academy National Standards of Practice, and outcome measures including, but not limited to, graduation rates, enrollment in postsecondary education, business and industry satisfaction, employment and earnings, achievement of industry certification, awards of postsecondary credit, and FCAT achievement levels and learning gains.

Section 2. Section 1003.494, Florida Statutes, is created to read:

1003.494 Career High-Skill Occupational Initiative for Career Education (CHOICE) academies.—

(1) The Department of Education shall establish a Career High-Skill Occupational Initiative for Career Education (CHOICE) project. The project shall consist of a competitive process for selecting and designating school districts as participants in the project and designating CHOICE academies within participating school districts.

(2) A "CHOICE academy" is a career and professional academy that meets the goals and requirements specified in s. 1003.493 and offers a rigorous and relevant academic curriculum leading to industry-recognized certification, college credit, and credit toward a high school diploma. Existing career education courses may serve as a foundation for the creation of a CHOICE academy.

(3) The purposes of a CHOICE academy are to:

(a) Draw upon ongoing partnerships between education and workforce development or economic development organizations to enhance the quality and opportunities for career education for high school students by exposure to in-demand career education as identified by such organizations in the local community.

(b) Build upon the state system of school improvement and education accountability by providing students with a solid academic foundation, opportunities to obtain industry-recognized certification or credentials, and preparation for postsecondary educational experiences in related fields.

(c) Prepare graduating high school students to make appropriate choices relative to employment and future educational experiences.

(4) The Department of Education may establish application guidelines for an annual competitive process and eligibility criteria for school district participation. A school district may apply to the department for designation as a CHOICE project participating district, and the department, in consultation with Workforce Florida, Inc., and Enterprise Florida, Inc., may designate as many school districts as it deems advisable each year. Eligibility criteria for designation of a school district as a CHOICE project participant shall include, but not be limited to:

(a) The willingness and ability of associated businesses or industries to form partnerships with and support CHOICE academies.

(b) The dedication of school district resources to CHOICE academies.

(5) The Department of Education, in consultation with Workforce Florida, Inc., shall establish standards for designating specific CHOICE academies in each participating school district. A participating school district may apply to the department for designation of a CHOICE academy within the district. Eligibility criteria for such designation shall include, but not be limited to:

(a) Partnerships with an associated business or industry and a regional workforce board or the primary local economic development organization in the county as recognized by Enterprise Florida, Inc. The partnership of the business or industry with the CHOICE academy must be based on the connection of the business or industry with the academy's career theme and must involve future plans for improving the local economy. The business or industry partner must be consulted during the planning stages of a CHOICE academy and provide business or industry support and resources devoted to the CHOICE academy. The Consortium of Florida Education Foundations or a designee must also be consulted during the planning stages of a CHOICE academy and may provide support and resources devoted to the CHOICE academy.

(b) At least one established partnership and an articulation agreement for credit with a postsecondary institution.

(c) A plan for sustaining the CHOICE academy.

The Okaloosa County School District and other school districts that have received funding from Workforce Florida, Inc., for the establishment of CHOICE academies prior to July 1, 2006, shall receive an expedited review for CHOICE academy designation by the department.

(6) A participating school district shall:

(a) Identify an appropriate location for classes.

(b) Ensure that a CHOICE academy is flexible enough to respond both to the needs and abilities of students and to the needs of associated businesses or industries.

(c) Redirect appropriated funding from ongoing activities to a CHOICE academy.

(d) Plan for sustaining a CHOICE academy as an ongoing program without additional funding.

(7) The Department of Education shall:

(a) With assistance from Workforce Florida, Inc., provide technical assistance to participating school districts in submitting applications for designation of specific CHOICE academies located in specific schools in the school district, reorganizing career education opportunities, developing CHOICE academies with career themes in areas deemed appropriate by Workforce Florida, Inc., or local economic development organizations, and developing funding plans.

(b) Jointly with Workforce Florida, Inc., and in consultation with school districts, develop evaluation criteria for CHOICE academies. Such criteria shall include increased academic performance of students and schools using school-level accountability data.

(c) Report to the State Board of Education, the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1 of each year on school district participation in the CHOICE project, designated CHOICE academies with enrollment and completion data for such academies, and appropriate outcomes for students who have completed a CHOICE academy program. Such outcomes may include continuing educational experiences of CHOICE academy graduates, business or industry satisfaction with the CHOICE academies, placement of CHOICE academy graduates in employment, and earnings of such graduates.

(d) Promote CHOICE academies and provide planning and startup resources as available.

(8) As provided in the General Appropriations Act, the Department of Education shall award one-time startup funds to school districts designated as participants in the CHOICE project for the development of CHOICE academies. All school districts designated by the department are authorized to establish one or more CHOICE academies without incentive funds.

Section 3. Subsection (7) is added to section 288.9015, Florida Statutes, to read:

288.9015 Enterprise Florida, Inc.; purpose; duties.—

(7) Enterprise Florida, Inc., shall work with the Department of Education and Workforce Florida, Inc., in the designation of school districts as participants in the CHOICE project pursuant to s. 1003.494.

Section 4. Paragraph (i) is added to subsection (5) of section 445.004, Florida Statutes, to read:

445.004 Workforce Florida, Inc.; creation; purpose; membership; duties and powers.—

(5) Workforce Florida, Inc., shall have all the powers and authority, not explicitly prohibited by statute, necessary or convenient to carry out and effectuate the purposes as determined by statute, Pub. L. No. 105-220, and the Governor, as well as its functions, duties, and responsibilities, including, but not limited to, the following:

(i) Working with the Department of Education and Enterprise Florida, Inc., in the implementation of the CHOICE project pursuant to s. 1003.494.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 18, after the semicolon (;) insert: creating s. 1003.493, F.S.; defining "career and professional academy"; providing academy goals and duties; authorizing an academy to be offered as a described small learning community; creating s. 1003.494, F.S.; requiring the Department of Education to establish a Career High-Skill Occupational Initiative for Career Education (CHOICE) project as a competitive process for the designation of school district participants and CHOICE academies; defining "CHOICE academy" and providing purposes thereof; providing eligibility criteria for such designation and duties of participating school districts and the department; providing for the award to school district participants in the CHOICE project of startup funds for the development of CHOICE academies; amending ss. 288.9015 and 445.004, F.S.; providing duties of Enterprise Florida, Inc., and Workforce Florida, Inc., to conform;

MOTION

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

Senator Constantine moved the following amendment:

Amendment 3 (592524)(with title amendment)—On page 18, between lines 9 and 10, insert:

Section 8. Paragraph (b) of subsection (1) of section 1001.43, Florida Statutes, is amended, and paragraph (g) is added to subsection (2) of that section, to read:

1001.43 Supplemental powers and duties of district school board.—The district school board may exercise the following supplemental powers and duties as authorized by this code or State Board of Education rule.

(1) STUDENT MANAGEMENT.—The district school board may adopt programs and policies to ensure the safety and welfare of individuals, the student body, and school personnel, which programs and policies may:

(b) Require uniforms to be worn by the student body, or impose other dress-related requirements, if the district school board finds that those requirements are necessary for the safety or welfare of the student body or school personnel. *However, students may wear sunglasses, hats, or other sun-protective wear while outdoors during school hours, such as when students are at recess.*

(2) FISCAL MANAGEMENT.—The district school board may adopt policies providing for fiscal management of the school district with respect to school purchasing, facilities, nonstate revenue sources, budgeting, fundraising, and other activities relating to the fiscal management of district resources, including, but not limited to, the policies governing:

(g) Use of federal funds to purchase food when federal program guidelines permit such use.

Section 9. Subsection (1) of section 1006.22, Florida Statutes, is amended to read:

1006.22 Safety and health of students being transported.—Maximum regard for safety and adequate protection of health are primary requirements that must be observed by district school boards in routing buses, appointing drivers, and providing and operating equipment, in accordance with all requirements of law and rules of the State Board of Education in providing transportation pursuant to s. 1006.21:

(1)*(a)* District school boards shall use school buses, as defined in s. 1006.25, for all regular transportation. Regular transportation or regular use means transportation of students to and from school or school-related activities that are part of a scheduled series or sequence of events to the same location. "Students" means, for the purposes of this section, students enrolled in the public schools in prekindergarten disability programs and in kindergarten through grade 12. District school boards may regularly use motor vehicles other than school buses only under the following conditions:

1.~~(a)~~ When the transportation is for physically handicapped or isolated students and the district school board has elected to provide for the transportation of the student through written or oral contracts or agreements.

2.~~(b)~~ When the transportation is a part of a comprehensive contract for a specialized educational program between a district school board and a service provider who provides instruction, transportation, and other services.

3.~~(c)~~ When the transportation is provided through a public transit system.

4.~~(d)~~ *When the transportation is for trips to and from school sites or agricultural education sites or for trips to and from agricultural education-related events or competitions, but is not for customary transportation between a student's residence and such sites.* ~~When the transportation of students is necessary or practical in a motor vehicle owned or operated by a district school board other than a school bus, such transportation must be provided in designated seating positions in a passenger car not to exceed 8 students or in a multipurpose passenger vehicle designed to transport 10 or fewer persons which meets all applicable federal motor vehicle safety standards. Multipurpose passenger vehicles classified as utility vehicles with a wheelbase of 110 inches or less which are required by federal motor vehicle standards to display a rollover warning label may not be used.~~

~~When students are transported in motor vehicles, the occupant crash protection system provided by the vehicle manufacturer must be used unless the student's physical condition prohibits such use.~~

(b) When the transportation of students is provided, as authorized in this subsection, in a vehicle other than a school bus that is owned, operated, rented, contracted, or leased by a school district or charter school, the following provisions shall apply:

1. The vehicle must be a passenger car or multipurpose passenger vehicle or truck, as defined in Title 49 C.F.R. part 571, designed to transport fewer than 10 students. Students must be transported in designated seating positions and must use the occupant crash protection system provided by the manufacturer unless the student's physical condition prohibits such use.

2. An authorized vehicle may not be driven by a student on a public right-of-way. An authorized vehicle may be driven by a student on school or private property as part of the student's educational curriculum if no other student is in the vehicle.

3. The driver of an authorized vehicle transporting students must maintain a valid driver's license and must comply with the requirements of the school district's locally adopted safe driver plan, which includes review of driving records for disqualifying violations.

4. The district school board or charter school must adopt a policy that addresses procedures and liability for trips under this paragraph, including a provision that school buses are to be used whenever practical and specifying consequences for violation of the policy.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 18, after the semicolon (;) insert: amending s. 1001.43, F.S., relating to district school board powers and duties; allowing students to wear sun-protective items while outdoors during school hours; authorizing use of federal funds to purchase food when federal program guidelines permit such use; amending s. 1006.22, F.S.; revising provisions for district school board transportation of students in vehicles other than school buses;

On motion by Senator Constantine, further consideration of **CS for CS for SB 772** with pending **Amendment 3 (592524)** was deferred.

On motion by Senator Jones—

CS for SB 1536—A bill to be entitled An act relating to indoor smoking places; amending s. 386.203, F.S.; defining the term "person" for purposes of the Florida Clean Indoor Air Act; amending s. 386.204, F.S.; prohibiting a person in charge of an enclosed indoor workplace from permitting smoking in that workplace; amending s. 386.2045, F.S.; conforming cross-references; amending s. 386.206, F.S.; deleting obsolete provisions requiring that signs be posted in an enclosed indoor workplace; amending s. 386.208, F.S.; conforming a cross-reference; amending s. 561.695, F.S.; conforming cross-references; prohibiting a vendor from permitting smoking in a licensed premises unless it is designated as a stand-alone bar; providing a penalty for a licensee who knowingly makes a false statement on an affidavit of compliance; deleting a provision requiring that a licensee operating a stand-alone bar certify to the Division of Alcoholic Beverages and Tobacco that it derives only a certain percentage of its gross revenue from the sale of food; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1536** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

CS for CS for CS for SB 2020—A bill to be entitled An act relating to speed limit enforcement on state roads; creating s. 316.1893, F.S.; providing legislative intent; creating a pilot program for establishment by the Department of Transportation of enhanced penalty zones on state roads in certain counties; providing for future review and repeal of the pilot program; authorizing the department to set speed limits within enhanced penalty zones; directing the department to adopt a uniform system of traffic control devices to be used within the zones; prohibiting operation of a vehicle at a speed greater than that posted in the enhanced penalty zone; directing the Department of Highway Safety and Motor Vehicles to tabulate citations issued within enhanced penalty

zones and make available certain information; directing the Department of Transportation, the Department of Highway Safety and Motor Vehicles, and the Department of Education to conduct a study and report to the Governor and the Legislature for certain purposes; amending s. 318.18, F.S.; specifying criteria for posting in a construction zone; providing penalties for violation of posted speed in an enhanced penalty zone; amending s. 318.21, F.S.; correcting cross-references to conform to changes made by the act; providing for disposition of fines collected; reenacting ss. 318.14(2), (5), and (9), 318.15(1)(a) and (2), 318.21(7), 402.40(4)(b), and 985.406(4)(b), F.S., relating to noncriminal traffic infraction procedures, failure to comply with civil penalty or to appear, disposition of civil penalties by county courts, child welfare training, and juvenile justice training academies, respectively, for the purpose of incorporating the amendment made to s. 318.18, F.S., in references thereto; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for CS for SB 2020** to **HB 1465**.

Pending further consideration of **CS for CS for CS for SB 2020** as amended, on motion by Senator Wise, by two-thirds vote **HB 1465** was withdrawn from the Committees on Transportation; Criminal Justice; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

On motion by Senator Wise—

HB 1465—A bill to be entitled An act relating to speed limit enforcement on state roads; creating s. 316.1893, F.S.; providing legislative intent; creating a pilot program for establishment by the Department of Transportation of enhanced penalty zones on state roads in certain counties; providing for future review and repeal of the pilot program; authorizing the department to set speed limits within enhanced penalty zones; directing the department to adopt a uniform system of traffic control devices to be used within the zones; prohibiting operation of a vehicle at a speed greater than that posted in the enhanced penalty zone; directing the Department of Highway Safety and Motor Vehicles to tabulate citations issued within enhanced penalty zones and make available certain information; directing the Department of Transportation, the Department of Highway Safety and Motor Vehicles, and the Department of Education to conduct a study and report to the Governor and the Legislature for certain purposes; amending s. 318.18, F.S.; specifying criteria for posting in a construction zone; providing penalties for violation of posted speed in an enhanced penalty zone; amending s. 318.21, F.S.; correcting cross-references to conform to changes made by the act; providing for disposition of fines collected; reenacting ss. 318.14(2), (5), and (9), 318.15(1)(a) and (2), 318.21(7), 402.40(4)(b), and 985.406(4)(b), F.S., relating to noncriminal traffic infraction procedures, failure to comply with civil penalty or to appear, disposition of civil penalties by county courts, child welfare training, and juvenile justice training academies, respectively, for the purpose of incorporating the amendment made to s. 318.18, F.S., in references thereto; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 2020** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1465** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 1880**, **CS for SB 2460** and **CS for CS for SB 2102** was deferred.

On motion by Senator Sebesta, by two-thirds vote **HB 7079** was withdrawn from the Committees on Transportation; Criminal Justice; Domestic Security; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

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

HB 7079—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 207.008, F.S.; revising requirements for motor carriers to retain certain records as required by the Department of Highway Safety and Motor Vehicles for tax purposes; amending s. 207.021, F.S.; authorizing the department to adopt rules establishing informal conferences to resolve disputes with motor carriers arising from the assessment of taxes, penalties, or interest or the denial of refunds; specifying certain rights of the motor carrier; providing for closing agreements to settle or compromise the taxpayer's liability; providing conditions for settlement or compromise; authorizing installment payment to settle liability; amending s. 261.10, F.S.; limiting liability of state agencies, water management districts, counties, and municipalities, and officers and employees thereof, providing off-highway vehicle recreation areas; creating s. 261.20, F.S.; authorizing operation of off-highway vehicles on public lands; providing requirements for operation by certain minors; requiring supervision, a certificate of completion of a safety education course, and certain safety equipment; providing exceptions; requiring approval by the Department of Agriculture and Consumer Services of the courses; requiring certain equipment on off-highway vehicles; providing for exceptions to equipment requirements by rule of the department; prohibiting certain acts; providing penalties; providing exemptions; amending s. 316.003, F.S.; revising the definition of "saddle mount" to provide for a full mount; amending s. 316.0085, F.S.; revising provisions for risks of certain activities on government-owned property to include mountain and off-road bicycling; revising definitions; providing for limitations on liability of the governmental entity; providing exceptions to the limitations; providing for assumption of risks by the person engaged in the activity; providing responsibilities of the participants; amending s. 316.1001, F.S.; revising procedures for disposition of citations issued for failure to pay a toll; providing for violations involving leased vehicles; amending s. 316.1955, F.S.; providing for responsibility for certain parking violations involving leased vehicles; amending s. 316.2015, F.S.; revising restrictions on riding on the exterior of a vehicle; removing an exception; providing exceptions to restrictions on riding in areas of a vehicle not intended for passengers; amending s. 316.2095, F.S.; deleting a requirement that certain motorcycles be equipped with passenger handholds; amending s. 316.211, F.S.; requiring motorcycles registered to certain persons to display a license plate that is unique in design and color; providing penalties; creating s. 316.2123, F.S.; prohibiting operation of all-terrain vehicles on public roads and streets; providing an exception for operation on described roadways; providing conditions; requiring the operator to provide proof of ownership to a law enforcement officer; providing for a local government to restrict such operation; amending s. 316.2125, F.S.; providing for a local governmental entity to enact an ordinance regarding golf cart operation and equipment that is more restrictive than specified provisions; limiting application of such ordinance to unlicensed drivers; creating s. 316.2128, F.S.; providing notice requirements for commercial sale of motorized scooters and miniature motorcycles; providing a definition; providing that a violation of the notice requirements is an unfair and deceptive trade practice; amending s. 316.221, F.S.; providing an exemption from certain taillamp requirements for dump trucks and vehicles with dump bodies; amending s. 316.302, F.S.; updating reference to federal commercial motor vehicle regulations; revising hours-of-service requirements for certain intrastate motor carriers; revising conditions for an exemption from commercial driver license requirements; revising weight requirements for application of certain exceptions to specified federal regulations and to operation of certain commercial motor vehicles by persons of a certain age; amending s. 316.515, F.S.; authorizing the Department of Transportation to issue overwidth permits for certain implements of husbandry; authorizing certain uses of forestry equipment; providing width and speed limitations; requiring such vehicles to be operated during daylight hours and in accordance with specified safety requirements; revising length and mount requirements for automobile towaway and driveaway operations; authorizing saddle mount combinations to include one full mount; requiring saddle mount combinations to comply with specified safety regulations; amending s. 318.14, F.S.; providing exceptions to procedures for disposition of citations for certain traffic violations; removing the option for certain offenders to attend driver improvement school; amending s. 318.143, F.S.; revising provisions for court-imposed sanctions on a minor for specified traffic violations; authorizing a court to require a minor and his or her parents or guardian to participate in a registered youthful driver monitoring service; creating s. 318.1435, F.S.; providing for youthful driver monitoring services; providing for registration with the Department of Highway Safety and Motor Vehicles; amending s. 318.18, F.S.; revising penalty provisions to provide for certain criminal penalties; providing increased penalties for certain speed limit violations; defining "conviction" for specified purposes; increasing penalties for violations of vehicle load requirements; imposing a surcharge to be paid for specified traffic-related criminal offenses and all noncriminal moving traffic violations; providing for the proceeds of the surcharge to be used for the state agency law enforcement radio system; amending s. 318.21, F.S.; revising

provisions for disposition of civil penalties to provide for distribution of a specified surcharge; amending s. 318.19, F.S.; requiring mandatory hearings for certain speed limit violations; amending s. 318.32, F.S.; revising the powers of civil traffic infraction hearing officers; amending s. 320.015, F.S.; revising provisions relating to the taxation of mobile homes to clarify when specified prefabricated or modular housing units shall be taxed as real property; providing construction with respect to display homes or other inventory being held for sale by a manufacturer or dealer of modular housing units; amending s. 320.02, F.S.; requiring proof of required endorsement on a driver license as a condition for original registration of a motorcycle, motor-driven cycle, or moped; amending s. 320.03, F.S.; revising the requirement to withhold issuance of a license plate or revalidation sticker from certain persons to exempt the owner of a leased vehicle when that vehicle is registered in the name of the lessee; amending s. 320.07, F.S.; providing for responsibility for certain registration violations when the motor vehicle involved is leased and registered in the name of the lessee; amending s. 320.0706, F.S.; revising requirements for display of license plates; providing display requirements for dump trucks; prohibiting display in such a manner that the letters and numbers and their proper sequence are not readily identifiable; amending s. 320.08056, F.S.; establishing an annual use fee for the Future Farmers of America license plate; amending s. 320.08058, F.S.; revising provisions for distribution of revenues received from the sale of Sportsmen's National Land Trust license plates; creating the Future Farmers of America license plate and providing for use of funds received from the sale of the plates; amending s. 320.0807, F.S.; providing for license plates for legislative presiding officers; amending s. 320.089, F.S.; providing for Operation Iraqi Freedom and Operation Enduring Freedom license plates for qualified military personnel; amending s. 320.27, F.S.; revising motor vehicle dealer licensing requirements; revising certain training provisions; correcting terminology; correcting a cross-reference; providing for denial, suspension, or revocation of a license for failure to register a mobile home salesperson; amending s. 320.405, F.S.; authorizing the department to enter into agreements to schedule payments to settle certain liabilities under the International Registration Plan; amending s. 320.77, F.S.; revising mobile home dealer license requirements; defining "mobile home salesperson"; requiring licensees to register salespersons; providing registration criteria and procedures; requiring the licensee to report salesperson separation from employment to the department; amending s. 320.781, F.S.; revising criteria for use of funds in the Mobile Home and Recreational Vehicle Protection Trust Fund to settle a judgment or claim against a mobile home or recreational vehicle dealer or broker for damages, restitution, or expenses; revising conditions for filing a claim and for receiving payment; revising application provisions; amending s. 322.01, F.S.; revising the definition of "driver's license"; defining "identification card," "temporary driver's license," and "temporary identification card"; amending s. 322.05, F.S.; revising requirements for a person who has not attained 18 years of age to be issued a driver license; amending s. 322.051, F.S.; revising the age requirement for issuance of an identification card; revising criteria for proof of the identity and status of an applicant for an identification card; revising the period of issuance for certain temporary identification cards; amending s. 322.08, F.S.; revising criteria for proof of the identity and status of an applicant for a driver license; revising the period of issuance for certain temporary driver licenses or permits; amending s. 322.12, F.S.; requiring all first-time applicants for licensure to operate a motorcycle to provide proof of completion of a motorcycle safety course; amending s. 322.121, F.S.; revising periodic license examination requirements; providing for such testing of applicants for renewal of a license under provisions requiring an endorsement permitting the applicant to operate a tank vehicle transporting hazardous materials; amending s. 322.2615, F.S.; revising provisions for suspension of driver licenses and review of suspension by the department; revising procedures; revising terms of suspension; revising validity of temporary permit issued; revising criteria for notice of the suspension; revising requirements for information provided by the officer to the department; providing that certain materials shall be considered self-authenticating and available to a hearing officer; revising authority of the hearing officer to subpoena and question witnesses; revising provisions for review of the suspension; removing provision for the department and the person arrested to subpoena witnesses; revising provisions for the scope of a review of the suspension; revising duties of the department upon a determination by the hearing officer; revising provisions for issuance of a license for business or employment purposes only; providing for appeal by a law enforcement agency of a department decision invalidating a suspension; providing that the court review may not be used in a trial for driving under the influence; amending s. 322.27, F.S.; providing for an increase in driver license points assessed for certain speed limit violations and for traffic control signal device violations resulting in a crash; defining "conviction" for specified purposes; amending s. 320.08056, F.S.; exempting collegiate license plates from the requirement for maintaining a specified number of license plate registrations; amending s. 316.172, F.S.; providing for school bus stop zones; prohibiting exceeding the posted speed limit within such zones; providing penalties; amending s. 318.18, F.S.; providing a penalty for exceeding the posted speed limit in a school bus stop zone by a certain speed; providing a short title; amending s. 316.006, F.S.; authorizing the board of directors of a homeowner's association to provide for local law enforcement agencies to enforce state traffic laws on private roads that are controlled by the association; amending s. 318.1215, F.S.; increasing the amount of a local option surcharge on traffic penalties; amending s. 318.15, F.S.; providing for the collection of certain service charges by authorized driver licensing agents; amending s. 320.08056, F.S.; exempting collegiate license plates from the requirement for maintaining a specified number of license plate registrations; amending s. 627.733, F.S.; revising security requirements for certain vehicles; amending s. 324.032, F.S.; revising financial responsibility requirements for certain for-hire vehicles; directing the department to study the outsourcing of its driver license services to a provider or other governmental agency, in whole or in part, while retaining responsibility and accountability for the services; requiring that the department submit a report to the Governor and Legislature by a specified date; providing requirements for the department with respect to issues to be included in the study; requiring a cost-benefit analysis and a transition and implementation plan; amending s. 206.606, F.S.; authorizing the use of certain funds for local boating related projects and activities; amending s. 327.59, F.S.; authorizing marina owners, operators, employees, and agents to take actions to secure vessels during severe weather and to charge fees and be held harmless for such service; holding marina operators, employees, and agents liable for damage caused by intentional acts or negligence while removing or securing vessels; authorizing contract provisions and providing contract notice requirements relating to removing or securing vessels; amending s. 327.60, F.S.; providing for local regulation of anchoring within mooring fields; amending s. 328.64, F.S.; requiring the Department of Highway Safety and Motor Vehicles to provide forms for certain notification related to vessels; requiring the department to provide by rule for the surrender and replacement of certificates of registration to reflect change of address; amending s. 328.72, F.S.; requiring counties to use funds for specific boating related purposes; requiring counties to provide reports demonstrating specified expenditure of such funds; providing penalties for failure to comply; amending s. 376.11, F.S.; authorizing the distribution of revenues from the Florida Coastal Protection Trust Fund to all local governments for the removal of certain vessels; amending s. 376.15, F.S.; revising provisions relating to the removal of abandoned and derelict vessels; specifying officers authorized to remove such vessels; providing that certain costs are recoverable; requiring the Department of Legal Affairs to represent the Fish and Wildlife Conservation Commission in certain actions; expanding eligibility for disbursement of grant funds for the removal of certain vessels; amending s. 403.813, F.S.; providing exemptions from permitting, registration, and regulation of floating vessel platforms or floating boat lifts by a local government; authorizing local governments to require certain permits or registration for floating vessel platforms or floating boat lifts under certain circumstances; amending s. 705.101, F.S.; revising the definition of "abandoned property" to include certain vessels; amending s. 705.103, F.S.; revising the terminology relating to abandoned or lost property to conform; amending s. 823.11, F.S.; revising provisions relating to abandoned and derelict vessels and the removal of such vessels; providing a definition of "derelict vessel"; specifying which officers may remove such vessels; directing the Fish and Wildlife Conservation Commission to implement a plan for the procurement of federal disaster funds for the removal of derelict vessels; requiring the Department of Legal Affairs to represent the commission in certain actions; deleting a provision authorizing the commission to delegate certain authority to local governments under certain circumstances; authorizing private property owners to remove certain vessels with required notice; providing that cost of such removal is recoverable; prohibiting private property owners from hindering the removal of certain vessels by vessel owners or agents; providing for jurisdictional imposition of civil penalties for violations relating to certain vessels; providing that riparian rights shall include the right to moor a vessel under certain conditions; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 1742** and read the second time by title.

MOTION

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

Senator Sebesta moved the following amendment:

Amendment 1 (220694)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 207.008, Florida Statutes, is amended to read:

207.008 Retention of records by motor carrier.—Each registered motor carrier shall maintain and keep pertinent records and papers as may be required by the department for the reasonable administration of this chapter and shall preserve *the records upon which each quarterly tax return is based for 4 years following the due date or filing date of the return, whichever is later* ~~such records as long as required by s. 213.35~~.

Section 2. Section 207.021, Florida Statutes, is amended to read:

207.021 *Informal conferences;* settlement or compromise of *taxes,* penalties*,* or interest.—

(1)(a) The department may adopt rules for establishing informal conferences for the resolution of disputes arising from the assessment of taxes, penalties, or interest or the denial of refunds under chapter 120.

(b) During any proceeding arising under this section, the motor carrier has the right to be represented and to record all procedures at the motor carrier's expense.

(2)(a) The executive director or his or her designee may enter into a closing agreement with a taxpayer settling or compromising the taxpayer's liability for any tax, interest, or penalty assessed under this chapter. Each agreement must be in writing, in the form of a closing agreement approved by the department, and signed by the executive director or his or her designee. The agreement is final and conclusive, except upon a showing of material fraud or misrepresentation of material fact. The department may not make an additional assessment against the taxpayer for the tax, interest, or penalty specified in the closing agreement for the time specified in the closing agreement, and the taxpayer may not institute a judicial or administrative proceeding to recover any tax, interest, or penalty paid pursuant to the closing agreement. The executive director of the department or his or her designee may approve the closing agreement.

(b) Notwithstanding paragraph (a), for the purpose of settling and compromising the liability of a taxpayer for any tax or interest on the grounds of doubt as to liability based on the taxpayer's reasonable reliance on a written determination issued by the department, the department may compromise the amount of the tax or interest resulting from such reasonable reliance.

(3) A taxpayer's liability for any tax or interest specified in this chapter may be compromised by the department upon the grounds of doubt as to liability for or the collectibility of such tax or interest. Doubt as to the liability of a taxpayer for tax and interest exists if the taxpayer demonstrates that he or she reasonably relied on a written determination of the department.

(4) A taxpayer's liability for any tax or interest under this chapter shall be settled or compromised in whole or in part whenever or to the extent allowable under the Articles of Agreement of the International Fuel Tax Agreement.

(5) A taxpayer's liability for penalties under this chapter may be settled or compromised if it is determined by the department that the noncompliance is due to reasonable cause and not willful negligence, willful neglect, or fraud.

(6) The department may enter into an agreement for scheduling payments of any tax, penalty, or interest owed to the department as a result of an audit assessment issued under this chapter. ~~The department may settle or compromise, pursuant to s. 213.21, penalties or interest imposed under this chapter.~~

Section 3. Effective July 1, 2008, section 261.10, Florida Statutes, is amended to read:

261.10 Criteria for recreation areas and trails*; limitation on liability.*—

(1) Publicly owned or operated off-highway vehicle recreation areas and trails shall be designated and maintained for recreational travel by off-highway vehicles. These areas and trails need not be generally suitable or maintained for normal travel by conventional two-wheel-drive vehicles and should not be designated as recreational footpaths. State off-highway vehicle recreation areas and trails must be selected and managed in accordance with this chapter.

(2) State agencies, water management districts, counties, and municipalities, and officers and employees thereof, which provide off-highway recreation areas and trails on publicly owned land are not liable for damage to personal property or personal injury or death to any person resulting from participation in the inherently dangerous risks of off-highway vehicle recreation. This subsection does not limit liability that would otherwise exist for an act of negligence by a state agency, water management district, county, or municipality, or officer or employee thereof, which is the proximate cause of the damage, injury, or death. Nothing in this subsection creates a duty of care or basis of liability for death, personal injury, or damage to personal property, nor shall anything in this subsection be deemed to be a waiver of sovereign immunity under any circumstances.

Section 4. Effective July 1, 2008, section 261.20, Florida Statutes, is created to read:

261.20 Operations of off-highway vehicles on public lands; restrictions; safety courses; required equipment; prohibited acts; penalties.--

(1) This section applies only to the operation of off-highway vehicles on public lands.

(2) Any person operating an off-highway vehicle as permitted in this section who has not attained 16 years of age must be supervised by an adult while operating the off-highway vehicle.

(3) Effective July 1, 2008, while operating an off-highway vehicle, a person who has not attained 16 years of age must have in his or her possession a certificate evidencing the satisfactory completion of an approved off-highway vehicle safety course in this state or another jurisdiction. A nonresident who has not attained 16 years of age and who is in this state temporarily for a period not to exceed 30 days is exempt from this subsection. Nothing contained in this chapter shall prohibit an agency from requiring additional safety-education courses for all operators.

(4)(a) The department shall approve all off-highway vehicle public safety-education programs required by this chapter as a condition for operating on public lands.

(b) An off-highway vehicle must be equipped with a spark arrester that is approved by the United States Department of Agriculture Forest Service, a braking system, and a muffler, all in operating condition.

(c) On and after July 1, 2008, off-highway vehicles, when operating pursuant to this chapter, shall be equipped with a silencer or other device which limits sound emissions. Exhaust noise must not exceed 96 decibels in the A-weighting scale for vehicles manufactured after January 1, 1986, or 99 decibels in the A-weighting scale for vehicles manufactured before January 1, 1986, when measured from a distance of 20 inches using test procedures established by the Society of Automotive Engineers under Standard J-1287. Off-highway vehicle manufacturers or their agents prior to the sale to the general public in this state of any new off-highway vehicle model manufactured after January 1, 2008, shall provide to the department revolutions-per-minute data needed to conduct the J-1287 test, where applicable.

(d) An off-highway vehicle that is operated between sunset and sunrise, or when visibility is reduced because of rain, smoke, or smog, must display a lighted headlamp and taillamp unless the use of such lights is prohibited by other laws, such as a prohibition on the use of lights when hunting at night.

(e) An off-highway vehicle that is used in certain organized and sanctioned competitive events being held on a closed course may be exempted by departmental rule from any equipment requirement in this subsection.

(5) It is a violation of this section:

(a) To carry a passenger on an off-highway vehicle, unless the machine is specifically designed by the manufacturer to carry an operator and a single passenger.

(b) To operate an off-highway vehicle while under the influence of alcohol, a controlled substance, or any prescription or over-the-counter drug that impairs vision or motor condition.

(c) For a person who has not attained 16 years of age, to operate an off-highway vehicle without wearing eye protection, over-the-ankle boots, and a safety helmet that is approved by the United States Department of Transportation or Snell Memorial Foundation.

(d) To operate an off-highway vehicle in a careless or reckless manner that endangers or causes injury or damage to another person or property.

(6) Any person who violates this section commits a noncriminal infraction and is subject to a fine of not less than $100, and may have his or her privilege to operate an ATV on public lands revoked. However, a person who commits such acts with intent to defraud, or who commits a second or subsequent violation, is subject to a fine of not less than $500 and may have his or her privilege to operate an ATV on public lands revoked.

(7) Public land managing agencies, through the course of their management activities, are exempt from the provisions of subsection (5)(a).

Section 5. Subsection (43) of section 316.003, Florida Statutes, is amended to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(43) SADDLE MOUNT*; FULL MOUNT*.—An arrangement whereby the front wheels of one vehicle rest in a secured position upon another vehicle. All of the wheels of the towing vehicle are upon the ground and only the rear wheels of the towed vehicle rest upon the ground. *Such combinations may include one full mount, whereby a smaller transport vehicle is placed completely on the last towed vehicle.*

Section 6. Paragraph (b) of subsection (2) and paragraph (b) of subsection (3) of section 316.006, Florida Statutes, are amended to read:

316.006 Jurisdiction.—Jurisdiction to control traffic is vested as follows:

(2) MUNICIPALITIES.—

(b) A municipality may exercise jurisdiction over any private road or roads, or over any limited access road or roads owned or controlled by a special district, located within its boundaries if the municipality and party or parties owning or controlling such road or roads provide, by written agreement approved by the governing body of the municipality, for municipal traffic control jurisdiction over the road or roads encompassed by such agreement. Pursuant thereto:

1. Provision for reimbursement for actual costs of traffic control and enforcement and for liability insurance and indemnification by the party or parties, and such other terms as are mutually agreeable, may be included in such an agreement.

2. The exercise of jurisdiction provided for herein shall be in addition to jurisdictional authority presently exercised by municipalities under law, and nothing in this paragraph shall be construed to limit or remove any such jurisdictional authority. Such jurisdiction includes regulation of access to such road or roads by security devices or personnel.

3. Any such agreement may provide for the installation of multiparty stop signs by the parties controlling the roads covered by the agreement if a determination is made by such parties that the signage will enhance traffic safety. Multiparty stop signs must conform to the manual and specifications of the Department of Transportation; however, minimum traffic volumes may not be required for the installation of such signage. Enforcement for the signs shall be as provided in s. 316.123.

4. The board of directors of a homeowners' association as defined in chapter 720 may, by majority vote, elect to have state traffic laws enforced by local law enforcement agencies on private roads that are controlled by the association.

(3) COUNTIES.—

(b) A county may exercise jurisdiction over any private road or roads, or over any limited access road or roads owned or controlled by a special district, located in the unincorporated area within its boundaries if the county and party or parties owning or controlling such road or roads provide, by written agreement approved by the governing body of the county, for county traffic control jurisdiction over the road or roads encompassed by such agreement. Pursuant thereto:

1. Provision for reimbursement for actual costs of traffic control and enforcement and for liability insurance and indemnification by the party or parties, and such other terms as are mutually agreeable, may be included in such an agreement.

2. Prior to entering into an agreement which provides for enforcement of the traffic laws of the state over a private road or roads, or over any limited access road or roads owned or controlled by a special district, the governing body of the county shall consult with the sheriff. No such agreement shall take effect prior to October 1, the beginning of the county fiscal year, unless this requirement is waived in writing by the sheriff.

3. The exercise of jurisdiction provided for herein shall be in addition to jurisdictional authority presently exercised by counties under law, and nothing in this paragraph shall be construed to limit or remove any such jurisdictional authority.

4. Any such agreement may provide for the installation of multiparty stop signs by the parties controlling the roads covered by the agreement if a determination is made by such parties that the signage will enhance traffic safety. Multiparty stop signs must conform to the manual and specifications of the Department of Transportation; however, minimum traffic volumes may not be required for the installation of such signage. Enforcement for the signs shall be as provided in s. 316.123.

5. The board of directors of a homeowners' association as defined in chapter 720 may, by majority vote, elect to have state traffic laws enforced by local law enforcement agencies on private roads that are controlled by the association.

Section 7. Section 316.0085, Florida Statutes, is amended to read:

316.0085 Skateboarding; inline skating; freestyle *or mountain and off-road* bicycling; paintball; definitions; liability.—

(1) The purpose of this section is to encourage governmental owners or lessees of property to make land available to the public for skateboarding, inline skating, paintball, and freestyle *or mountain and off-road* bicycling. It is recognized that governmental owners or lessees of property have failed to make property available for such activities because of the exposure to liability from lawsuits and the prohibitive cost of insurance, if insurance can be obtained for such activities. It is also recognized that risks and dangers are inherent in these activities, which risks and dangers should be assumed by those participating in such activities.

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

(a) "Governmental entity" means:

1. The United States, the State of Florida, any county or municipality, or any department, agency, or other instrumentality thereof.

2. Any school board, special district, authority, or other entity exercising governmental authority.

(b) "Inherent risk" means those dangers or conditions that are characteristic of, intrinsic to, or an integral part of skateboarding, inline skating, paintball, and freestyle *or mountain and off-road* bicycling.

(3) This section does not grant authority or permission for a person to engage in skateboarding, inline skating, paintball, or freestyle *or mountain and off-road* bicycling on property owned or controlled by a governmental entity unless such governmental entity has specifically designated such area for skateboarding, inline skating, paintball, or

freestyle *or mountain and off-road* bicycling. Each governmental entity shall post a rule in each specifically designated area that identifies all authorized activities and indicates that a child under 17 years of age may not engage in any of those activities until the governmental entity has obtained written consent, in a form acceptable to the governmental entity, from the child's parents or legal guardians.

(4) A governmental entity or public employee is not liable to any person who voluntarily participates in skateboarding, inline skating, paintball, or freestyle *or mountain and off-road* bicycling for any damage or injury to property or persons which arises out of a person's participation in such activity, and which takes place in an area designated for such activity.

(5) This section does not limit liability that would otherwise exist for any of the following:

(a) The failure of the governmental entity or public employee to guard against or warn of a dangerous condition of which a participant does not and cannot reasonably be expected to have notice.

(b) An act of gross negligence by the governmental entity or public employee that is the proximate cause of the injury.

(c) The failure of a governmental entity that provides a designated area for skateboarding, inline skating, paintball, or freestyle *or mountain and off-road* bicycling to obtain the written consent, in a form acceptable to the governmental entity, from the parents or legal guardians of any child under 17 years of age before authorizing such child to participate in skateboarding, inline skating, paintball, or freestyle *or mountain and off-road* bicycling in such designated area, unless that child's participation is in violation of posted rules governing the authorized use of the designated area*, except that a parent or legal guardian must demonstrate that written consent to engage in mountain or off-road bicycling in a designated area was provided to the governmental entity before entering the designated area*.

Nothing in this subsection creates a duty of care or basis of liability for death, personal injury, or damage to personal property. Nothing in this section shall be deemed to be a waiver of sovereign immunity under any circumstances.

(6) Nothing in this section shall limit the liability of an independent concessionaire, or any person or organization other than a governmental entity or public employee, whether or not the person or organization has a contractual relationship with a governmental entity to use the public property, for injuries or damages suffered in any case as a result of the operation of skateboards, inline skates, paintball equipment, or freestyle *or mountain and off-road* bicycles on public property by the concessionaire, person, or organization.

(7)(a) Any person who participates in or assists in skateboarding, inline skating, paintball, or freestyle *or mountain and off-road* bicycling assumes the known and unknown inherent risks in these activities irrespective of age, and is legally responsible for all damages, injury, or death to himself or herself or other persons or property which result from these activities. Any person who observes skateboarding, inline skating, paintball, or freestyle *or mountain or off-road* bicycling assumes the known and unknown inherent risks in these activities irrespective of age, and is legally responsible for all damages, injury, or death to himself or herself which result from these activities. A governmental entity that sponsors, allows, or permits skateboarding, inline skating, paintball, or freestyle *or mountain or off-road* bicycling on its property is not required to eliminate, alter, or control the inherent risks in these activities.

(b) While engaged in skateboarding, inline skating, paintball, or freestyle *or mountain or off-road* bicycling, irrespective of where such activities occur, a participant is responsible for doing all of the following:

1. Acting within the limits of his or her ability and the purpose and design of the equipment used.

2. Maintaining control of his or her person and the equipment used.

3. Refraining from acting in any manner which may cause or contribute to death or injury of himself or herself, or other persons.

Failure to comply with the requirements of this paragraph shall constitute negligence.

(8) The fact that a governmental entity carries insurance which covers any act described in this section shall not constitute a waiver of the protections set forth in this section, regardless of the existence or limits of such coverage.

Section 8. Subsection (2) of section 316.1001, Florida Statutes, is amended to read:

316.1001 Payment of toll on toll facilities required; penalties.—

(2)(a) For the purpose of enforcing this section, any governmental entity, as defined in s. 334.03, that owns or operates a toll facility may, by rule or ordinance, authorize a toll enforcement officer to issue a uniform traffic citation for a violation of this section. Toll enforcement officer means the designee of a governmental entity whose authority is to enforce the payment of tolls. The governmental entity may designate toll enforcement officers pursuant to s. 316.640(1).

(b) A citation issued under this subsection may be issued by mailing the citation by first class mail, or by certified mail, return receipt requested, to the address of the registered owner of the motor vehicle involved in the violation. Mailing the citation to this address constitutes notification. In the case of joint ownership of a motor vehicle, the traffic citation must be mailed to the first name appearing on the registration, unless the first name appearing on the registration is a business organization, in which case the second name appearing on the registration may be used. A citation issued under this paragraph must be mailed to the registered owner of the motor vehicle involved in the violation within 14 days after the date of issuance of the violation. In addition to the citation, notification must be sent to the registered owner of the motor vehicle involved in the violation specifying remedies available under ss. 318.14(12) and 318.18(7).

(c) The owner of the motor vehicle involved in the violation is responsible and liable for payment of a citation issued for failure to pay a toll, unless the owner can establish the motor vehicle was, at the time of the violation, in the care, custody, or control of another person. In order to establish such facts, the owner of the motor vehicle is required, within 14 days after the date of issuance of the citation, to furnish to the appropriate governmental entity an affidavit setting forth:

1. The name, address, date of birth, and, if known, the driver license number of the person who leased, rented, or otherwise had the care, custody, or control of the motor vehicle at the time of the alleged violation; or

2. If stolen, the police report indicating that the vehicle was stolen at the time of the alleged violation.

Upon receipt of an affidavit the person designated as having care, custody, and control of the motor vehicle at the time of the violation may be issued a citation for failure to pay a required toll. The affidavit shall be admissible in a proceeding pursuant to this section for the purpose of providing that the person identified in the affidavit was in actual care, custody, or control of the motor vehicle. *The owner of a leased vehicle for which a citation is issued for failure to pay a toll is not responsible for payment of the citation and is not required to submit an affidavit as specified in this subsection if the motor vehicle involved in the violation is registered in the name of the lessee of such motor vehicle.*

(d) A written report of a toll enforcement officer to photographic evidence that a required toll was not paid is admissible in any proceeding to enforce this section and raises a rebuttable presumption that the motor vehicle named in the report or shown in the photographic evidence was used in violation of this section.

Section 9. Subsection (1) of section 316.192, Florida Statutes, is amended to read:

316.192 Reckless driving.—

(1)*(a)* Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

(b) Fleeing a law enforcement officer in a motor vehicle is reckless driving per se.

Section 10. Subsection (1) of section 316.1955, Florida Statutes, is amended to read:

316.1955 Enforcement of parking requirements for persons who have disabilities.—

(1) It is unlawful for any person to stop, stand, or park a vehicle within, or to obstruct, any such specially designated and marked parking space provided in accordance with s. 553.5041, unless the vehicle displays a disabled parking permit issued under s. 316.1958 or s. 320.0848 or a license plate issued under s. 320.084, s. 320.0842, s. 320.0843, or s. 320.0845, and the vehicle is transporting the person to whom the displayed permit is issued. The violation may not be dismissed for failure of the marking on the parking space to comply with s. 553.5041 if the space is in general compliance and is clearly distinguishable as a designated accessible parking space for people who have disabilities. Only a warning may be issued for unlawfully parking in a space designated for persons with disabilities if there is no above-grade sign as provided in s. 553.5041.

(a) Whenever a law enforcement officer, a parking enforcement specialist, or the owner or lessee of the space finds a vehicle in violation of this subsection, that officer, owner, or lessor shall have the vehicle in violation removed to any lawful parking space or facility or require the operator or other person in charge of the vehicle immediately to remove the unauthorized vehicle from the parking space. Whenever any vehicle is removed under this section to a storage lot, garage, or other safe parking space, the cost of the removal and parking constitutes a lien against the vehicle.

(b) The officer or specialist shall charge the operator or other person in charge of the vehicle in violation with a noncriminal traffic infraction, punishable as provided in s. 316.008(4) or s. 318.18(6). *The owner of a leased vehicle is not responsible for a violation of this section if the vehicle is registered in the name of the lessee.*

(c) All convictions for violations of this section must be reported to the Department of Highway Safety and Motor Vehicles by the clerk of the court.

(d) A law enforcement officer or a parking enforcement specialist has the right to demand to be shown the person's disabled parking permit and driver's license or state identification card when investigating the possibility of a violation of this section. If such a request is refused, the person in charge of the vehicle may be charged with resisting an officer without violence, as provided in s. 843.02.

Section 11. Section 316.2015, Florida Statutes, is amended to read:

316.2015 Unlawful for person to ride on exterior of vehicle.—

(1) It is unlawful for any operator of a passenger vehicle to permit any person to ride on the bumper, radiator, fender, hood, top, trunk, or running board of such vehicle when operated upon any street or highway which is maintained by the state, county, or municipality. ~~However, the operator of any vehicle shall not be in violation of this section when such operator permits any person to occupy seats securely affixed to the exterior of such vehicle.~~ Any person who violates ~~the provisions of~~ this subsection shall be cited for a moving violation, punishable as provided in chapter 318.

(2)*(a)* No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. *This paragraph does not apply to an employee of a fire department, an employee of a governmentally operated solid waste disposal department or a waste disposal service operating pursuant to a contract with a governmental entity, or to a volunteer firefighter when the employee or firefighter is engaged in the necessary discharge of a duty, and does not apply to a person who is being transported in response to an emergency by a public agency or pursuant to the direction or authority of a public agency.* This *paragraph does* ~~provision shall~~ not apply to an employee engaged in the necessary discharge of a duty or to a person or persons riding within truck bodies in space intended for merchandise.

(b) It is unlawful for any operator of a pickup truck or flatbed truck to permit a minor child who has not attained 18 years of age to ride upon limited access facilities of the state within the open body of a pickup truck or flatbed truck unless the minor is restrained within the open body in the back of a truck that has been modified to include secure seating and safety restraints to prevent the passenger from being thrown, falling, or jumping from the truck. This paragraph does not apply in a medical emergency if the child is accompanied within the truck by an adult. A county is exempt from this paragraph if the governing body of the county, by majority vote, following a noticed public hearing, votes to exempt the county from this paragraph.

(c) Any person who violates ~~the provisions of~~ this subsection shall be cited for a nonmoving violation, punishable as provided in chapter 318.

(3) This section shall not apply to a performer engaged in a professional exhibition or person participating in an exhibition or parade, or any such person preparing to participate in such exhibitions or parades.

Section 12. Subsection (1) section 316.2095, Florida Statutes, is amended to read:

316.2095 Footrests, handholds, and handlebars.—

(1) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests ~~and handholds~~ for such passenger.

Section 13. Effective January 1, 2007, present subsection (6) of section 316.211, Florida Statutes, is redesignated as subsection (7), and a new subsection (6) is added to that section, to read:

316.211 Equipment for motorcycle and moped riders.—

(6) Each motorcycle registered to a person under 21 years of age must display a license plate that is unique in design and color.

Section 14. Section 316.2123, Florida Statutes, is created to read:

316.2123 Operation of an ATV on certain roadways.—

(1) The operation of an ATV, as defined in s. 317.0003, upon the public roads or streets of this state is prohibited, except that an ATV may be operated during the daytime on an unpaved roadway where the posted speed limit is less than 35 miles per hour by a licensed driver or by a minor under the supervision of a licensed driver. The operator must provide proof of ownership pursuant to chapter 317 upon request by a law enforcement officer.

(2) A county is exempt from this section if the governing body of the county, by majority vote, following a noticed public hearing, votes to exempt the county from this section.

Section 15. Subsection (3) is added to section 316.2125, Florida Statutes, to read:

316.2125 Operation of golf carts within a retirement community.—

(3) A local governmental entity may enact an ordinance regarding golf cart operation and equipment which is more restrictive than those enumerated in this section. Upon enactment of any such ordinance, the local governmental entity shall post appropriate signs or otherwise inform the residents that such an ordinance exists and that it shall be enforced within the local government's jurisdictional territory. An ordinance referred to in this section must apply only to an unlicensed driver.

Section 16. Section 316.2128, Florida Statutes, is created to read:

316.2128 Operation of motorized scooters and miniature motorcycles; requirements for sales.—

(1) A person who engages in the business of, serves in the capacity of, or acts as a commercial seller of motorized scooters or miniature motorcycles in this state must prominently display at his or her place of business a notice that such vehicles are not legal to operate on public roads or sidewalks and may not be registered as motor vehicles. The required notice must also appear in all forms of advertising offering motorized scooters or miniature motorcycles for sale. The notice and a copy of this section must also be provided to a consumer prior to the consumer's purchasing or becoming obligated to purchase a motorized scooter or a miniature motorcycle.

(2) Any person selling or offering a motorized scooter or a miniature motorcycle for sale in violation of this subsection commits an unfair and deceptive trade practice as defined in part II of chapter 501.

Section 17. Subsection (2) of section 316.221, Florida Statutes, is amended to read:

316.221 Taillamps.—

(2) Either a taillamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of 50 feet to the rear. Any taillamp or taillamps, together with any separate lamp or lamps for illuminating the rear registration plate, shall be so wired as to be lighted whenever the headlamps or auxiliary driving lamps are lighted. *Dump trucks and vehicles having dump bodies are exempt from the requirements of this subsection.*

Section 18. Paragraph (b) of subsection (1), paragraphs (b), (c), (d), (f), and (i) of subsection (2), and subsection (3) of section 316.302, Florida Statutes, are amended to read:

316.302 Commercial motor vehicles; safety regulations; transporters and shippers of hazardous materials; enforcement.—

(1)

(b) Except as otherwise provided in this section, all owners or drivers of commercial motor vehicles that are engaged in intrastate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 385, and 390-397, with the exception of 49 C.F.R. s. 390.5 as it relates to the definition of bus, as such rules and regulations existed on October 1, *2005* ~~2004~~.

(2)

(b) *Except as provided in 49 C.F.R. s. 395.1,* a person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172 *may not drive:*

1. More than 12 hours following 10 consecutive hours off duty; or

2. For any period after the end of the 16th hour after coming on duty following 10 consecutive hours off duty. ~~is exempt from 49 C.F.R. s. 395.3(a) and (b) and may, after 8 hours' rest, and following the required initial motor vehicle inspection, be permitted to drive any part of the first 15 on-duty hours in any 24-hour period, but may not be permitted to operate a commercial motor vehicle after that until the requirement of another 8 hours' rest has been fulfilled.~~

The provisions of this paragraph do not apply to drivers of *utility service vehicles as defined in 49 C.F.R. s. 395.2.* ~~public utility vehicles or authorized emergency vehicles during periods of severe weather or other emergencies.~~

(c) *Except as provided in 49 C.F.R. s. 395.1,* a person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172 may not *drive after having been on duty more than 70 hours in any period of 7 consecutive days or more than 80 hours in any period of 8 consecutive days if the motor carrier operates every day of the week. Thirty-four* ~~be on duty more than 72 hours in any period of 7 consecutive days, but carriers operating every day in a week may permit drivers to remain on duty for a total of not more than 84 hours in any period of 8 consecutive days; however, 24~~ consecutive hours off duty shall constitute the end of any such period of 7 or 8 consecutive days. This weekly limit does not apply to a person who operates a commercial motor vehicle solely within this state while transporting, during harvest periods, any unprocessed agricultural products *or unprocessed food or fiber* that *is* ~~are~~ subject to seasonal harvesting from place of harvest to the first place of processing or storage or from place of harvest directly to market *or while transporting livestock, livestock feed, or farm supplies directly related to growing or harvesting agricultural products*. Upon request of the Department of Transportation, motor carriers shall furnish time records or other written verification to that department so that the Department of Transportation can determine compliance with this subsection. These time records must be furnished to the Department of Transportation within *2* ~~10~~ days after receipt of that department's request. Falsification of such information is subject to a civil penalty not to exceed $100. The provisions of this paragraph do not apply to drivers of ~~public~~ utility *service* vehicles *as defined in 49 C.F.R. s. 395.2.* ~~or authorized emergency vehicles during periods of severe weather or other emergencies.~~

(d) A person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172 within a *150* ~~200~~ air-mile radius of the location where the vehicle is based need not comply with 49 C.F.R. s. 395.8, *if the requirements of 49 C.F.R. s. 395.1(e)(1)(iii) and (v) are met. If a driver is not released from duty within 12 hours after the driver arrives for duty, the motor carrier must maintain documentation of the driver's driving times throughout the duty period* ~~except that time records shall be maintained as prescribed in 49 C.F.R. s. 395.1(e)(5)~~.

(f) A person who operates a commercial motor vehicle having a declared gross vehicle weight of less than *26,001* ~~26,000~~ pounds solely in intrastate commerce and who is not transporting hazardous materials in amounts that require placarding pursuant to 49 C.F.R. part 172, or who is transporting petroleum products as defined in s. 376.301, is exempt from subsection (1). However, such person must comply with 49 C.F.R. parts 382, 392, and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

(i) A person ~~who was a regularly employed driver of a commercial motor vehicle on July 4, 1987, and~~ whose driving record shows no traffic convictions, pursuant to s. 322.61, during the 2-year period immediately preceding the application for the commercial driver's license, ~~and~~ who is otherwise qualified as a driver under 49 C.F.R. part 391, and who operates a commercial vehicle in intrastate commerce only~~,~~ shall be exempt from the requirements of 49 C.F.R. part 391, subpart E, s. 391.41(b)(10). However, such operators are still subject to the requirements of ss. 322.12 and 322.121. As proof of eligibility, such driver shall have in his or her possession a physical examination form dated within the past 24 months.

(3) A person *who has not attained* ~~under the age of~~ 18 years *of age* may not operate a commercial motor vehicle, except that a person *who has not attained* ~~under the age of~~ 18 years *of age* may operate a commercial motor vehicle which has a gross vehicle weight of less than *26,001* ~~26,000~~ pounds while transporting agricultural products, including horticultural or forestry products, from farm or harvest place to storage or market.

Section 19. Subsections (5) and (10) of section 316.515, Florida Statutes, are amended to read:

316.515 Maximum width, height, length.—

(5) IMPLEMENTS OF HUSBANDRY*;*~~,~~ AGRICULTURAL TRAILERS*;*~~,~~ *FORESTRY EQUIPMENT;* SAFETY REQUIREMENTS.—

(a) Notwithstanding any other provisions of law, straight trucks, agricultural tractors, and cotton module movers, not exceeding 50 feet in length, or any combination of up to and including three implements of husbandry, including the towing power unit, and any single agricultural trailer with a load thereon or any agricultural implements attached to a towing power unit not exceeding 130 inches in width, or a self-propelled agricultural implement or an agricultural tractor not exceeding 130 inches in width, is authorized for the purpose of transporting peanuts, grains, soybeans, cotton, hay, straw, or other perishable farm products from their point of production to the first point of change of custody or of long-term storage, and for the purpose of returning to such point of production, or for the purpose of moving such tractors, movers, and implements from one point of agricultural production to another, by a person engaged in the production of any such product or custom hauler, if such vehicle or combination of vehicles otherwise complies with this section. *The Department of Transportation may issue overwidth permits for implements of husbandry greater than 130 inches, but not more than 170 inches, in width.* ~~Such vehicles shall be operated in accordance with all safety requirements prescribed by law and Department of Transportation rules.~~ The Department of Transportation may issue overlength permits for cotton module movers greater than 50 feet but not more than 55 feet in overall length. *Such vehicles shall be operated in accordance with all safety requirements prescribed by law and rules of the Department of Transportation.*

(b) Notwithstanding any other provision of law, equipment not exceeding 136 inches in width and not capable of speeds exceeding 20 miles per hour which is used exclusively for harvesting forestry products is authorized for the purpose of transporting equipment from one point of harvest to another point of harvest, not to exceed 10 miles, by a person engaged in the harvesting of forestry products. Such vehicles must be operated during daylight hours only, in accordance with all safety requirements prescribed by s. 316.2295(5) and (6).

(10) AUTOMOBILE TOWAWAY AND DRIVEAWAY OPERATIONS.—An automobile towaway or driveaway operation transporting new or used trucks may use what is known to the trade as "saddle mounts~~,~~" if the overall length does not exceed *97* ~~75~~ feet and no more than three saddle mounts are towed. *Such combinations may include one full mount. Saddle mount combinations must also comply with the applicable safety regulations in 49 C.F.R. s. 393.71.*

Section 20. Paragraph (f) is added to subsection (1) of section 318.143, Florida Statutes, to read:

318.143 Sanctions for infractions by minors.—

(1) If the court finds that a minor has committed a violation of any of the provisions of chapter 316, the court may also impose one or more of the following sanctions:

(f) The court may require the minor and his or her parents or guardians to participate in a registered youthful driver monitoring service as described in s. 318.1435.

Section 21. Section 318.1435, Florida Statutes, is created to read:

318.1435 Youthful driver monitoring services.—

(1) As used in this section, the term "youthful driver monitoring service" means an entity that enables parents or guardians to monitor the driving performance of their minor children. The service may provide monitoring by posting on a vehicle a placard that shows a toll-free telephone number and a unique identifying number and includes a request to members of the public to call the toll-free telephone number to report inappropriate driving practices. The service shall enter into a contract with the parents or guardians under which the service shall timely forward to the parents or guardians all reports of inappropriate driving practices by the minor child.

(2) A youthful driver monitoring service may register with the Department of Highway Safety and Motor Vehicles. The registration must consist of a narrative description of the services offered by the youthful driver monitoring service, the name of the manager in charge of the service, the address of the service, and the telephone number of the service. Registration under this subsection remains valid indefinitely, but it is the responsibility of the youthful driver monitoring service to timely file a revised registration statement to reflect any changes in the required information. If the department determines that the youthful driver monitoring service is not providing the services described in the narrative statement, the department may suspend the registration; however, the department must reinstate the registration when the service files a revised statement that reflects its actual practices.

Section 22. Subsection (2) of section 318.15, Florida Statutes, is amended to read:

318.15 Failure to comply with civil penalty or to appear; penalty.—

(2) After suspension of the driver's license and privilege to drive of a person under subsection (1), the license and privilege may not be reinstated until the person complies with all obligations and penalties imposed on him or her under s. 318.18 and presents to a driver license office a certificate of compliance issued by the court, together with a nonrefundable service charge of up to $47.50 imposed under s. 322.29, or presents a certificate of compliance and pays the aforementioned service charge of up to $47.50 to the clerk of the court or *a driver licensing agent authorized in s. 322.135* ~~tax collector~~ clearing such suspension. Of the charge collected by the clerk of the court or *driver licensing agent* ~~the tax collector~~, $10 shall be remitted to the Department of Revenue to be deposited into the Highway Safety Operating Trust Fund. Such person shall also be in compliance with requirements of chapter 322 prior to reinstatement.

Section 23. Subsection (12) of section 318.18, Florida Statutes, is amended to read:

318.18 Amount of civil penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 are as follows:

(12) *Two* ~~One~~ hundred dollars for a violation of s. 316.520(1) or (2). If, at a hearing, the alleged offender is found to have committed this offense, the court shall impose a minimum civil penalty of *$200* ~~$100~~. For a second or subsequent adjudication within a period of 5 years, the department shall suspend the driver's license of the person for not less than *1 year* ~~180 days~~ and not more than *2 years* ~~1 year~~.

Section 24. Subsection (1) of section 318.32, Florida Statutes, is amended to read:

318.32 Jurisdiction; limitations.—

(1) Hearing officers shall be empowered to accept pleas from and decide the guilt or innocence of any person, adult or juvenile, charged with any civil traffic infraction and shall be empowered to adjudicate or withhold adjudication of guilt in the same manner as a county court judge under the statutes, rules, and procedures presently existing or as subsequently amended, except that hearing officers shall not:

(a) Have the power to hold a defendant in contempt of court, but shall be permitted to file a motion for order of contempt with the appropriate state trial court judge;

(b) Hear a case involving a crash resulting in injury or death;

(c) Hear a criminal traffic offense case or a case involving a civil traffic infraction issued in conjunction with a criminal traffic offense; or

(d) Have the power to suspend *or revoke* a defendant's driver's license pursuant to s. 316.655(2).

Section 25. Effective July 1, 2008, subsection (1) of section 320.02, Florida Statutes, is amended to read:

320.02 Registration required; application for registration; forms.—

(1) Except as otherwise provided in this chapter, every owner or person in charge of a motor vehicle *that* ~~which~~ is operated or driven on the roads of this state shall register the vehicle in this state. The owner or person in charge shall apply to the department or to its authorized agent for registration of each such vehicle on a form prescribed by the department. *Prior to the original registration of a motorcycle, motor-driven cycle, or moped, the owner, if a natural person, must present proof that he or she has a valid motorcycle endorsement as required in chapter 322. A* ~~No~~ registration is *not* required for any motor vehicle *that* ~~which~~ is not operated on the roads of this state during the registration period.

Section 26. Subsection (8) of section 320.03, Florida Statutes, is amended to read:

320.03 Registration; duties of tax collectors; International Registration Plan.—

(8) If the applicant's name appears on the list referred to in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a license plate or revalidation sticker may not be issued until that person's name no longer appears on the list or until the person presents a receipt from the clerk showing that the fines outstanding have been paid. *This subsection does not apply to the owner of a leased vehicle if the vehicle is registered in the name of the lessee of the vehicle.* The tax collector and the clerk of the court are each entitled to receive monthly, as costs for implementing and administering this subsection, 10 percent of the civil penalties and fines recovered from such persons. As used in this subsection, the term "civil penalties and fines" does not include a wrecker operator's lien as described in s. 713.78(13). If the tax collector has private tag agents, such tag agents are entitled to receive a pro rata share of the amount paid to the tax collector, based upon the percentage of license plates and revalidation stickers issued by the tag agent compared to the total issued within the county. The authority of any private agent to issue license plates shall be revoked, after notice and a hearing as provided in chapter 120, if he or she issues any license plate or revalidation sticker contrary to the provisions of this subsection. This section applies only to the annual renewal in the owner's birth month of a motor vehicle registration and does not apply to the transfer of a registration of a motor vehicle sold by a motor vehicle dealer licensed under this chapter, except for the transfer of registrations which is inclusive of the annual renewals. This section does not affect the issuance of the title to a motor vehicle, notwithstanding s. 319.23(7)(b).

Section 27. Section 320.07, Florida Statutes, is amended to read:

320.07 Expiration of registration; annual renewal required; penalties.—

(1) The registration of a motor vehicle or mobile home shall expire at midnight on the last day of the registration period. A vehicle shall not be operated on the roads of this state after expiration of the renewal period unless the registration has been renewed according to law.

(2) Registration shall be renewed annually during the applicable renewal period, upon payment of the applicable license tax amount required by s. 320.08, service charges required by s. 320.04, and any additional fees required by law. However, any person owning a motor vehicle registered under s. 320.08(4), (6)(b), or (13) may register semiannually as provided in s. 320.0705.

(3) The operation of any motor vehicle without having attached thereto a registration license plate and validation stickers, or the use of any mobile home without having attached thereto a mobile home sticker, for the current registration period shall subject the owner thereof, if he or she is present, or, if the owner is not present, the operator thereof to the following penalty provisions:

(a) Any person whose motor vehicle or mobile home registration has been expired for a period of 6 months or less commits a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

(b) Any person whose motor vehicle or mobile home registration has been expired for more than 6 months shall upon a first offense be subject to the penalty provided in s. 318.14.

(c) Any person whose motor vehicle or mobile home registration has been expired for more than 6 months shall upon a second or subsequent offense be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(d) However, no operator shall be charged with a violation of this subsection if the operator can show, pursuant to a valid lease agreement, that the vehicle had been leased for a period of 30 days or less at the time of the offense.

(e) Any servicemember, as defined in s. 250.01, whose mobile home registration has expired while serving on active duty or state active duty shall not be charged with a violation of this subsection if, at the time of the offense, the servicemember was serving on active duty or state active duty 35 miles or more from the mobile home. The servicemember must present to the department either a copy of the official military orders or a written verification signed by the servicemember's commanding officer to waive charges.

(f) The owner of a leased motor vehicle is not responsible for any penalty specified in this subsection if the motor vehicle is registered in the name of the lessee of the motor vehicle.

(4)(a) In addition to a penalty provided in subsection (3), a delinquent fee based on the following schedule of license taxes shall be imposed on any applicant who fails to renew a registration prior to the end of the month in which renewal registration is due. The delinquent fee shall be applied beginning on the 11th calendar day of the month succeeding the renewal period. The delinquent fee shall not apply to those vehicles which have not been required to be registered during the preceding registration period or as provided in s. 320.18(2). The delinquent fee shall be imposed as follows:

1. License tax of $5 but not more than $25: $5 flat.

2. License tax over $25 but not more than $50: $10 flat.

3. License tax over $50 but not more than $100: $15 flat.

4. License tax over $100 but not more than $400: $50 flat.

5. License tax over $400 but not more than $600: $100 flat.

6. License tax over $600 and up: $250 flat.

(b) A person who has been assessed a penalty pursuant to s. 316.545(2)(b) for failure to have a valid vehicle registration certificate is not subject to the delinquent fee authorized by this subsection if such person obtains a valid registration certificate within 10 working days after such penalty was assessed. The official receipt authorized by s. 316.545(6) constitutes proof of payment of the penalty authorized in s. 316.545(2)(b).

(c) The owner of a leased motor vehicle is not responsible for any delinquent fee specified in this subsection if the motor vehicle is registered in the name of the lessee of the motor vehicle.

(5) Any servicemember, as defined in s. 250.01, whose motor vehicle or mobile home registration has expired while serving on active duty or state active duty, shall be able to renew his or her registration upon return from active duty or state active duty without penalty, if the servicemember served on active duty or state active duty 35 miles or more from the servicemember's home of record prior to entering active duty or state active duty. The servicemember must provide to the department either a copy of the official military orders or a written verification signed by the servicemember's commanding officer to waive delinquent fees.

(6) Delinquent fees imposed under this section shall not be apportionable under the International Registration Plan.

Section 28. Section 320.0706, Florida Statutes, is amended to read:

320.0706 Display of license plates on trucks.—The owner of any commercial truck of gross vehicle weight of 26,001 pounds or more shall display the registration license plate on both the front and rear of the truck in conformance with all the requirements of s. 316.605 that do not conflict with this section. *The owner of a dump truck may place the rear license plate on the gate no higher than 60 inches to allow for better visibility.* However, the owner of a truck tractor shall be required to display the registration license plate only on the front of such vehicle.

Section 29. Paragraph (eee) is added to subsection (4) of section 320.08056, Florida Statutes, as amended by section 1 of chapter 2005-357, Laws of Florida, and paragraph (a) of subsection (8) of that section is amended, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(eee) Future Farmers of America license plate, $25.

(8)(a) The department must discontinue the issuance of an approved specialty license plate if the number of valid specialty plate registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter shall be mailed to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 1,000 plates. *This paragraph does not apply to collegiate license plates established under s. 320.08058(3).*

Section 30. Subsection (57) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(57) FUTURE FARMERS OF AMERICA LICENSE PLATES.—

(a) Notwithstanding the provisions of s. 320.08053, the department shall develop a Future Farmers of America license plate as provided in this section. Future Farmers of America license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Agricultural Education" must appear at the bottom of the plate.

(b) The license plate annual use fee shall be distributed quarterly to the Florida Future Farmers of America Foundation, Inc., to fund activities and services of the Future Farmers of America.

(c) The Florida Future Farmers of America Foundation, Inc., shall retain all revenue from the annual use fees until all startup costs for developing and establishing the plates have been recovered. Thereafter, up to 10 percent of the annual use fee revenue may be used for administrative, handling, and disbursement expenses and up to 5 percent may be used for advertising and marketing costs. All remaining annual use fee revenue shall be used by the Florida Future Farmers of America Foundation, Inc., to fund its activities, programs, and projects, including, but not limited to, student and teacher leadership programs, the Foundation for Leadership Training Center, teacher recruitment and retention, and other special projects.

Section 31. Section 320.089, Florida Statutes, is amended to read:

320.089 Members of National Guard and active United States Armed Forces reservists; former prisoners of war; survivors of Pearl Harbor; Purple Heart medal recipients; *Operation Iraqi Freedom and Operation Enduring Freedom Veterans;* special license plates; fee.—

(1)(a) Each owner or lessee of an automobile or truck for private use or recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use, who is a resident of the state and an active or retired member of the Florida National Guard, a survivor of the attack on Pearl Harbor, a recipient of the Purple Heart medal, or an active or retired member of any branch of the United States Armed Forces Reserve shall, upon application to the department, accompanied by proof of active membership or retired status in the Florida National Guard, proof of membership in the Pearl Harbor Survivors Association or proof of active military duty in Pearl Harbor on December 7, 1941, proof of being a Purple Heart medal recipient, or proof of active or retired membership in any branch of the Armed Forces Reserve, and upon payment of the license tax for the vehicle as provided in s. 320.08, be issued a license plate as provided by s. 320.06, upon which, in lieu of the serial numbers prescribed by s. 320.06, shall be stamped the words "National Guard," "Pearl Harbor Survivor," "Combat-wounded veteran," or "U.S. Reserve," as appropriate, followed by the serial number of the license plate. Additionally, the Purple Heart plate may have the words "Purple Heart" stamped on the plate and the likeness of the Purple Heart medal appearing on the plate.

(b) Notwithstanding any other provision of law to the contrary, beginning with fiscal year 2002-2003 and annually thereafter, the first $100,000 in general revenue generated from the sale of license plates issued under this section which are stamped with the words "National Guard," "Pearl Harbor Survivor," "Combat-wounded veteran," or "U.S. Reserve" shall be deposited into the Grants and Donations Trust Fund, as described in s. 296.38(2), to be used for the purposes established by law for that trust fund.

(c) Notwithstanding any provisions of law to the contrary, an applicant for a Pearl Harbor Survivor license plate or a Purple Heart license plate who also qualifies for a disabled veteran's license plate under s. 320.084 shall be issued the appropriate special license plate without payment of the license tax imposed by s. 320.08.

(2) Each owner or lessee of an automobile or truck for private use, truck weighing not more than 7,999 pounds, or recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use, who is a resident of the state and who is a former prisoner of war, or their unremarried surviving spouse, shall, upon application therefor to the department, be issued a license plate as provided in s. 320.06, on which license plate are stamped the words "Ex-POW" followed by the serial number. Each application shall be accompanied by proof that the applicant meets the qualifications specified in paragraph (a) or paragraph (b).

(a) A citizen of the United States who served as a member of the Armed Forces of the United States or the armed forces of a nation allied with the United States who was held as a prisoner of war at such time as the Armed Forces of the United States were engaged in combat, or their unremarried surviving spouse, may be issued the special license plate provided for in this subsection without payment of the license tax imposed by s. 320.08.

(b) A person who was serving as a civilian with the consent of the United States Government, or a person who was a member of the Armed Forces of the United States who was not a United States citizen and was held as a prisoner of war when the Armed Forces of the United States were engaged in combat, or their unremarried surviving spouse, may be issued the special license plate provided for in this subsection upon payment of the license tax imposed by s. 320.08.

(3) Each owner or lessee of an automobile or truck for private use, truck weighing not more than 7,999 pounds, or recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use, who is a resident of this state and who is the unremarried surviving spouse of a recipient of the Purple Heart medal shall, upon application therefor to the department, with the payment of the required fees, be issued a license plate as provided in s. 320.06, on which license plate are stamped the words "Purple Heart" and the likeness of the Purple Heart medal followed by the serial number. Each application shall be accompanied by proof that the applicant is the unremarried surviving spouse of a recipient of the Purple Heart medal.

(4) The owner or lessee of an automobile or truck for private use, a truck weighing not more than 7,999 pounds, or a recreational vehicle as specified in s. 320.08(9)(c) or (d) which automobile, truck, or recreational vehicle is not used for hire or commercial use who is a resident of the state and a current or former member of the United States military who was deployed and served in Iraq during Operation Iraqi Freedom or in Afghanistan during Operation Enduring Freedom shall, upon application to the department, accompanied by proof of active membership or former active duty status during one of these operations, and upon payment of the license tax for the vehicle as provided in s. 320.08, be issued a license plate as provided by s. 320.06 upon which, in lieu of the registration license number prescribed by s. 320.06, shall be stamped the words "Operation Iraqi Freedom" or "Operation Enduring Freedom," as appropriate, followed by the registration license number of the plate.

Section 32. Subsection (4) and paragraph (b) of subsection (9) of section 320.27, Florida Statutes, are amended to read:

320.27 Motor vehicle dealers.—

(4) LICENSE CERTIFICATE.—

(a) A license certificate shall be issued by the department in accordance with such application when the application is regular in form and in compliance with the provisions of this section. The license certificate may be in the form of a document or a computerized card as determined by the department. The actual cost of each original, additional, or replacement computerized card shall be borne by the licensee and is in addition to the fee for licensure. Such license, when so issued, entitles the licensee to carry on and conduct the business of a motor vehicle dealer. Each license issued to a franchise motor vehicle dealer expires annually on December 31 unless revoked or suspended prior to that date. Each license issued to an independent or wholesale dealer or auction expires annually on April 30 unless revoked or suspended prior to that date. Not less than 60 days prior to the license expiration date, the department shall deliver or mail to each licensee the necessary renewal forms. Each independent dealer shall certify that the dealer ~~principal~~ (owner, partner, officer ~~of the corporation~~, or director *of the licensee, or a full-time employee of the licensee that holds a responsible management-level position*) has completed 8 hours of continuing education prior to filing the renewal forms with the department. Such certification shall be filed once every 2 years commencing with the 2006 renewal period. The continuing education shall include at least 2 hours of legal or legislative issues, 1 hour of department issues, and 5 hours of relevant motor vehicle industry topics. Continuing education shall be provided by dealer schools licensed under paragraph (b) either in a classroom setting or by correspondence. Such schools shall provide certificates of completion to the department and the customer which shall be filed with the license renewal form, and such schools may charge a fee for providing continuing education. Any licensee who does not file his or her application and fees and any other requisite documents, as required by law, with the department at least 30 days prior to the license expiration date shall cease to engage in business as a motor vehicle dealer on the license expiration date. A renewal filed with the department within 45 days after the expiration date shall be accompanied by a delinquent fee of $100. Thereafter, a new application is required, accompanied by the initial license fee. A license certificate duly issued by the department may be modified by endorsement to show a change in the name of the licensee, provided, as shown by affidavit of the licensee, the majority ownership interest of the licensee has not changed or the name of the person appearing as franchisee on the sales and service agreement has not changed. Modification of a license certificate to show any name change as herein provided shall not require initial licensure or reissuance of dealer tags; however, any dealer obtaining a name change shall transact all business in and be properly identified by that name. All documents relative to licensure shall reflect the new name. In the case of a franchise dealer, the name change shall be approved by the manufacturer, distributor, or importer. A licensee applying for a name change endorsement shall pay a fee of $25 which fee shall apply to the change in the name of a main location and all additional locations licensed under the provisions of subsection (5). Each initial license application received by the department shall be accompanied by verification that, within the preceding 6 months, the applicant, or one or more of his or her designated employees, has attended a training and information seminar conducted by a licensed motor vehicle dealer training school. *Any applicant*

for a new franchised motor vehicle dealer license who has held a valid franchised motor vehicle dealer license continuously for the past 2 years and who remains in good standing with the department is exempt from the prelicensing training requirement. Such seminar shall include, but is not limited to, statutory dealer requirements, which requirements include required bookkeeping and recordkeeping procedures, requirements for the collection of sales and use taxes, and such other information that in the opinion of the department will promote good business practices. No seminar may exceed 8 hours in length.

(b) Each initial license application received by the department for licensure under subparagraph (1)(c)2. must be accompanied by verification that, within the preceding 6 months, the applicant (owner, partner, officer ~~of the corporation~~, or director *of the applicant, or a full-time employee of the applicant that holds a responsible management-level position*) has successfully completed training conducted by a licensed motor vehicle dealer training school. Such training must include training in titling and registration of motor vehicles, laws relating to unfair and deceptive trade practices, laws relating to financing with regard to buy-here, pay-here operations, and such other information that in the opinion of the department will promote good business practices. Successful completion of this training shall be determined by examination administered at the end of the course and attendance of no less than 90 percent of the total hours required by such school. Any applicant who had held a valid motor vehicle dealer's license within the past 2 years and who remains in good standing with the department is exempt from the requirements of this paragraph. ~~In the case of nonresident applicants, the requirement to attend such training shall be placed on any employee of the licensee who holds a responsible management-level position and who is employed full-time at the motor vehicle dealership.~~ The department shall have the authority to adopt any rule necessary for establishing the training curriculum; length of training, which shall not exceed 8 hours for required department topics and shall not exceed an additional 24 hours for topics related to other regulatory agencies' instructor qualifications; and any other requirements under this section. The curriculum for other subjects shall be approved by any and all other regulatory agencies having jurisdiction over specific subject matters; however, the overall administration of the licensing of these dealer schools and their instructors shall remain with the department. Such schools are authorized to charge a fee. This privatized method for training applicants for dealer licensing pursuant to subparagraph (1)(c)2. is a pilot program that shall be evaluated by the department after it has been in operation for a period of 2 years.

(9) DENIAL, SUSPENSION, OR REVOCATION.—

(b) The department may deny, suspend, or revoke any license issued hereunder or under the provisions of s. 320.77 or s. 320.771 upon proof that a licensee has committed, with sufficient frequency so as to establish a pattern of wrongdoing on the part of a licensee, violations of one or more of the following activities:

1. Representation that a demonstrator is a new motor vehicle, or the attempt to sell or the sale of a demonstrator as a new motor vehicle without written notice to the purchaser that the vehicle is a demonstrator. For the purposes of this section, a "demonstrator," a "new motor vehicle," and a "used motor vehicle" shall be defined as under s. 320.60.

2. Unjustifiable refusal to comply with a licensee's responsibility under the terms of the new motor vehicle warranty issued by its respective manufacturer, distributor, or importer. However, if such refusal is at the direction of the manufacturer, distributor, or importer, such refusal shall not be a ground under this section.

3. Misrepresentation or false, deceptive, or misleading statements with regard to the sale or financing of motor vehicles which any motor vehicle dealer has, or causes to have, advertised, printed, displayed, published, distributed, broadcast, televised, or made in any manner with regard to the sale or financing of motor vehicles.

4. Failure by any motor vehicle dealer to provide a customer or purchaser with an odometer disclosure statement and a copy of any bona fide written, executed sales contract or agreement of purchase connected with the purchase of the motor vehicle purchased by the customer or purchaser.

5. Failure of any motor vehicle dealer to comply with the terms of any bona fide written, executed agreement, pursuant to the sale of a motor vehicle.

6. Failure to apply for transfer of a title as prescribed in s. 319.23(6).

7. Use of the dealer license identification number by any person other than the licensed dealer or his or her designee.

8. Failure to continually meet the requirements of the licensure law.

9. Representation to a customer or any advertisement to the public representing or suggesting that a motor vehicle is a new motor vehicle if such vehicle lawfully cannot be titled in the name of the customer or other member of the public by the seller using a manufacturer's statement of origin as permitted in s. 319.23(1).

10. Requirement by any motor vehicle dealer that a customer or purchaser accept equipment on his or her motor vehicle which was not ordered by the customer or purchaser.

11. Requirement by any motor vehicle dealer that any customer or purchaser finance a motor vehicle with a specific financial institution or company.

12. Requirement by any motor vehicle dealer that the purchaser of a motor vehicle contract with the dealer for physical damage insurance.

13. Perpetration of a fraud upon any person as a result of dealing in motor vehicles, including, without limitation, the misrepresentation to any person by the licensee of the licensee's relationship to any manufacturer, importer, or distributor.

14. Violation of any of the provisions of s. 319.35 by any motor vehicle dealer.

15. Sale by a motor vehicle dealer of a vehicle offered in trade by a customer prior to consummation of the sale, exchange, or transfer of a newly acquired vehicle to the customer, unless the customer provides written authorization for the sale of the trade-in vehicle prior to delivery of the newly acquired vehicle.

16. Willful failure to comply with any administrative rule adopted by the department or the provisions of s. 320.131(8).

17. Violation of chapter 319, this chapter, or ss. 559.901-559.9221, which has to do with dealing in or repairing motor vehicles or mobile homes. Additionally, in the case of used motor vehicles, the willful violation of the federal law and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to the consumer sales window form.

18. Failure to maintain evidence of notification to the owner or coowner of a vehicle regarding registration or titling fees owned as required in s. 320.02(19).

19. Failure to register a mobile home salesperson with the department as required by this section.

Section 33. Subsection (5) is added to section 320.405, Florida Statutes, to read:

320.405 International Registration Plan; inspection of records; hearings.—

(5) The department may enter into an agreement for scheduling the payment of taxes or penalties owed to the department as a result of an audit assessment issued under this section.

Section 34. Subsection (1) of section 320.77 is amended, present subsections (9) through (15) are redesignated as subsections (10) through (16), respectively, and a new subsection (9) is added to that section, to read:

320.77 License required of mobile home dealers.—

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

(a) "Dealer" means any person engaged in the business of buying, selling, or dealing in mobile homes or offering or displaying mobile homes for sale. The term "dealer" includes a mobile home broker. Any person who buys, sells, deals in, or offers or displays for sale, or who acts as the agent for the sale of, one or more mobile homes in any 12-month period shall be prima facie presumed to be a dealer. The terms "selling" and "sale" include lease-purchase transactions. The term "dealer" does

not include banks, credit unions, and finance companies that acquire mobile homes as an incident to their regular business and does not include mobile home rental and leasing companies that sell mobile homes to dealers licensed under this section. A licensed dealer may transact business in recreational vehicles with a motor vehicle auction as defined in s. 320.27(1)(c)4. Any licensed dealer dealing exclusively in mobile homes shall not have benefit of the privilege of using dealer license plates.

(b) "Mobile home broker" means any person who is engaged in the business of offering to procure or procuring used mobile homes for the general public; who holds himself or herself out through solicitation, advertisement, or otherwise as one who offers to procure or procures used mobile homes for the general public; or who acts as the agent or intermediary on behalf of the owner or seller of a used mobile home which is for sale or who assists or represents the seller in finding a buyer for the mobile home.

(c)1. "Mobile home salesperson" means a person not otherwise expressly excluded by this section who:

a. Is employed as a salesperson by a mobile home dealer, as defined in s. 320.77, or who, under any contract, agreement, or arrangement with a dealer, for a commission, money, profit, or any other thing of value, sells, exchanges, buys, or offers for sale, negotiates, or attempts to negotiate a sale or exchange of an interest in a mobile home required to be titled under this chapter;

b. Induces or attempts to induce any person to buy or exchange an interest in a mobile home required to be registered and who receives or expects to receive a commission, money, brokerage fees, profit, or any other thing of value from the seller or purchaser of the mobile home; or

c. Exercises managerial control over the business of a licensed mobile home dealer or who supervises mobile home salespersons employed by a licensed mobile home dealer, whether compensated by salary or commission, including, but not limited to, any person who is employed by the mobile home dealer as a general manager, assistant general manager, or sales manager, or any employee of a licensed mobile home dealer who negotiates with or induces a customer to enter into a security agreement or purchase agreement or purchase order for the sale of a mobile home on behalf of the licensed mobile home dealer.

2. The term does not include:

a. A representative of an insurance company or a finance company, or a public official who, in the regular course of business, is required to dispose of or sell mobile homes under a contractual right or obligation of the employer, in the performance of an official duty, or under the authority of any court if the sale is to save the seller from any loss or pursuant to the authority of a court.

b. A person who is licensed as a manufacturer, remanufacturer, transporter, distributor, or representative of mobile homes.

c. A person who is licensed as a mobile home dealer under this chapter.

d. A person not engaged in the purchase or sale of mobile homes as a business who is disposing of mobile homes acquired for his or her own use or for use in his or her business if the mobile homes were acquired and used in good faith and not for the purpose of avoiding the provisions of this chapter.

(9) Salespersons to be registered by licensees.—

(a) Each licensee shall register with the department, within 30 days after the date of hire, the name, local residence address, and home telephone number of each person employed by such licensee as a mobile home salesperson. A licensee may not provide a post office box in lieu of a physical residential address.

(b) Each time a mobile home salesperson employed by a licensee changes his residence address, the salesperson must notify the department within 20 days after the change.

(c) Quarterly, each licensee shall notify the department of the termination or separation from employment of each mobile home salesperson employed by the licensee. Each notification must be on a form prescribed by the department.

Section 35. Section 320.781, Florida Statutes, is amended to read:

320.781 Mobile Home and Recreational Vehicle Protection Trust Fund.—

(1) There is hereby established a Mobile Home and Recreational Vehicle Protection Trust Fund. The trust fund shall be administered and managed by the Department of Highway Safety and Motor Vehicles. The expenses incurred by the department in administering this section shall be paid only from appropriations made from the trust fund.

(2) Beginning October 1, 1990, the department shall charge and collect an additional fee of $1 for each new mobile home and new recreational vehicle title transaction for which it charges a fee. This additional fee shall be deposited into the trust fund. The Department of Highway Safety and Motor Vehicles shall charge a fee of $40 per annual dealer and manufacturer license and license renewal, which shall be deposited into the trust fund. The sums deposited in the trust fund shall be used exclusively for carrying out the purposes of this section. These sums may be invested and reinvested by the Chief Financial Officer under the same limitations as apply to investment of other state funds, with all interest from these investments deposited to the credit of the trust fund.

(3) The trust fund shall be used to satisfy any judgment *or claim* by any person, as provided by this section, against a mobile home or recreational vehicle dealer or broker for damages, restitution, or expenses, including reasonable attorney's fees, resulting from a cause of action directly related to the conditions of any written contract made by him or her in connection with the sale, exchange, or improvement of any mobile home or recreational vehicle, or for any violation of chapter 319 or this chapter.

(4) The trust fund shall not be liable for any judgment, or part thereof, resulting from any tort claim except as expressly provided in subsection (3), nor for any punitive, exemplary, double, or treble damages. A person, the state, or any political subdivision thereof may recover against the mobile home or recreational vehicle dealer, broker, or surety, jointly and severally, for such damages, restitution, or expenses; provided, however, that in no event shall the trust fund or the surety be liable for an amount in excess of actual damages, restitution, or expenses.

(5) Subject to the limitations and requirements of this section, the trust fund shall be used by the department to compensate persons who have unsatisfied judgments, or in certain limited circumstances unsatisfied claims, against a mobile home or recreational vehicle dealer or broker. *The following conditions must exist for a person to be eligible to file a claim against the trust fund* ~~in one of the following situations~~:

(a) The claimant has obtained a final judgment *that* ~~which~~ is unsatisfied against the mobile home or recreational vehicle dealer or broker or its surety jointly and severally, or against the mobile home dealer or broker only, if the court found that the surety was not liable due to prior payment of valid claims against the bond in an amount equal to, or greater than, the face amount of the applicable bond*; or the claimant is prohibited from filing a claim in a lawsuit because a bankruptcy proceeding is pending by the dealer or broker, and the claimant has filed a claim in that bankruptcy proceeding; or the dealer or broker has closed his or her business and cannot be found or located within the jurisdiction of the state; and*~~.~~

(b) *A claim has been made in a lawsuit against the surety and a judgment obtained is unsatisfied; a claim has been made in a lawsuit against the surety which has been stayed or discharged in a bankruptcy proceeding; or a claimant is prohibited from filing a claim in a lawsuit because a bankruptcy proceeding is pending by surety or the surety is not liable due to the prior payment of valid claims against the bond in an amount equal to, or greater than, the face amount of the applicable bond. However, a claimant may not recover against the trust fund if the claimant has recovered from the surety an amount that is equal to or greater than the total loss.* ~~The claimant has obtained a judgment against the surety of the mobile home or recreational vehicle dealer or broker that is unsatisfied.~~

~~(c) The claimant has alleged a claim against the mobile home or recreational vehicle dealer or broker in a lawsuit which has been stayed or discharged as a result of the filing for reorganization or discharge in bankruptcy by the dealer or broker, and judgment against the surety is~~

~~not possible because of the bankruptcy or liquidation of the surety, or because the surety has been found by a court of competent jurisdiction not to be liable due to prior payment of valid claims against the bond in an amount equal to, or greater than, the face amount of the applicable bond.~~

(6) In order to recover from the trust fund, the person must file an application and verified claim with the department.

(a) If the claimant has obtained a judgment *that* ~~which~~ is unsatisfied against the mobile home or recreational vehicle dealer or broker or its surety as set forth in this section, the verified claim must specify the following:

1.a. That the judgment against the mobile home or recreational vehicle dealer or broker and its surety has been entered; or

b. That the judgment against the mobile home or recreational vehicle dealer or broker contains a specific finding that the surety has no liability, that execution has been returned unsatisfied, and that a judgment lien has been perfected;

2. The amount of actual damages broken down by category as awarded by the court or jury in the cause which resulted in the unsatisfied judgment, and the amount of attorney's fees set forth in the unsatisfied judgment;

3. The amount of payment or other consideration received, if any, from the mobile home or recreational vehicle dealer or broker or its surety;

4. The amount that may be realized, if any, from the sale of real or personal property or other assets of the judgment debtor liable to be sold or applied in satisfaction of the judgment and the balance remaining due on the judgment after application of the amount which has been realized and a certification that the claimant has made a good faith effort to collect the judgment; ~~and~~

5. An assignment by the claimant of rights, title, or interest in the unsatisfied judgement lien to the department; and

6.~~5.~~ Such other information as the department requires.

(b) If the claimant has alleged a claim as set forth in paragraph *(5)(a)* ~~(5)(c)~~ and for the reasons set forth therein has not been able to secure a judgment, the verified claim must contain the following:

1. A true copy of the pleadings in the lawsuit *that* ~~which~~ was stayed or discharged by the bankruptcy court and the order of the bankruptcy court staying those proceedings *or a true copy of the claim that was filed in the bankruptcy court proceedings*;

2. Allegations of the acts or omissions by the mobile home or recreational vehicle dealer or broker setting forth the specific acts or omissions complained of which resulted in actual damage to the person, along with the actual dollar amount necessary to reimburse or compensate the person for costs or expenses resulting from the acts or omissions of which the person complained;

3. True copies of all purchase agreements, notices, service or repair orders or papers or documents of any kind whatsoever which the person received in connection with the purchase, exchange, or lease-purchase of the mobile home or recreational vehicle from which the person's cause of action arises; ~~and~~

4. An assignment by the claimant of rights, title, or interest in the claim to the department; and

5.~~4.~~ Such other information as the department requires.

(c) The department may require such proof as it deems necessary to document the matters set forth in the claim.

(7) Within 90 days after receipt of the application and verified claim, the department shall issue its determination on the claim. Such determination shall not be subject to the provisions of chapter 120, but shall be reviewable only by writ of certiorari in the circuit court in the county in which the claimant resides in the manner and within the time provided by the Florida Rules of Appellate Procedure. The claim must be paid within 45 days after the determination, or, if judicial review is sought, within 45 days after the review becomes final. A person may not be paid an amount from the fund in excess of $25,000 per mobile home or recreational vehicle*, which includes any damages, restitution, payments received as the result of a claim against the surety bond, or expenses, including reasonable attorney's fees*. Prior to payment, the person must execute an assignment to the department of all the person's rights and title to, and interest in, the unsatisfied judgment and judgment lien or the claim against the dealer or broker and its surety.

(8) The department, in its discretion and where feasible, may try to recover from the mobile home or recreational vehicle dealer or broker, or the judgment debtor or its surety, all sums paid to persons from the trust fund. Any sums recovered shall be deposited to the credit of the trust fund. The department shall be awarded a reasonable attorney's fee for all actions taken to recover any sums paid to persons from the trust fund pursuant to this section.

(9) This section does not apply to any claim, and a person may not recover against the trust fund as the result of any claim, against a mobile home or recreational vehicle dealer or broker resulting from a cause of action directly related to the sale, lease-purchase, exchange, brokerage, or installation of a mobile home or recreational vehicle prior to *July 1, 2006* ~~October 1, 1990~~.

(10) Neither the department, nor the trust fund shall be liable to any person for recovery if the trust fund does not have the moneys necessary to pay amounts claimed. If the trust fund does not have sufficient assets to pay the claimant, it shall log the time and date of its determination for payment to a claimant. If moneys become available, the department shall pay the claimant whose unpaid claim is the earliest by time and date of determination.

(11) It is unlawful for any person or his or her agent to file any notice, statement, or other document required under this section which is false or contains any material misstatement of fact. Any person who violates this subsection is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 36. Subsection (16) of section 322.01, Florida Statutes, is amended, and subsections (43) and (44) are added to that section, to read:

322.01 Definitions.—As used in this chapter:

(16) "Driver's license" means a certificate *that* ~~which~~, subject to all other requirements of law, authorizes an individual to drive a motor vehicle *and denotes an operator's license as defined in 49 U.S.C. s. 30301.*

(43) "Identification card" means a personal identification card issued by the department which conforms to the definition in 18 U.S.C. s. 1028(d).

(44) "Temporary driver's license" or "temporary identification card" means a certificate issued by the department which, subject to all other requirements of law, authorizes an individual to drive a motor vehicle and denotes an operator's license, as defined in 49 U.S.C. s. 30301, or a personal identification card issued by the department which conforms to the definition in 18 U.S.C. s. 1028(d) and denotes that the holder is permitted to stay for a short duration of time, as specified on the temporary identification card, and is not a permanent resident of the United States.

Section 37. Subsection (1) of section 322.02, Florida Statutes, is amended to read:

322.02 Legislative intent; administration.—

(1) The Legislature finds that over the past several years the department and individual county tax collectors have entered into contracts for the delivery of full and limited driver license services where such contractual relationships best served the public interest through state administration and enforcement and local government implementation. It is the intent of the Legislature that future interests and processes for developing and expanding the department's relationship with tax collectors *and other county constitutional officers* through contractual relationships for the delivery of driver license services be achieved through the provisions of this chapter, thereby serving best the public interest considering accountability, cost-effectiveness, efficiency, responsiveness, and high-quality service to the drivers in Florida.

Section 38. Subsection (2) of section 322.05, Florida Statutes, is amended to read:

322.05 Persons not to be licensed.—The department may not issue a license:

(2) To a person who is at least 16 years of age but is under 18 years of age unless the person meets the requirements of s. 322.091 and holds a valid:

(a) Learner's driver's license for at least 12 months, with no *moving* traffic convictions, before applying for a license;

(b) Learner's driver's license for at least 12 months and who has a *moving* traffic conviction but elects to attend a traffic driving school for which adjudication must be withheld pursuant to s. 318.14; or

(c) License that was issued in another state or in a foreign jurisdiction and that would not be subject to suspension or revocation under the laws of this state.

Section 39. Subsection (1) of section 322.051, Florida Statutes, is amended to read:

322.051 Identification cards.—

(1) Any person who is *5* ~~12~~ years of age or older, or any person who has a disability, regardless of age, who applies for a disabled parking permit under s. 320.0848, may be issued an identification card by the department upon completion of an application and payment of an application fee.

(a) Each such application shall include the following information regarding the applicant:

1. Full name (first, middle or maiden, and last), gender, social security card number, county of residence and mailing address, country of birth, and a brief description.

2. Proof of birth date satisfactory to the department.

3. Proof of identity satisfactory to the department. Such proof must include one of the following documents issued to the applicant:

a. A driver's license record or identification card record from another jurisdiction that required the applicant to submit a document for identification which is substantially similar to a document required under sub-subparagraph b., sub-subparagraph c., sub-subparagraph d., sub-subparagraph e., sub-subparagraph f., or sub-subparagraph g.;

b. A certified copy of a United States birth certificate;

c. A United States passport;

d. A naturalization certificate issued by the United States Department of Homeland Security;

e. An alien registration receipt card (green card);

f. An employment authorization card issued by the United States Department of Homeland Security; or

g. Proof of nonimmigrant classification provided by the United States Department of Homeland Security, for an original identification card. In order to prove such nonimmigrant classification, applicants may produce but are not limited to the following documents:

(I) A notice of hearing from an immigration court scheduling a hearing on any proceeding.

(II) A notice from the Board of Immigration Appeals acknowledging pendency of an appeal.

(III) Notice of the approval of an application for adjustment of status issued by the United States Bureau of Citizenship and Immigration Services.

(IV) Any official documentation confirming the filing of a petition for asylum *or refugee* status or any other relief issued by the United States Bureau of Citizenship and Immigration Services.

(V) Notice of action transferring any pending matter from another jurisdiction to Florida, issued by the United States Bureau of Citizenship and Immigration Services.

(VI) Order of an immigration judge or immigration officer granting any relief that authorizes the alien to live and work in the United States including, but not limited to asylum.

(VII) Evidence that an application is pending for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States, if a visa number is available having a current priority date for processing by the United States Bureau of Citizenship and Immigration Services.

Presentation of any of the documents described in sub-subparagraph f. or sub-subparagraph g. entitles the applicant to an identification card for a period not to exceed the expiration date of the document presented or *1 year* ~~2 years~~, whichever first occurs.

(b) An application for an identification card must be signed and verified by the applicant in a format designated by the department before a person authorized to administer oaths. The fee for an identification card is $3, including payment for the color photograph or digital image of the applicant.

(c) Each such applicant may include fingerprints and any other unique biometric means of identity.

Section 40. Subsection (2) of section 322.08, Florida Statutes, is amended to read:

322.08 Application for license.—

(2) Each such application shall include the following information regarding the applicant:

(a) Full name (first, middle or maiden, and last), gender, social security card number, county of residence and mailing address, country of birth, and a brief description.

(b) Proof of birth date satisfactory to the department.

(c) Proof of identity satisfactory to the department. Such proof must include one of the following documents issued to the applicant:

1. A driver's license record or identification card record from another jurisdiction that required the applicant to submit a document for identification which is substantially similar to a document required under subparagraph 2., subparagraph 3., subparagraph 4., subparagraph 5., subparagraph 6., or subparagraph 7.;

2. A certified copy of a United States birth certificate;

3. A United States passport;

4. A naturalization certificate issued by the United States Department of Homeland Security;

5. An alien registration receipt card (green card);

6. An employment authorization card issued by the United States Department of Homeland Security; or

7. Proof of nonimmigrant classification provided by the United States Department of Homeland Security, for an original driver's license. In order to prove nonimmigrant classification, an applicant may produce the following documents, including, but not limited to:

a. A notice of hearing from an immigration court scheduling a hearing on any proceeding.

b. A notice from the Board of Immigration Appeals acknowledging pendency of an appeal.

c. A notice of the approval of an application for adjustment of status issued by the United States *Bureau of Citizenship and* Immigration *Services* ~~and Naturalization Service~~.

d. Any official documentation confirming the filing of a petition for asylum *or refugee* status or any other relief issued by the United States

Bureau of Citizenship and Immigration *Services* ~~and Naturalization Service~~.

e. A notice of action transferring any pending matter from another jurisdiction to this state issued by the United States *Bureau of Citizenship and* Immigration *Services* ~~and Naturalization Service~~.

f. An order of an immigration judge or immigration officer granting any relief that authorizes the alien to live and work in the United States, including, but not limited to, asylum.

g. Evidence that an application is pending for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States, if a visa number is available having a current priority date for processing by the United States Bureau of Citizenship and Immigration Services.

Presentation of any of the documents in subparagraph 6. or subparagraph 7. entitles the applicant to a driver's license or temporary permit for a period not to exceed the expiration date of the document presented or *1 year* ~~2 years~~, whichever occurs first.

(d) Whether the applicant has previously been licensed to drive, and, if so, when and by what state, and whether any such license or driving privilege has ever been disqualified, revoked, or suspended, or whether an application has ever been refused, and, if so, the date of and reason for such disqualification, suspension, revocation, or refusal.

(e) Each such application may include fingerprints and other unique biometric means of identity.

Section 41. Effective July 1, 2008, subsection (5) of section 322.12, Florida Statutes, is amended to read:

322.12 Examination of applicants.—

(5)(a) The department shall formulate a separate examination for applicants for licenses to operate motorcycles. Any applicant for a driver's license who wishes to operate a motorcycle, and who is otherwise qualified, must successfully complete such an examination, which is in addition to the examination administered under subsection (3). The examination must test the applicant's knowledge of the operation of a motorcycle and of any traffic laws specifically relating thereto and must include an actual demonstration of his or her ability to exercise ordinary and reasonable control in the operation of a motorcycle. Any applicant who fails to pass the initial knowledge examination will incur a $5 fee for each subsequent examination, to be deposited into the Highway Safety Operating Trust Fund. Any applicant who fails to pass the initial skills examination will incur a $10 fee for each subsequent examination, to be deposited into the Highway Safety Operating Trust Fund. In the formulation of the examination, the department shall consider the use of the Motorcycle Operator Skills Test and the Motorcycle in Traffic Test offered by the Motorcycle Safety Foundation. The department shall indicate on the license of any person who successfully completes the examination that the licensee is authorized to operate a motorcycle. If the applicant wishes to be licensed to operate a motorcycle only, he or she need not take the skill or road test required under subsection (3) for the operation of a motor vehicle, and the department shall indicate such a limitation on his or her license as a restriction. Every first-time applicant for licensure to operate a motorcycle ~~who is under 21 years of age~~ must provide proof of completion of a motorcycle safety course, as provided for in s. 322.0255, before the applicant may be licensed to operate a motorcycle.

(b) The department may exempt any applicant from the examination provided in this subsection if the applicant presents a certificate showing successful completion of a course approved by the department, which course includes a similar examination of the knowledge and skill of the applicant in the operation of a motorcycle.

Section 42. Subsection (8) of section 322.121, Florida Statutes, is amended to read:

322.121 Periodic reexamination of all drivers.—

(8) In addition to any other examination authorized by this section, an applicant for a renewal of an endorsement issued under s. 322.57(1)(a), (b), (c), (d), ~~or~~ (e)*, or (f)* may be required to complete successfully an examination of his or her knowledge regarding state and federal rules, regulations, and laws, governing the type of vehicle which he or she is seeking an endorsement to operate.

Section 43. Subsection (10) is added to section 322.135, Florida Statutes, to read:

322.135 Driver's license agents.—

(10) The department may contract with any county constitutional officer to provide driver license services in the same manner as provided in this section in a county where the tax collector is not elected or elects not to provide driver license services.

Section 44. Section 322.2615, Florida Statutes, is amended to read:

322.2615 Suspension of license; right to review.—

(1)(a) A law enforcement officer or correctional officer shall, on behalf of the department, suspend the driving privilege of a person who *is driving or in actual physical control of a motor vehicle and who has an* ~~has been arrested by a law enforcement officer for a violation of s. 316.193, relating to~~ unlawful blood-alcohol level or breath-alcohol level *of 0.08 or higher*, or of a person who has refused to submit to a ~~breath,~~ urine~~, or blood~~ test *or a test of his or her breath-alcohol or blood-alcohol level* ~~authorized by s. 316.1932~~. The officer shall take the person's driver's license and issue the person a 10-day temporary permit if the person is otherwise eligible for the driving privilege and shall issue the person a notice of suspension. If a blood test has been administered, ~~the results of which are not available to~~ the officer *or* ~~at the time of the arrest,~~ the agency employing the officer shall transmit such results to the department within 5 days after receipt of the results. If the department then determines that the person ~~was arrested for a violation of s. 316.193 and that the person~~ had a blood-alcohol level or breath-alcohol level of 0.08 or higher, the department shall suspend the person's driver's license pursuant to subsection (3).

(b) The suspension under paragraph (a) shall be pursuant to, and the notice of suspension shall inform the driver of, the following:

1.a. The driver refused to submit to a lawful breath, blood, or urine test and his or her driving privilege is suspended for a period of 1 year for a first refusal or for a period of 18 months if his or her driving privilege has been previously suspended as a result of a refusal to submit to such a test; or

b. The driver *was driving or in actual physical control of a motor vehicle and had* ~~violated s. 316.193 by driving with~~ an unlawful blood-alcohol level or breath-alcohol level *of 0.08 or higher* ~~as provided in that section~~ and his or her driving privilege is suspended for a period of 6 months for a first offense or for a period of 1 year if his or her driving privilege has been previously suspended *under this section* ~~for a violation of s. 316.193~~.

2. The suspension period shall commence on the date of ~~arrest or~~ issuance of the notice of suspension~~, whichever is later~~.

3. The driver may request a formal or informal review of the suspension by the department within 10 days after the date of ~~arrest or~~ issuance of the notice of suspension~~, whichever is later~~.

4. The temporary permit issued at the time of *suspension* ~~arrest~~ *expires* ~~will expire~~ at midnight of the 10th day following the date of ~~arrest or~~ issuance of the notice of suspension~~, whichever is later~~.

5. The driver may submit to the department any materials relevant to the *suspension* ~~arrest~~.

(2) Except as provided in paragraph (1)(a), the law enforcement officer shall forward to the department, within 5 days after *issuing* ~~the date of the arrest, a copy of~~ the notice of suspension, the driver's license*,* ~~of the person arrested, and a report of the arrest, including~~ an affidavit stating the officer's grounds for belief that the person *was driving or in actual physical control of a motor vehicle while under the influence of alcoholic beverages or chemical or controlled substances* ~~arrested was in violation of s. 316.193~~; the results of any breath or blood test or an affidavit stating that a breath, blood, or urine test was requested by a law enforcement officer or correctional officer and that the person ~~arrested~~ refused to submit; ~~a copy of the citation issued to the person arrested; and~~ the officer's description of the person's field sobriety test,

if any*; the notice of suspension; and a copy of the crash report, if any*. The failure of the officer to submit materials within the 5-day period specified in this subsection and in subsection (1) *does* ~~shall~~ not affect the department's ability to consider any evidence submitted at or prior to the hearing. The officer may also submit a copy of a videotape of the field sobriety test or the attempt to administer such test. *Materials submitted to the department by a law enforcement agency or correctional agency shall be considered self-authenticating and shall be in the record for consideration by the hearing officer. Notwithstanding s. 316.066(4), the crash report shall be considered by the hearing officer.*

(3) If the department determines that the license ~~of the person arrested~~ should be suspended pursuant to this section and if the notice of suspension has not already been served upon the person by a law enforcement officer or correctional officer as provided in subsection (1), the department shall issue a notice of suspension and, unless the notice is mailed pursuant to s. 322.251, a temporary permit *that* ~~which~~ expires 10 days after the date of issuance if the driver is otherwise eligible.

(4) If the person *whose license was suspended* ~~arrested~~ requests an informal review pursuant to subparagraph (1)(b)3., the department shall conduct the informal review by a hearing officer employed by the department. Such informal review hearing shall consist solely of an examination by the department of the materials submitted by a law enforcement officer or correctional officer and by the person *whose license was suspended* ~~arrested~~, and the presence of an officer or witness is not required.

(5) After completion of the informal review, notice of the department's decision sustaining, amending, or invalidating the suspension of the driver's license of the person *whose license was suspended* ~~arrested~~ must be provided to such person. Such notice must be mailed to the person at the last known address shown on the department's records, or to the address provided in the law enforcement officer's report if such address differs from the address of record, within 21 days after the expiration of the temporary permit issued pursuant to subsection (1) or subsection (3).

(6)(a) If the person *whose license was suspended* ~~arrested~~ requests a formal review, the department must schedule a hearing to be held within 30 days after such request is received by the department and must notify the person of the date, time, and place of the hearing.

(b) Such formal review hearing shall be held before a hearing officer employed by the department, and the hearing officer shall be authorized to administer oaths, examine witnesses and take testimony, receive relevant evidence, issue subpoenas *for the officers and witnesses identified in documents in subsection (2)*, regulate the course and conduct of the hearing, *question witnesses,* and make a ruling on the suspension. The ~~department and the person arrested may subpoena witnesses, and the~~ party requesting the presence of a witness shall be responsible for the payment of any witness fees and for notifying in writing the state attorney's office in the appropriate circuit of the issuance of the subpoena. If the person who requests a formal review hearing fails to appear and the hearing officer finds such failure to be without just cause, the right to a formal hearing is waived and the suspension shall be sustained.

(c) A party may seek enforcement of a subpoena under paragraph (b) by filing a petition for enforcement in the circuit court of the judicial circuit in which the person failing to comply with the subpoena resides. A failure to comply with an order of the court shall result in a finding of contempt of court. However, a person *is* ~~shall~~ not ~~be~~ in contempt while a subpoena is being challenged.

(d) The department must, within 7 working days after a formal review hearing, send notice to the person of the hearing officer's decision as to whether sufficient cause exists to sustain, amend, or invalidate the suspension.

(7) In a formal review hearing under subsection (6) or an informal review hearing under subsection (4), the hearing officer shall determine by a preponderance of the evidence whether sufficient cause exists to sustain, amend, or invalidate the suspension. The scope of the review shall be limited to the following issues:

(a) If the license was suspended for driving with an unlawful blood-alcohol level or breath-alcohol level *of 0.08 or higher* ~~in violation of s. 316.193~~:

1. Whether the ~~arresting~~ law enforcement officer had probable cause to believe that the person *whose license was suspended* was driving or in actual physical control of a motor vehicle in this state while under the influence of alcoholic beverages or *chemical or* controlled substances.

~~2. Whether the person was placed under lawful arrest for a violation of s. 316.193.~~

2.~~3.~~ Whether the person *whose license was suspended* had an unlawful blood-alcohol level or breath-alcohol level *of 0.08 or higher* as provided in s. 316.193.

(b) If the license was suspended for refusal to submit to a breath, blood, or urine test:

1. Whether the ~~arresting~~ law enforcement officer had probable cause to believe that the person *whose license was suspended* was driving or in actual physical control of a motor vehicle in this state while under the influence of alcoholic beverages or *chemical or* controlled substances.

~~2. Whether the person was placed under lawful arrest for a violation of s. 316.193.~~

2.~~3.~~ Whether the person *whose license was suspended* refused to submit to any such test after being requested to do so by a law enforcement officer or correctional officer.

3.~~4.~~ Whether the person *whose license was suspended* was told that if he or she refused to submit to such test his or her privilege to operate a motor vehicle would be suspended for a period of 1 year or, in the case of a second or subsequent refusal, for a period of 18 months.

(8) Based on the determination of the hearing officer pursuant to subsection (7) for both informal hearings under subsection (4) and formal hearings under subsection (6), the department shall:

(a) Sustain the suspension of the person's driving privilege for a period of 1 year for a first refusal, or for a period of 18 months if the driving privilege of such person has been previously suspended as a result of a refusal to submit to such tests, if the ~~arrested~~ person refused to submit to a lawful breath, blood, or urine test. The suspension period commences on the date of ~~the arrest or~~ issuance of the notice of suspension~~, whichever is later~~.

(b) Sustain the suspension of the person's driving privilege for a period of 6 months for a *blood-alcohol level or breath-alcohol level of 0.08 or higher* ~~violation of s. 316.193~~, or for a period of 1 year if the driving privilege of such person has been previously suspended *under this section* as a result of *driving with an unlawful alcohol level* ~~a violation of s. 316.193~~. The suspension period commences on the date of ~~the arrest or~~ issuance of the notice of suspension~~, whichever is later~~.

(9) A request for a formal review hearing or an informal review hearing shall not stay the suspension of the person's driver's license. If the department fails to schedule the formal review hearing to be held within 30 days after receipt of the request therefor, the department shall invalidate the suspension. If the scheduled hearing is continued at the department's initiative, the department shall issue a temporary driving permit *that* ~~which~~ shall be valid until the hearing is conducted if the person is otherwise eligible for the driving privilege. Such permit *may* ~~shall~~ not be issued to a person who sought and obtained a continuance of the hearing. The permit issued under this subsection shall authorize driving for business or employment use only.

(10) A person whose driver's license is suspended under subsection (1) or subsection (3) may apply for issuance of a license for business or employment purposes only if the person is otherwise eligible for the driving privilege pursuant to s. 322.271.

(a) If the suspension of the driver's license of the person for failure to submit to a breath, urine, or blood test is sustained, the person is not eligible to receive a license for business or employment purposes only, pursuant to s. 322.271, until 90 days have elapsed after the expiration of the last temporary permit issued. If the driver is not issued a 10-day permit pursuant to this section or s. 322.64 because he or she is ineligible for the permit and the suspension for failure to submit to a breath, urine, or blood test is not invalidated by the department, the driver is not eligible to receive a business or employment license pursuant to s. 322.271 until 90 days have elapsed from the date of the suspension.

(b) If the suspension of the driver's license of the person ~~arrested for a violation of s. 316.193,~~ relating to unlawful blood-alcohol level or breath-alcohol level *of 0.08 or higher*~~,~~ is sustained, the person is not eligible to receive a license for business or employment purposes only pursuant to s. 322.271 until 30 days have elapsed after the expiration of the last temporary permit issued. If the driver is not issued a 10-day permit pursuant to this section or s. 322.64 because he or she is ineligible for the permit and the suspension ~~for a violation of s. 316.193,~~ relating to unlawful blood-alcohol level *or breath-alcohol level of 0.08 or higher*~~,~~ is not invalidated by the department, the driver is not eligible to receive a business or employment license pursuant to s. 322.271 until 30 days have elapsed from the date of the *suspension* ~~arrest~~.

(11) The formal review hearing may be conducted upon a review of the reports of a law enforcement officer or a correctional officer, including documents relating to the administration of a breath test or blood test or the refusal to take either test or the refusal to take a urine test. However, as provided in subsection (6), the driver may subpoena the officer or any person who administered or analyzed a breath or blood test.

(12) The formal review hearing and the informal review hearing are exempt from the provisions of chapter 120. The department *may* ~~is authorized to~~ adopt rules for the conduct of reviews under this section.

(13) A person may appeal any decision of the department sustaining a suspension of his or her driver's license by a petition for writ of certiorari to the circuit court in the county wherein such person resides or wherein a formal or informal review was conducted pursuant to s. 322.31. However, an appeal shall not stay the suspension. *A law enforcement agency may appeal any decision of the department invalidating a suspension by a petition for writ of certiorari to the circuit court in the county wherein a formal or informal review was conducted.* This subsection shall not be construed to provide for a de novo appeal.

(14)(a) The decision of the department under this section *or any circuit court review thereof* may not be considered in any trial for a violation of s. 316.193, and a written statement submitted by a person in his or her request for departmental review under this section may not be admitted into evidence against him or her in any such trial.

(b) The disposition of any related criminal proceedings does not affect a suspension for refusal to submit to a blood, breath, or urine test~~, authorized by s. 316.1932 or s. 316.1933,~~ imposed under this section.

(15) If the department suspends a person's license under s. 322.2616, it may not also suspend the person's license under this section for the same episode that was the basis for the suspension under s. 322.2616.

(16) The department shall invalidate a suspension for driving with an unlawful blood-alcohol level or breath-alcohol level imposed under this section if the suspended person is found not guilty at trial of an underlying violation of s. 316.193.

Section 45. *(1) The Department of Highway Safety and Motor Vehicles shall study the outsourcing of its driver license services and shall make recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2007. As used in this section, the term "outsourcing" means the process of contracting with an external service provider or other governmental agency to provide a service, in whole or in part, while the department retains the responsibility and accountability for the service.*

(2) As part of its study, the department shall provide a description of the services to be outsourced. Types of issues for the department to consider must include, but need not be limited to:

(a) A detailed description of the service to be outsourced and a description and analysis of the department's current performance of the service.

(b) A cost-benefit analysis describing the estimated specific direct and indirect costs or savings; performance improvements, including reduced wait times at driver license offices; risks; and qualitative and quantitative benefits involved in or resulting from outsourcing the service. The cost-benefit analysis must include a detailed plan and timeline identifying all actions that must be implemented to realize the expected benefits.

(c) A statement of the potential effect on applicable federal, state, and local revenues and expenditures. The statement must specifically describe the effect on general revenue, trust funds, general revenue service charges, and interest on trust funds, together with the potential direct or indirect effect on federal funding and cost allocations.

(d) A plan to ensure compliance with public-records law.

(e) A transition and implementation plan for addressing changes in the number of department personnel, affected business processes, and employee-transition issues. Such a plan must also specify the mechanism for continuing the operation of the service if the contractor fails to perform or comply with the performance standards and provisions of the contract. Within this plan, the department shall identify all resources, including full-time equivalent positions, which are subject to outsourcing.

Section 46. Except as otherwise expressly provided in this act, this act shall take effect October 1, 2006.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 207.008, F.S.; requiring that a motor carrier maintain certain tax records for a specified period; amending s. 207.021, F.S.; authorizing the department to adopt rules to resolve disputes with motor carriers involving taxes, penalties, interest, or refunds; providing for an agreement with the department settling or compromising a taxpayer's liability for any tax, interest, or penalty; authorizing agreements for scheduling payments of taxes, penalties, or interest; amending s. 261.10, F.S.; providing a limitation on liability in off-highway vehicle recreation; creating s. 261.20, F.S.; authorizing operations of off-highway vehicles on public lands; providing restrictions; requiring safety courses; defining prohibited acts; providing penalties; amending s. 316.003, F.S.; defining the term "full mount"; revising the definition of "saddle mount" to provide for a full mount; amending s. 316.006, F.S.; authorizing the board of directors of a homeowner's association to provide for local law enforcement agencies to enforce state traffic laws on private roads that are controlled by the association; amending s. 316.0085, F.S.; applying provisions that relate to liability with respect to skateboarding, inline skating, and other recreational pursuits to mountain and off-road bicycling as well; requiring demonstration that consent by a parent or legal guardian was provided to a governmental entity in specified circumstances; amending s. 316.1001, F.S.; exempting the owner of a leased vehicle from responsibility for a failure to pay a toll violation under certain circumstances; amending s. 316.192, F.S.; adding to the definition of acts that constitute reckless driving; specifying certain acts that constitute reckless driving per se; amending s. 316.1955, F.S.; exempting the owner of a leased vehicle from responsibility for a violation of certain disabled parking violations in specific circumstances; amending s. 316.2015, F.S.; deleting an exception to a prohibition against persons riding on the exterior of a passenger vehicle; revising exceptions to a prohibition against persons riding on any vehicle on an area of the vehicle not designed or intended for the use of passengers; prohibiting an operator from allowing certain minors to ride within the open body of a pickup truck or flatbed truck on limited access facilities; providing exceptions; providing penalties; providing for counties to be exempted from the section; amending s. 316.2095, F.S.; deleting a requirement that certain motorcycles be equipped with passenger handholds; amending s. 316.211, F.S.; requiring a unique license plate for a motorcycle registered to a person younger than a specified age; creating s. 316.2123, F.S.; providing for all-terrain vehicle operation under certain conditions; requiring the operator to provide proof of ownership to a law enforcement officer; providing for counties to be exempted from the act; amending s. 316.2125, F.S.; granting local jurisdictions the authority to enact ordinances governing the use of golf carts within a retirement community which are more restrictive than state law; creating s. 316.2128, F.S.; providing requirements for the commercial sale of motorized scooters and miniature motorcycles; providing that a violation of the commercial sales requirements is an unfair and deceptive trade practice; amending s. 316.221, F.S.; exempting dump trucks and similar vehicles from the requirement that the rear registration plate be illuminated; amending s. 316.302, F.S.; updating references to federal commercial motor vehicle regulations; revising hours-of-service requirements for certain intrastate motor carriers; revising conditions for an exemption from commercial driver's license requirements; revising weight requirements for application of certain exceptions to specified federal regulations and to operation of certain commercial motor vehicles by persons of a certain age; amending s. 316.515, F.S.; authorizing certain uses of forestry equipment; providing width and speed limitations; requiring such vehicles to be operated in accordance with specified safety requirements;

revising length and mount requirements for automobile towaway and driveaway operations; authorizing saddle mount combinations to include one full mount; amending s. 318.143, F.S., relating to sanctions for infractions of ch. 316, F.S., committed by minors; allowing a court to require a minor and his or her parents or guardians to participate in a registered youthful driver monitoring service; creating s. 318.1435, F.S.; defining the term "youthful driver monitoring service"; providing procedures by which such a service may provide monitoring; providing registration requirements; amending s. 318.15, F.S.; providing for the collection of certain service charges by authorized driver licensing agents; amending s. 318.18, F.S.; providing increased penalties for violation of load on vehicle restrictions; amending s. 318.32, F.S.; authorizing officers to revoke a driver's license under certain circumstances; amending s. 320.02, F.S.; requiring proof of an endorsement before the original registration of a motorcycle, motor-driven cycle, or moped; amending s. 320.03, F.S.; exempting certain owners of leased vehicles from certain registration requirements; amending s. 320.07, F.S.; exempting certain owners of leased vehicles from certain penalties relating to annual registration-renewal requirements; amending s. 320.0706, F.S.; providing requirements for displaying the rear license plate on a dump truck; amending s. 320.08056, F.S.; providing annual use fees for certain plates; exempting collegiate license plates from the requirement for maintaining a specified number of license plate registrations; amending s. 320.08058, F.S.; creating the Future Farmers of America license plate; providing for the distribution of annual use fees received from the sale of such plates; amending s. 320.089, F.S.; providing for Operation Iraqi Freedom and Operation Enduring Freedom license plates for qualified military personnel; amending s. 320.27, F.S.; exempting certain applicants for a new franchised motor vehicle dealer license from certain training requirements; providing penalties for the failure to register a mobile home salesperson; amending s. 320.405, F.S.; authorizing the department to enter into an agreement for scheduling the payment of taxes or penalties; amending s. 320.77, F.S.; providing a definition; requiring mobile home salespersons to be registered with the department; amending s. 320.781, F.S.; providing for certain claims to be satisfied from the Mobile Home and Recreational Vehicle Protection Trust Fund; establishing certain conditions for such claims; providing limits on such claims; amending s. 322.01, F.S.; redefining the term "driver's license" to include an operator's license as defined by federal law; defining the terms "identification card," "temporary driver's license," and "temporary identification card" for purposes of ch. 322, F.S.; amending s. 322.02, F.S.; revising legislative intent provisions to include references to county constitutional officers providing driver licensing services; amending s. 322.05, F.S.; requiring that a driver holding a learner license may only have his or her application for a Class E license delayed for a moving violation; amending s. 322.051, F.S.; revising the age at which a person may be issued an identification card by the department; authorizing the use of additional documentation for purposes of proving nonimmigrant classification when a person applies for an identification card; amending s. 322.08, F.S.; authorizing the use of additional documentation for purposes of proving nonimmigrant classification when a person applies for a driver's license; amending s. 322.12, F.S.; requiring that all first-time applicants for a license to operate a motorcycle complete a motorcycle safety course; amending s. 322.121, F.S.; revising periodic license examination requirements; providing for such testing of applicants for renewal of a license under provisions requiring an endorsement permitting the applicant to operate a tank vehicle transporting hazardous materials; amending s. 322.135, F.S.; authorizing the department to contract with any county constitutional officer for driver license services in counties where the tax collector is not elected or does not provide the services; amending s. 322.2615, F.S.; revising the procedures under which a law enforcement officer or correctional officer may suspend the driving privilege of a person who is driving a motor vehicle and who has an unlawful blood-alcohol level or breath-alcohol level or who refuses to submit to a test of his or her urine, breath, or blood; deleting a requirement that such person be arrested for the offense of driving under the influence; revising certain reporting requirements; providing that materials submitted to the department by the law enforcement agency, including the crash report, are self-authenticating and part of the record for the hearing officer; authorizing a law enforcement agency to appeal a decision by the department invalidating a suspension of a person's driving privilege; directing the department to study the outsourcing of its driver license services to a provider or other governmental agency, in whole or in part, while retaining responsibility and accountability for the services; requiring that the department submit a report to the Governor and Legislature by a specified date; providing requirements for the department with respect to issues to be included in the study; requiring a cost-benefit analysis and a transition and implementation plan; providing effective dates.

MOTION

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

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

Amendment 1A (333500)(with title amendment)—On page 29, between lines 27 and 28, insert:

Section 25. Subsection (1) of section 320.015, Florida Statutes, is amended to read:

320.015 Taxation of mobile homes.—

(1) A mobile home, as defined in s. 320.01(2), regardless of its actual use, shall be subject only to a license tax unless classified and taxed as real property. A mobile home is to be considered real property only when the owner of the mobile home is also the owner of the land on which the mobile home is situated and said mobile home is permanently affixed thereto. Any prefabricated or modular housing unit or portion thereof not manufactured upon an integral chassis or undercarriage for travel over the highways shall be taxed as real property *once it is permanently affixed to real property. This subsection does not apply to a display home or other inventory being held for sale by a manufacturer or dealer of modular housing units* ~~even though transported over the highways to a site for erection or use~~.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 79, line 4, after the semicolon (;) insert: amending s. 320.015, F.S.; providing that a prefabricated or modular home shall be taxed as real property after it is permanently affixed to real property; providing an exception for certain display homes or dealer inventory;

MOTION

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

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

Amendment 1B (780432)(with title amendment)—On page 75, between lines 1 and 2, insert:

Section 46. Subsection (1) of section 627.733, Florida Statutes, is amended to read:

627.733 Required security.—

(1)*(a)* Every owner or registrant of a motor vehicle, other than a motor vehicle used as a ~~taxicab,~~ school bus as defined in s. 1006.25~~,~~ or limousine, required to be registered and licensed in this state shall maintain security as required by subsection (3) in effect continuously throughout the registration or licensing period.

(b) Every owner or registrant of a motor vehicle used as a taxicab shall not be governed by paragraph (1)(a) but shall maintain security as required under s. 324.032(1), and s. 627.737 shall not apply to any motor vehicle used as a taxicab.

Section 47. Subsection (1) of section 324.032, Florida Statutes, is amended to read:

324.032 Manner of proving financial responsibility; for-hire passenger transportation vehicles.—Notwithstanding the provisions of s. 324.031:

(1)*(a)* A person who is either the owner or a lessee required to maintain insurance under *s. 627.733(1)(b)* ~~s. 324.021(9)(b)~~ and who operates one or more taxicabs, limousines, jitneys, or any other for-hire passenger transportation vehicles may prove financial responsibility by furnishing satisfactory evidence of holding a motor vehicle liability policy ~~as defined in s. 324.031~~, but with minimum limits of $125,000/250,000/50,000.

(b) A person who is either the owner or a lessee required to maintain insurance under s. 324.021(9)(b) and who operates limousines, jitneys, or any other for-hire passenger vehicles, other than taxicabs, may prove financial responsibility by furnishing satisfactory evidence of holding a motor vehicle liability policy as defined in s. 324.031.

Upon request by the department, the applicant must provide the department at the applicant's principal place of business in this state access to the applicant's underlying financial information and financial statements that provide the basis of the certified public accountant's certification. The applicant shall reimburse the requesting department for all reasonable costs incurred by it in reviewing the supporting information. The maximum amount of self-insurance permissible under this subsection is $300,000 and must be stated on a per-occurrence basis, and the applicant shall maintain adequate excess insurance issued by an authorized or eligible insurer licensed or approved by the Office of Insurance Regulation. All risks self-insured shall remain with the owner or lessee providing it, and the risks are not transferable to any other person, unless a policy complying with subsection (1) is obtained.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 82, line 18, following the semicolon (;) insert: amending s. 627.733, F.S.; revising security requirements for certain vehicles; amending s. 324.032, F.S.; revising financial responsibility requirements for certain for-hire vehicles;

MOTION

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

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

Amendment 1C (272454)(with title amendment)—On page 75, between lines 1 and 2, insert:

Section 46. Section 318.1215, Florida Statutes, is amended to read:

318.1215 Dori Slosberg Driver Education Safety Act.—~~Effective October 1, 2002,~~ Notwithstanding the provisions of s. 318.121, a board of county commissioners may require, by ordinance, that the clerk of the court collect an additional *$5* ~~$3~~ with each civil traffic penalty, which shall be used to fund driver education programs in public and nonpublic schools. The ordinance shall provide for the board of county commissioners to administer the funds, which shall be used for enhancement, and not replacement, of driver education program funds. The funds shall be used for direct educational expenses and shall not be used for administration. Each driver education program receiving funds pursuant to this section shall require that a minimum of 30 percent of a student's time in the program be behind-the-wheel training. This section may be cited as the "Dori Slosberg Driver Education Safety Act."

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 82, line 18, after the semicolon (;) insert: amending s. 318.1215, F.S.; deleting obsolete language; increasing the amount of the surcharge on each civil traffic penalty which is to be used for driver education programs in schools;

MOTION

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

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

Amendment 1D (090730)(with title amendment)—On page 75 between lines 1 and 2 insert:

Section 46. Subsection (1) of section 316.083, Florida Statutes, is amended to read:

316.083 Overtaking and passing a vehicle.—The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall give an appropriate signal as provided for in s. 316.156, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. *The driver of a vehicle overtaking a bicycle or other nonmotorized vehicle must pass the bicycle or other nonmotorized vehicle at a safe distance of not less than 3 feet between the vehicle and the bicycle or other nonmotorized vehicle.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 82 line 18, after the semicolon (;) insert: amending s. 316.083, F.S.; requiring the driver of a vehicle overtaking a bicycle or other nonmotorized vehicle to pass the bicycle or other nonmotorized vehicle at a safe, specified distance;

MOTION

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

Senator Fasano moved the following amendments to **Amendment 1** which were adopted:

Amendment 1E (712970)(with title amendment)—On page 56, line 20 through page 57, line 6, delete section 37 and renumber subsequent sections.

And the title is amended as follows:

On page 80, lines 19-22, delete those lines and insert: F.S.; amending

Amendment 1F (042100)(with title amendment)—On page 64, lines 6-13, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 81, lines 15-20, delete those lines and insert: materials; amending s. 322.2615, F.S.;

MOTION

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

Senator Baker moved the following amendments to **Amendment 1** which were adopted:

Amendment 1G (243366)(with title amendment)—On page 26, between lines 29 and 30, insert:

Section 20. Subsection (9) of section 318.14, Florida Statutes, is amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(9) Any person who does not hold a commercial driver's license and who is cited for an infraction under this section other than a violation of *s. 316.183(2), s. 316.187, or s. 316.189 when the driver exceeds the posted limit by 30 miles per hour or more,* s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a court appearance, elect to attend in the location of his or her choice within this state a basic driver improvement course approved by the Department of Highway Safety and Motor Vehicles. In such a case, adjudication must be withheld; points, as provided by s. 322.27, may not be assessed; and the civil penalty that is imposed by s. 318.18(3) must be reduced by 18 percent; however, a person may not make an election under this subsection if the person has made an election under this subsection in the preceding 12 months. A person may make no more than five elections under this subsection. The requirement for community service under s. 318.18(8) is not waived by a plea of nolo contendere or by the withholding of adjudication of guilt by a court.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 78, line 17, after the semicolon (;) insert: amending s. 318.14, F.S.; providing exceptions to procedures for certain speed-limit violations; removing the option for certain offenders to attend driver improvement school;

Amendment 1H (280532)(with directory and title amendments)—On page 29, before line 1, insert:

(3)(a) Except as otherwise provided in this section, $60 for all moving violations not requiring a mandatory appearance.

(b) For moving violations involving unlawful speed, the fines are as follows:

For speed exceeding the limit by:	Fine:
1-5 m.p.h.	Warning
6-9 m.p.h.	$ 25
10-14 m.p.h.	$100
15-19 m.p.h.	$125
20-29 m.p.h.	$150
30 m.p.h. and above	$250

(c) Notwithstanding paragraph (b), a person cited for exceeding the speed limit by up to 5 m.p.h. in a legally posted school zone will be fined $50. A person exceeding the speed limit in a school zone shall pay a fine double the amount listed in paragraph (b).

(d) A person cited for exceeding the speed limit in a posted construction zone shall pay a fine double the amount listed in paragraph (b). The fine shall be doubled for construction zone violations only if construction personnel are present or operating equipment on the road or immediately adjacent to the road under construction.

(e) If a violation of s. 316.1301 or s. 316.1303 results in an injury to the pedestrian or damage to the property of the pedestrian, an additional fine of up to $250 shall be paid. This amount must be distributed pursuant to s. 318.21.

(f) A person cited for exceeding the speed limit within a zone posted for any electronic or manual toll collection facility shall pay a fine double the amount listed in paragraph (b). However, no person cited for exceeding the speed limit in any toll collection zone shall be subject to a doubled fine unless the governmental entity or authority controlling the toll collection zone first installs a traffic control device providing warning that speeding fines are doubled. Any such traffic control device must meet the requirements of the uniform system of traffic control devices.

(g) A person cited for a second or subsequent conviction of speed exceeding the limit by 30 miles per hour and above within a 12-month period shall pay a fine that is double the amount listed in paragraph (b). For purposes of this paragraph, the term "conviction" means a finding of guilt, with or without adjudication of guilt, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere, notwithstanding s. 318.14(11). Moneys received from the increased fine imposed by this paragraph shall be remitted to the Department of Revenue and deposited into the Department of Health Administrative Trust Fund to provide financial support to certified trauma centers to assure the availability and accessibility of trauma services throughout the state. Funds deposited into the Administrative Trust Fund under this section shall be allocated as follows:

1. Fifty percent shall be allocated equally among all Level I, Level II, and pediatric trauma centers in recognition of readiness costs for maintaining trauma services.

2. Fifty percent shall be allocated among Level I, Level II, and pediatric trauma centers based on each center's relative volume of trauma cases as reported in the Department of Health Trauma Registry.

And the directory clause is amended as follows:

On page 28, line 27, delete that line and insert:

Section 23. Subsections (3) and (12) of section 318.18, Florida

And the title is amended as follows:

On page 78, line 31, after the semicolon (;) insert: providing increased penalties for certain speed-limit violations; providing for disposition of increased penalties;

Amendment 1I (172362)(with title amendment)—On page 29, between lines 7 and 8, insert:

Section 24. Section 318.19, Florida Statutes, is amended to read:

318.19 Infractions requiring a mandatory hearing.—Any person cited for the infractions listed in this section shall not have the provisions of s. 318.14(2), (4), and (9) available to him or her but must appear before the designated official at the time and location of the scheduled hearing:

(1) Any infraction which results in a crash that causes the death of another;

(2) Any infraction which results in a crash that causes "serious bodily injury" of another as defined in s. 316.1933(1);

(3) Any infraction of s. 316.172(1)(b); ~~or~~

(4) Any infraction of s. 316.520(1) or (2)*; or*~~.~~

(5) Any infraction of s. 316.183(2), s. 316.187, or s. 316.189 of exceeding the speed limit by 30 m.p.h. or more.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 79, line 2, after the first semicolon (;) insert: amending s. 318.19, F.S.; requiring mandatory hearings for certain speed-limit violations;

On motion by Senator Sebesta, further consideration of **HB 7079** with pending **Amendment 1 (220694)** as amended was deferred.

Consideration of **CS for SB 900** and **CS for SB 962** was deferred.

On motion by Senator Fasano—

CS for SB 1886—A bill to be entitled An act relating to facilities for retained spring training franchises; amending s. 212.20, F.S.; revising a limitation on certain distributions to certified facilities for a retained spring training franchise; deleting a provision entitling an applicant to receive certain distributions without additional certification; amending s. 288.1162, F.S.; requiring the Office of Tourism, Trade, and Economic Development to competitively evaluate applications for funding of certain additional facilities; providing application and certification requirements; specifying evaluation criteria; revising the number of certifications of such facilities; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1886** to **HB 7089**.

Pending further consideration of **CS for SB 1886** as amended, on motion by Senator Fasano, by two-thirds vote **HB 7089** was withdrawn from the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

On motion by Senator Fasano—

HB 7089—A bill to be entitled An act relating to facilities for retained spring training franchises; amending s. 212.20, F.S.; revising a limitation on certain distributions to certified facilities for a retained spring training franchise; deleting a provision entitling an applicant to receive certain distributions without additional certification; amending s. 288.1162, F.S.; requiring the Office of Tourism, Trade, and Economic Development to competitively evaluate applications for funding of certain additional facilities; providing application and certification requirements; specifying evaluation criteria; revising the number of certifications of such facilities; providing an effective date.

—a companion measure, was substituted for **CS for SB 1886** as amended and read the second time by title.

Senator Haridopolos moved the following amendments which were adopted:

Amendment 1 (300158)—Line 188, delete that line and insert:

under subparagraph 1. An applicant that is a unit of government that has an agreement for a retained spring training franchise for 15 or more years which was entered into between July 1, 2003, and July 1, 2004, shall be eligible for funding. Applications must be submitted by October

Amendment 2 (571488)—Line 210, delete that line and insert: *lease shall not exceed 5 years, unless an agreement of 15 years or more was entered into between July 1, 2003, and July 1, 2004.*

MOTION

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

Senator Fasano moved the following amendment:

Amendment 3 (624416)(with title amendment)—Between lines 246 and 247, insert:

Section 3. Subsection (2) of section 218.61, Florida Statutes, is amended to read:

218.61 Local government half-cent sales tax; designated proceeds; trust fund.—

(2) Money remitted by a sales tax dealer located within the county and transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund shall be earmarked for distribution to the governing body of that county and of each municipality within that county. *Such distributions shall be made after funding is provided pursuant to s. 218.64(3), if applicable.* Such moneys shall be known as the "local government half-cent sales tax."

Section 4. Present subsection (3) of section 218.64, Florida Statutes, is redesignated as subsection (4), and a new subsection (3) is added to that section, to read:

218.64 Local government half-cent sales tax; uses; limitations.—

(3) Subject to ordinances enacted by the majority of the members of the county governing authority and by the majority of the members of the governing authorities of municipalities representing at least 50 percent of the municipal population of such county, counties may use up to $2 million annually of the local government half-cent sales tax allocated to that county for funding for any of the following applicants:

(a) A certified applicant as a "facility for a new professional sports franchise," a "facility for a retained professional sports franchise," or a "facility for a retained spring training franchise," as provided for in s. 288.1162. It is the Legislature's intent that the provisions of s. 288.1162, including, but not limited to, the evaluation process by the Office of Tourism, Trade, and Economic Development except for the limitation on the number of certified applicants or facilities as provided in that section and the restrictions set forth in s. 288.1162(9), shall apply to an applicant's facility to be funded by local government as provided in this subsection.

(b) A certified applicant as a "motorsport entertainment complex," as provided for in s. 288.1172. Funding for each franchise, convention center, or motorsport complex shall begin 60 days after certification and shall continue for not more than 30 years.

Section 5. Section 288.1171, Florida Statutes, is created to read:

288.1171 Motorsports entertainment complex; definitions; certification; duties.—

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

(a) "Applicant" means the owner of a motorsports entertainment complex.

(b) "Motorsports entertainment complex" means a closed-course racing facility.

(c) "Motorsports event" means a motorsports race that has been sanctioned by a sanctioning body.

(d) "Office" means the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor.

(e) "Owner" means a unit of local government which owns a motorsports entertainment complex or owns the land on which the motorsports entertainment complex is located.

(f) "Sanctioning body" means the American Motorcycle Association (AMA), Championship Auto Racing Teams (CART), Grand American Road Racing Association (Grand Am), Indy Racing League (IRL), National Association for Stock Car Auto Racing (NASCAR), National Hot Rod Association (NHRA), Professional Sportscar Racing (PSR), Sports Car Club of America (SCCA), United States Auto Club (USAC), or any successor organization, or any other nationally recognized governing body of motorsports which establishes an annual schedule of motorsports events and grants rights to conduct such events, has established and administers rules and regulations governing all participants involved in such events and all persons conducting such events, and requires certain liability assurances, including insurance.

(g) "Unit of local government" has the meaning ascribed in s. 218.369.

(2) The Office of Tourism, Trade, and Economic Development shall serve as the state agency for screening applicants for local-option funding under s. 218.64(3) and for certifying an applicant as a motorsports entertainment complex. The office shall develop and adopt rules for the receipt and processing of applications for funding under s. 218.64(3). The office shall make a determination regarding any application filed by an applicant not later than 120 days after the application is filed.

(3) Before certifying an applicant as a motorsports entertainment complex, the office must determine that:

(a) A unit of local government holds title to the land on which the motorsports entertainment complex is located or holds title to the motorsports entertainment complex.

(b) The municipality in which the motorsports entertainment complex is located, or the county if the motorsports entertainment complex is located in an unincorporated area, has certified by resolution after a public hearing that the application serves a public purpose.

(4) Upon determining that an applicant meets the requirements of subsection (3), the office shall notify the applicant and the executive director of the Department of Revenue of such certification by means of an official letter granting certification. If the applicant fails to meet the certification requirements of subsection (3), the office shall notify the applicant not later than 10 days following such determination.

(5) A motorsports entertainment complex that has been previously certified under this section and has received funding under such certification is ineligible for any additional certification.

(6) An applicant certified as a motorsports entertainment complex may use funds provided pursuant to s. 218.64(3) only for the following public purposes:

(a) Paying for the construction, reconstruction, expansion, or renovation of a motorsports entertainment complex.

(b) Paying debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect to bonds issued for the construction, reconstruction, expansion, or renovation of the motorsports entertainment complex or for the reimbursement of such costs or the refinancing of bonds issued for such purposes.

(c) Paying for construction, reconstruction, expansion, or renovation of transportation or other infrastructure improvements related to, necessary for, or appurtenant to the motorsports entertainment complex, including, without limitation, paying debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect to bonds issued for the construction, reconstruction, expansion, or renovation of such transportation or other infrastructure improvements, and for the reimbursement of such costs or the refinancing of bonds issued for such purposes.

(d) Paying for programs of advertising and promotion of or related to the motorsports entertainment complex or the municipality in which the motorsports entertainment complex is located, or the county if the motorsports entertainment complex is located in an unincorporated area, if such programs of advertising and promotion are designed to increase paid attendance at the motorsports entertainment complex or increase tourism in or promote the economic development of the community in which the motorsports entertainment complex is located.

(7) The Department of Revenue may audit, as provided in s. 213.34, to verify that the distributions pursuant to this section have been expended as required in this section. Such information is subject to the confidentiality requirements of chapter 213. If the Department of Revenue determines that the distributions pursuant to certification under this section have not been expended as required by this section, it may pursue recovery of such funds pursuant to the laws and rules governing the assessment of taxes.

(Redesignate subsequent sections.)

And the title is amended as follows:

On line 13, after the semicolon (;) insert: amending s. 218.61, F.S.; providing that distributions of the local government half-cent sales tax to the governing body of a county and of each municipality be made after funding is provided pursuant to s. 218.64(3), F.S., if applicable; amending s. 218.64, F.S.; authorizing counties and certain municipalities within such counties to use up to $2 million annually from local government half-cent sales tax distributions for funding for a certified facility for a new professional sports franchise, a facility for a retained professional sports franchise, a facility for a retained spring training franchise, or a motorsports entertainment complex; creating s. 288.1171, F.S.; providing for the certification of motorsports entertainment complexes by the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor; providing definitions; providing requirements for certification; requiring specified notice; providing for use of the funds distributed to a motorsports entertainment complex; providing for audits by the Department of Revenue;

MOTION

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

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

Amendment 3A (364360)—On page 2, lines 24 and 25, delete those lines and insert: *entertainment complex," as provided for in s. 288.1171. Funding for each franchise or motorsport*

Amendment 3 as amended was adopted.

Pursuant to Rule 4.19, **HB 7089** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders, by two-thirds vote **HB 615** was withdrawn from the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

On motion by Senator Saunders—

HB 615—A bill to be entitled An act relating to professional sports franchises; amending s. 288.1162, F.S.; providing additional requirements with respect to certification as a facility for a new professional sports franchise or a facility for a retained professional sports franchise; providing for repeal of the requirements by a specified date; providing an effective date.

—a companion measure, was substituted for **SB 1426** and read the second time by title.

Pursuant to Rule 4.19, **HB 615** was placed on the calendar of Bills on Third Reading.

On motion by Senator Smith, the Senate recalled—

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.

—for further consideration.

RECONSIDERATION OF AMENDMENT

On motion by Senator Smith, the Senate reconsidered the vote by which **Amendment 1 (065004)** by Senator Smith, as amended, was adopted.

MOTION

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

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

Amendment 1B (222956)(with title amendment)—On page 16, between lines 4 and 5, insert:

Section 17. Paragraph (h) is added to subsection (17) of section 493.6101, Florida Statutes, to read:

493.6101 Definitions.—

(17) "Private investigation" means the investigation by a person or persons for the purpose of obtaining information with reference to any of the following matters:

(h) Background or preemployment investigations including the furnishing of reports, except for in-house interviews, reports, and investigations and instant drug tests or drug testing by a state or federally certified drug testing facility.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 18, line 12, after the semicolon (;) insert: amending s. 493.6101, F.S.; revising the definition of the term "private investigation";

MOTION

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

MOTION

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

Senators Atwater, Smith and Argenziano offered the following amendment to **Amendment 1** which was moved by Senator Atwater and adopted:

Amendment 1C (450430)(with title amendment)—On page 16, between lines 4 and 5, insert:

Section 17. Subsection (3) of section 212.0501, Florida Statutes, is amended to read:

212.0501 Tax on diesel fuel for business purposes; purchase, storage, and use.—

(3) For purposes of this section, "consumption, use, or storage by a trade or business" does not include those uses of diesel fuel specifically exempt on account of residential purposes, or *in any tractor, vehicle, or other equipment used exclusively on a farm or for processing farm products on the farm, no part of which diesel fuel is used in any licensed motor vehicle on the public highways of this state* ~~on account of agricultural purposes as defined in s. 212.08(5)~~, or the purchase or storage of diesel fuel held for resale.

Section 18. Paragraph (e) of subsection (5) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(e)*1.* Gas used for certain agricultural purposes.—Butane gas, propane gas, natural gas, and all other forms of liquefied petroleum gases are exempt from the tax imposed by this chapter if used in any tractor, vehicle, or other farm equipment which is used exclusively on a farm or for processing farm products on the farm and no part of which gas is used in any vehicle or equipment driven or operated on the public highways of this state. This restriction does not apply to the movement of farm vehicles or farm equipment between farms. The transporting of bees by water and the operating of equipment used in the apiary of a beekeeper is also deemed an exempt use.

2. Electricity used for certain agricultural purposes.—Electricity used directly and exclusively for production or processing of agricultural products on the farm is exempt from the tax imposed by this chapter. This exemption applies only if the electricity used for the exempt purposes is separately metered. If the electricity is not separately metered, it is conclusively presumed that some portion of the electricity is used for a nonexempt purpose, and all of the electricity used for such purposes is taxable.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 18, line 12, after the semicolon (;) insert: amending s. 212.0501, F.S.; excluding from application of the sales and use tax diesel fuel used in certain farming vehicles or for certain farming purposes; amending s. 212.08, F.S.; exempting from the sales and use tax electricity used for specified agricultural purposes; providing application; providing a conclusive presumption of taxable use under certain circumstances;

Amendment 1 as amended was adopted.

On motion by Senator Smith, by two-thirds vote **HB 7075** as amended was read the third time by title, passed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	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 Constantine, the Senate resumed consideration of—

CS for CS for SB 772—A bill to be entitled An act relating to schools; amending s. 1001.47, F.S.; clarifying the applicability of the salary formula and certification programs to elected district school superintendents; amending s. 1001.50, F.S.; authorizing participation by appointed district school superintendents in certification programs established by the Department of Education; amending s. 1003.02, F.S.; authorizing district school board attendance policies to allow accumulated tardies and early departures to be recorded as unexcused absences; authorizing district school board policies for student referral to a child study team under certain circumstances; amending s. 1003.21, F.S.; providing that students who have attained 16 years of age and have not graduated are subject to compulsory school attendance under certain circumstances; requiring student exit interviews prior to terminating school enrollment; amending s. 1003.26, F.S.; providing district school superintendent's responsibility to support local law enforcement agencies in enforcing school attendance; providing required and authorized child study team interventions; authorizing visits by school representatives; transferring and amending s. 1013.721, F.S.; renaming the Florida Business and Education in School Together Program as "A Business-Community (ABC) School Program"; defining the term "A Business-Community School"; requiring each school board to submit certain documentation to the Department of Education; requiring each school board to designate a school program liaison; requiring each school district to establish an evaluation committee; requiring each school board to provide to the department information about each member of the committee; requiring the committee to submit an annual report to the school board and the superintendent; providing for the committee's responsibilities; providing for admissions of students to the school program; authorizing a school district and a business to enter into a contract for operation of the school program; amending s. 1013.502, F.S.; providing for facilities for the school program; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 3 (592524)** by Senator Constantine was adopted.

MOTION

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

Senator Webster moved the following amendment which failed:

Amendment 4 (092692)(with title amendment)—On page 18, between lines 9 and 10, insert:

Section 8. Paragraph (a) of subsection (2) of section 1006.20, Florida Statutes, is amended to read:

1006.20 Athletics in public K-12 schools.—

(2) ADOPTION OF BYLAWS.—

(a) The organization shall adopt bylaws that, unless specifically provided by statute, establish eligibility requirements for all students who participate in high school athletic competition in its member schools. The *provisions of the* bylaws *that govern* ~~governing~~ residence and transfer shall allow the student to be eligible *at all levels of athletics* in the school in which he or she first enrolls each school year, or makes himself or herself a candidate for an athletic team by engaging in a practice prior to enrolling in any member school. ~~The student shall be eligible in that school so long as he or she remains enrolled in that school. Subsequent~~ *The* eligibility *of students who transfer during the school year* shall be *governed by* ~~determined and enforced through~~ the organization's bylaws.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 18, after the semicolon (;) insert: amending s. 1006.20, F.S.; revising certain eligibility provisions for students who participate in high school athletic competition;

Pursuant to Rule 4.19, **CS for CS for SB 772** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta, the Senate resumed consideration of—

HB 7079—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 207.008, F.S.; revising requirements for motor carriers to retain certain records as required by the Department of Highway Safety and Motor Vehicles for tax purposes; amending s. 207.021, F.S.; authorizing the department to adopt rules establishing informal conferences to resolve disputes with motor carriers arising from the assessment of taxes, penalties, or interest or the denial of refunds; specifying certain rights of the motor carrier; providing for closing agreements to settle or compromise the taxpayer's liability; providing conditions for settlement or compromise; authorizing installment payment to settle liability; amending s. 261.10, F.S.; limiting liability of state agencies, water management districts, counties, and municipalities, and officers and employees thereof, providing off-highway vehicle recreation areas; creating s. 261.20, F.S.; authorizing operation of off-highway vehicles on public lands; providing requirements for operation by certain minors; requiring supervision, a certificate of completion of a safety education course, and certain safety equipment; providing exceptions; requiring approval by the Department of Agriculture and Consumer Services of the courses; requiring certain equipment on off-highway vehicles; providing for exceptions to equipment requirements by rule of the department; prohibiting certain acts; providing penalties; providing exemptions; amending s. 316.003, F.S.; revising the definition of "saddle mount" to provide for a full mount; amending s. 316.0085, F.S.; revising provisions for risks of certain activities on government-owned property to include mountain and off-road bicycling; revising definitions; providing for limitations on liability of the governmental entity; providing exceptions to the limitations; providing for assumption of risks by the person engaged in the activity; providing responsibilities of the participants; amending s. 316.1001, F.S.; revising procedures for disposition of citations issued for failure to pay a toll; providing for violations involving leased vehicles; amending s. 316.1955, F.S.; providing for responsibility for certain parking violations involving leased vehicles; amending s. 316.2015, F.S.; revising restrictions on riding on the exterior of a vehicle; removing an exception; providing exceptions to restrictions on riding in areas of a vehicle not intended for passengers; amending s. 316.2095, F.S.; deleting a requirement that certain motorcycles be equipped with passenger handholds; amending s. 316.211, F.S.; requiring motorcycles registered to certain persons to display a license plate that is unique in design and color; providing penalties; creating s. 316.2123, F.S.; prohibiting operation of all-terrain vehicles on public roads and streets; providing an exception for operation on described roadways; providing conditions; requiring the operator to provide proof of ownership to a law enforcement officer; providing for a local government to restrict such operation; amending s. 316.2125, F.S.; providing for a local governmental entity to enact an ordinance regarding golf cart operation and equipment that is more restrictive than specified provisions; limiting application of such ordinance to unlicensed drivers; creating s. 316.2128, F.S.; providing notice requirements for commercial sale of motorized scooters and miniature motorcycles; providing a definition; providing that a violation of the notice requirements is an unfair and deceptive trade practice; amending s. 316.221, F.S.; providing an exemption from certain taillamp requirements for dump trucks and vehicles with dump bodies; amending s. 316.302, F.S.; updating reference to federal commercial motor vehicle regulations; revising hours-of-service requirements for certain intrastate motor carriers; revising conditions for an exemption from commercial driver license requirements; revising weight requirements for application of certain exceptions to specified federal regulations and to operation of certain commercial motor vehicles by persons of a certain age; amending s. 316.515, F.S.; authorizing the Department of Transportation to issue overwidth permits for certain implements of husbandry; authorizing certain uses of forestry equipment; providing width and speed limitations; requiring such vehicles to be operated during daylight hours and in accordance with specified safety requirements; revising length and mount requirements for automobile towaway and driveaway operations; authorizing saddle mount combinations to include one full mount; requiring saddle mount combinations to comply with specified safety regulations; amending s. 318.14, F.S.; providing exceptions to procedures for disposition of citations for certain traffic violations; removing the option for certain offenders to attend driver improvement school; amending s. 318.143, F.S.; revising provisions for court-imposed sanctions on a minor for specified traffic violations; authorizing a court to require a minor and his or her parents or guardian to participate in a registered youthful driver monitoring service; creating s. 318.1435, F.S.; providing for youthful driver monitoring services; providing for registration with the Department of Highway Safety and Motor Vehicles; amending s. 318.18, F.S.; revising penalty provisions to provide for certain criminal penalties; providing increased penalties for certain speed limit violations; defining "conviction" for specified purposes; increasing penalties for violations of vehicle load requirements; imposing a surcharge to be paid for specified traffic-related criminal offenses and all noncriminal moving traffic violations; providing for the proceeds of the surcharge to be used for the state agency law enforcement radio system; amending s. 318.21, F.S.; revising provisions for disposition of civil penalties to provide for distribution of a specified surcharge; amending s. 318.19, F.S.; requiring mandatory hearings for certain speed limit violations; amending s. 318.32, F.S.; revising the powers of civil traffic infraction hearing officers; amending s. 320.015, F.S.; revising provisions relating to the taxation of mobile homes to clarify when specified prefabricated or modular housing units shall be taxed as real property; providing construction with respect to display homes or other inventory being held for sale by a manufacturer or dealer of modular housing units; amending s. 320.02, F.S.; requiring proof of required endorsement on a driver license as a condition for original registration of a motorcycle, motor-driven cycle, or moped; amending s. 320.03, F.S.; revising the requirement to withhold issuance of a license plate or revalidation sticker from certain persons to exempt the owner of a leased vehicle when that vehicle is registered in the name of the lessee; amending s. 320.07, F.S.; providing for responsibility for certain registration violations when the motor vehicle involved is leased and registered in the name of the lessee; amending s. 320.0706, F.S.; revising requirements for display of license plates; providing display requirements for dump trucks; prohibiting display in such a manner that the letters and numbers and their proper sequence are not readily identifiable; amending s. 320.08056, F.S.; establishing an annual use fee for the Future Farmers of America license plate; amending s. 320.08058, F.S.; revising provisions for distribution of revenues received from the sale of Sportsmen's National Land Trust license plates; creating the Future Farmers of America license plate and providing for use of funds received from the sale of the plates; amending s. 320.0807, F.S.; providing for license plates for legislative presiding officers; amending s. 320.089, F.S.; providing for Operation Iraqi Freedom and Operation Enduring Freedom license plates for qualified military personnel; amending s. 320.27, F.S.; revising motor vehicle dealer licensing requirements; revising certain training provisions; correcting terminology; correcting a cross-reference; providing for denial, suspension, or revocation of a license for failure to register a mobile home salesperson; amending s. 320.405, F.S.; authorizing the department to enter into agreements to schedule payments to settle certain liabilities under the International Registration Plan; amending s. 320.77, F.S.; revising mobile home dealer license requirements; defining "mobile home salesperson"; requiring licensees to register salespersons; providing registration criteria and procedures; requiring the licensee to report salesperson separation from employment to the department; amending s. 320.781, F.S.; revising criteria for use of funds in the Mobile Home and Recreational Vehicle Protection Trust Fund to settle a judgment or claim against a mobile home or recreational vehicle dealer or broker for damages, restitution,

or expenses; revising conditions for filing a claim and for receiving payment; revising application provisions; amending s. 322.01, F.S.; revising the definition of "driver's license"; defining "identification card," "temporary driver's license," and "temporary identification card"; amending s. 322.05, F.S.; revising requirements for a person who has not attained 18 years of age to be issued a driver license; amending s. 322.051, F.S.; revising the age requirement for issuance of an identification card; revising criteria for proof of the identity and status of an applicant for an identification card; revising the period of issuance for certain temporary identification cards; amending s. 322.08, F.S.; revising criteria for proof of the identity and status of an applicant for a driver license; revising the period of issuance for certain temporary driver licenses or permits; amending s. 322.12, F.S.; requiring all first-time applicants for licensure to operate a motorcycle to provide proof of completion of a motorcycle safety course; amending s. 322.121, F.S.; revising periodic license examination requirements; providing for such testing of applicants for renewal of a license under provisions requiring an endorsement permitting the applicant to operate a tank vehicle transporting hazardous materials; amending s. 322.2615, F.S.; revising provisions for suspension of driver licenses and review of suspension by the department; revising procedures; revising terms of suspension; revising validity of temporary permit issued; revising criteria for notice of the suspension; revising requirements for information provided by the officer to the department; providing that certain materials shall be considered self-authenticating and available to a hearing officer; revising authority of the hearing officer to subpoena and question witnesses; revising provisions for review of the suspension; removing provision for the department and the person arrested to subpoena witnesses; revising provisions for the scope of a review of the suspension; revising duties of the department upon a determination by the hearing officer; revising provisions for issuance of a license for business or employment purposes only; providing for appeal by a law enforcement agency of a department decision invalidating a suspension; providing that the court review may not be used in a trial for driving under the influence; amending s. 322.27, F.S.; providing for an increase in driver license points assessed for certain speed limit violations and for traffic control signal device violations resulting in a crash; defining "conviction" for specified purposes; amending s. 320.08056, F.S.; exempting collegiate license plates from the requirement for maintaining a specified number of license plate registrations; amending s. 316.172, F.S.; providing for school bus stop zones; prohibiting exceeding the posted speed limit within such zones; providing penalties; amending s. 318.18, F.S.; providing a penalty for exceeding the posted speed limit in a school bus stop zone by a certain speed; providing a short title; amending s. 316.006, F.S.; authorizing the board of directors of a homeowner's association to provide for local law enforcement agencies to enforce state traffic laws on private roads that are controlled by the association; amending s. 318.1215, F.S.; increasing the amount of a local option surcharge on traffic penalties; amending s. 318.15, F.S.; providing for the collection of certain service charges by authorized driver licensing agents; amending s. 320.08056, F.S.; exempting collegiate license plates from the requirement for maintaining a specified number of license plate registrations; amending s. 627.733, F.S.; revising security requirements for certain vehicles; amending s. 324.032, F.S.; revising financial responsibility requirements for certain for-hire vehicles; directing the department to study the outsourcing of its driver license services to a provider or other governmental agency, in whole or in part, while retaining responsibility and accountability for the services; requiring that the department submit a report to the Governor and Legislature by a specified date; providing requirements for the department with respect to issues to be included in the study; requiring a cost-benefit analysis and a transition and implementation plan; amending s. 206.606, F.S.; authorizing the use of certain funds for local boating related projects and activities; amending s. 327.59, F.S.; authorizing marina owners, operators, employees, and agents to take actions to secure vessels during severe weather and to charge fees and be held harmless for such service; holding marina operators, employees, and agents liable for damage caused by intentional acts or negligence while removing or securing vessels; authorizing contract provisions and providing contract notice requirements relating to removing or securing vessels; amending s. 327.60, F.S.; providing for local regulation of anchoring within mooring fields; amending s. 328.64, F.S.; requiring the Department of Highway Safety and Motor Vehicles to provide forms for certain notification related to vessels; requiring the department to provide by rule for the surrender and replacement of certificates of registration to reflect change of address; amending s. 328.72, F.S.; requiring counties to use funds for specific boating related purposes; requiring counties to provide reports demonstrating specified expenditure of such funds; providing penalties for failure to comply; amending s. 376.11, F.S.; authorizing the distribution of revenues from the Florida Coastal Protection Trust Fund to all local governments for the removal of certain vessels; amending s. 376.15, F.S.; revising provisions relating to the removal of abandoned and derelict vessels; specifying officers authorized to remove such vessels; providing that certain costs are recoverable; requiring the Department of Legal Affairs to represent the Fish and Wildlife Conservation Commission in certain actions; expanding eligibility for disbursement of grant funds for the removal of certain vessels; amending s. 403.813, F.S.; providing exemptions from permitting, registration, and regulation of floating vessel platforms or floating boat lifts by a local government; authorizing local governments to require certain permits or registration for floating vessel platforms or floating boat lifts under certain circumstances; amending s. 705.101, F.S.; revising the definition of "abandoned property" to include certain vessels; amending s. 705.103, F.S.; revising the terminology relating to abandoned or lost property to conform; amending s. 823.11, F.S.; revising provisions relating to abandoned and derelict vessels and the removal of such vessels; providing a definition of "derelict vessel"; specifying which officers may remove such vessels; directing the Fish and Wildlife Conservation Commission to implement a plan for the procurement of federal disaster funds for the removal of derelict vessels; requiring the Department of Legal Affairs to represent the commission in certain actions; deleting a provision authorizing the commission to delegate certain authority to local governments under certain circumstances; authorizing private property owners to remove certain vessels with required notice; providing that cost of such removal is recoverable; prohibiting private property owners from hindering the removal of certain vessels by vessel owners or agents; providing for jurisdictional imposition of civil penalties for violations relating to certain vessels; providing that riparian rights shall include the right to moor a vessel under certain conditions; providing effective dates.

—which was previously considered this day. Pending **Amendment 1 (220694)** by Senator Sebesta, as amended, was adopted.

Pursuant to Rule 4.19, **HB 7079** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater—

CS for SB 1206—A bill to be entitled An act relating to commerce; providing legislative findings and purpose relating to the contribution of the manufacturing sector to the economy of this state and relating to free trade agreements with the Americas; amending s. 212.08, F.S.; deleting a limitation on the annual amount of an exemption from the sales tax for certain machinery and equipment used to increase productive output; deleting an exemption from the sales tax for machinery and equipment used to expand certain printing manufacturing facilities or plant units; deleting a provision stating that the sales tax exemption for machinery and equipment purchased for use in phosphate or other solid mineral severance, mining, or processing operations may be taken only by way of a prospective credit against certain taxes; deleting a limitation on the annual amount of a sales tax exemption for certain machinery and equipment purchased under a federal procurement contract; repealing s. 212.0805, F.S., relating to qualifications for the exemption and credit for machinery and equipment purchased by an expanding business for use in phosphate or other solid minerals severance, mining, or processing operations; providing an appropriation and authorizing positions; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1206** to **HB 69**.

Pending further consideration of **CS for SB 1206** as amended, on motion by Senator Atwater, by two-thirds vote **HB 69** was withdrawn from the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; General Government Appropriations; and Ways and Means.

On motion by Senator Atwater—

HB 69—A bill to be entitled An act relating to exemptions from the tax on sales, use, and other transactions; providing a short title; providing legislative findings and purpose; amending s. 212.08, F.S.; deleting an annual limitation on an exemption from the sales tax for certain

machinery and equipment used to increase productive output; deleting an exemption for machinery and equipment used to expand certain printing manufacturing facilities or plant units; deleting a limitation on application of the exemption for machinery and equipment purchased for use in phosphate or other solid minerals severance, mining, or processing operations by way of a prospective credit; deleting an annual limitation on an exemption from the sales tax for certain machinery and equipment purchased under a federal procurement contract; repealing s. 212.0805, F.S., relating to qualifications for the exemption and credit for machinery and equipment purchased by an expanding business for use in phosphate or other solid minerals severance, mining, or processing operations; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for SB 1206** as amended and read the second time by title.

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

On motion by Senator Fasano—

CS for SB 1292—A bill to be entitled An act relating to the taxation of alcoholic beverages; amending s. 561.121, F.S.; deleting provisions crediting specified taxes on alcoholic beverages to accounts funding substance abuse programs for children and adolescents; providing for future deletion of a provision providing for payment and credit of alcoholic beverage surcharge funds to the General Revenue Fund to conform; terminating the Children and Adolescents Substance Abuse Trust Fund within the Department of Children and Family Services; providing for disposition of balances in and revenues of such trust fund; amending s. 215.20, F.S.; conforming provisions to the repeal of the trust fund; amending s. 561.501, F.S.; deleting a provision imposing a surcharge on alcoholic beverages sold for consumption on the premises; amending s. 561.025, F.S., to conform; providing for future repeal of s. 561.501, F.S., relating to the collection of the alcoholic beverage surcharge; providing an appropriation; providing effective dates.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1292** to **HB 7105**.

Pending further consideration of **CS for SB 1292** as amended, on motion by Senator Fasano, by two-thirds vote **HB 7105** was withdrawn from the Committees on Regulated Industries; Government Efficiency Appropriations; Health and Human Services Appropriations; and Ways and Means.

On motion by Senator Fasano—

HB 7105—A bill to be entitled An act relating to the taxation of alcoholic beverages; amending s. 561.121, F.S.; deleting provisions crediting specified taxes on alcoholic beverages to accounts funding substance abuse programs for children and adolescents; providing for future deletion of a provision providing for payment and credit of alcoholic beverage surcharge funds to the General Revenue Fund to conform; terminating the Children and Adolescents Substance Abuse Trust Fund within the Department of Children and Family Services; providing for disposition of balances in and revenues of such trust fund; amending s. 215.20, F.S.; conforming provisions to the repeal of the trust fund; amending s. 561.501, F.S.; deleting a provision imposing a surcharge on alcoholic beverages sold for consumption on the premises; amending s. 561.025, F.S., to conform; providing for future repeal of s. 561.501, F.S., relating to the collection of the alcoholic beverage surcharge; providing an appropriation; providing effective dates.

—a companion measure, was substituted for **CS for SB 1292** as amended and read the second time by title.

MOTION

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

Senator Fasano moved the following amendments which were adopted:

Amendment 1 (562960)—On page 7, line 178, delete "*2007*" and insert: *2008*

Amendment 2 (464924)—On page 2, line 44, delete "2007" and insert: 2008

Amendment 3 (164068)—On page 7, line 185, delete "2006" and insert: 2007

Pursuant to Rule 4.19, **HB 7105** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

SB 1698—A bill to be entitled An act relating to judges; amending s. 26.031, F.S.; revising the number of circuit court judges in certain circuits; amending s. 34.022, F.S.; revising the number of county court judges in certain counties; amending s. 35.06, F.S.; revising the number of district court judges in certain district courts of appeal; providing for the election of new circuit and county court judges created by the act in the 2006 general election; providing legislative findings; providing that the circuit and county court judicial offices created by the act constitute vacancies in office for purposes of qualifying for the 2006 general election; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1698** to **HB 113**.

Pending further consideration of **SB 1698** as amended, on motion by Senator Crist, by two-thirds vote **HB 113** was withdrawn from the Committees on Judiciary; Justice Appropriations; and Ways and Means.

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

HB 113—A bill to be entitled An act relating to judges; amending s. 26.031, F.S.; revising the number of circuit court judges in certain circuits; amending s. 34.022, F.S.; revising the number of county court judges in certain counties; amending s. 35.06, F.S.; revising the number of appellate court judges in certain appellate districts; providing appropriations and authorizing positions; providing effective dates.

—a companion measure, was substituted for **SB 1698** as amended and read the second time by title.

MOTION

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

Senator Crist moved the following amendment which was adopted:

Amendment 1 (221686)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 26.031, Florida Statutes, as amended by section 2 of chapter 2005-150, Laws of Florida, and section 1 of chapter 2005-356, Laws of Florida, is amended to read:

26.031 Judicial circuits; number of judges.—The number of circuit judges in each circuit shall be as follows:

JUDICIAL CIRCUIT	TOTAL
(1) First	*24* ~~22~~
(2) Second	16
(3) Third	7
(4) Fourth	*35* ~~32~~
(5) Fifth	*31* ~~28~~
(6) Sixth	*45* ~~44~~
(7) Seventh	*27* ~~26~~

(8) Eighth 13

(9) Ninth . . . . . *43* ~~40~~

(10) Tenth . . . . . *28* ~~26~~

(11) Eleventh . . . . . *80* ~~77~~

(12) Twelfth . . . . . *21* ~~19~~

(13) Thirteenth . . . . . *45* ~~41~~

(14) Fourteenth . . . . . *11* ~~10~~

(15) Fifteenth 35

(16) Sixteenth 4

(17) Seventeenth . . . . . *58* ~~56~~

(18) Eighteenth . . . . . *26* ~~25~~

(19) Nineteenth . . . . . *19* ~~18~~

(20) Twentieth . . . . . *31* ~~25~~

Section 2. Section 34.022, Florida Statutes, as amended by section 4 of chapter 2005-150, Laws of Florida, and section 2 of chapter 2005-356, Laws of Florida, is amended to read:

34.022 Number of county court judges for each county.—The number of county court judges in each county shall be as follows:

COUNTY TOTAL

(1) Alachua 5

(2) Baker 1

(3) Bay 4

(4) Bradford 1

(5) Brevard . . . . . *11* ~~9~~

(6) Broward . . . . . *32* ~~28~~

(7) Calhoun 1

(8) Charlotte . . . . . *3* ~~2~~

(9) Citrus 1

(10) Clay 2

(11) Collier . . . . . *6* ~~5~~

(12) Columbia 1

(13) DeSoto 1

(14) Dixie 1

(15) Duval . . . . . *17* ~~16~~

(16) Escambia 5

(17) Flagler 1

(18) Franklin 1

(19) Gadsden 1

(20) Gilchrist 1

(21) Glades 1

(22) Gulf 1

(23) Hamilton 1

(24) Hardee 1

(25) Hendry 1

(26) Hernando 2

(27) Highlands 1

(28) Hillsborough 17

(29) Holmes 1

(30) Indian River 2

(31) Jackson 1

(32) Jefferson 1

(33) Lafayette 1

(34) Lake 3

(35) Lee . . . . . *8* ~~7~~

(36) Leon 5

(37) Levy 1

(38) Liberty 1

(39) Madison 1

(40) Manatee 4

(41) Marion 4

(42) Martin 3

(43) Miami-Dade . . . . . *43* ~~42~~

(44) Monroe 4

(45) Nassau 1

(46) Okaloosa 3

(47) Okeechobee 1

(48) Orange . . . . . *18* ~~16~~

(49) Osceola . . . . . *4* ~~3~~

(50) Palm Beach . . . . . *19* ~~18~~

(51) Pasco . . . . . *7* ~~5~~

(52) Pinellas . . . . . *17* ~~15~~

(53) Polk . . . . . *10* ~~9~~

(54) Putnam 2

(55) St. Johns 2

(56) St. Lucie 4

(57) Santa Rosa 2

(58) Sarasota 5

(59) Seminole 6

(60) Sumter 1

(61) Suwannee 1

(62) Taylor 1

(63) Union 1

(64) Volusia 10

(65) Wakulla 1

(66) Walton 1

(67) Washington 1

Section 3. *(1) The Governor may not fill the circuit and county court judicial offices created in sections 1 and 2 of this act by appointment, but those offices shall be filled by election in the 2006 general election pursuant to chapter 105, Florida Statutes. Candidates for the circuit and county court judicial offices created in sections 1 and 2 of this act shall qualify as provided in chapter 105, Florida Statutes, except that candidates qualifying under this act shall qualify no earlier than noon of the 50th day, and no later than noon of the 46th day, before the primary election.*

(2) The Legislature finds that an emergency does not exist and the public business does not require immediate appointment of the circuit and county court judicial offices created in sections 1 and 2 of this act.

(3) The circuit and county court judicial offices created in sections 1 and 2 of this act constitute vacancies in office for purposes of qualifying for the 2006 general election.

(4) The terms of the circuit and county court judicial offices created in sections 1 and 2 of this act shall begin on January 2, 2007.

Section 4. *The sums of $7,029,955 in recurring funds and $268,402 in nonrecurring funds are appropriated from the General Revenue Fund to the circuit and county courts for the 2006-2007 fiscal year and 122 full-time positions and associated rate of 10,250,751 are authorized. The sum of $2,926,000 in recurring funds is appropriated from the General Revenue Fund to the Justice Administrative Commission for the state attorneys and 55 full-time positions and associated rate of 2,107,490 are authorized. From the 55 full-time positions, up to two full-time positions, associated funding, and rate shall be distributed to the state attorney for each judicial office created by this act when assigned to criminal court. The sum of $1,463,000 in recurring funds is appropriated from the General Revenue Fund to the Justice Administrative Commission for the public defenders and 27.5 full-time positions and associated rate of 1,053,745 are authorized. From the 27.5 full-time positions, up to one full-time position, associated funding, and rate shall be distributed to the public defender for each judicial office created by this act when assigned to criminal court.*

Section 5. This act shall take effect July 1, 2006.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to judges; amending s. 26.031, F.S.; revising the number of circuit court judges in certain circuits; amending s. 34.022, F.S.; revising the number of county court judges in certain counties; providing for the election of new circuit and county court judges created by the act in the 2006 general election; providing qualifying dates for these positions; providing legislative findings; providing that the circuit and county court judicial offices created by the act constitute vacancies in office for purposes of qualifying for the 2006 general election; providing appropriations and authorizing positions; providing an effective date.

Pursuant to Rule 4.19, **HB 113** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1858**, **CS for CS for CS for SB's 528, 530 and 858**, **CS for CS for SB 860** and **CS for CS for CS for CS for CS for SB 1058** was deferred.

On motion by Senator Argenziano, the Senate resumed consideration of—

CS for CS for CS for SB 2280—A bill to be entitled An act relating to high-risk offenders; amending s. 322.141, F.S.; requiring distinctive markings for driver's licenses and identification cards issued to persons who are designated as sexual predators or subject to registration as sexual offenders; amending s. 322.212, F.S.; prohibiting the alteration of sexual predator or sexual offender markings on driver's licenses or identification cards, for which there are criminal penalties; amending s. 775.21, F.S.; requiring sexual predators to obtain a distinctive driver's license or identification card; amending s. 943.0435, F.S.; requiring sexual offenders to obtain a distinctive driver's license or identification card; amending s. 944.607, F.S.; requiring specified offenders who are under the supervision of the Department of Corrections but are not incarcerated to obtain a distinctive driver's license or identification card; amending s. 1012.465, F.S.; amending background screening requirements for certain noninstructional school district employees and contractors; adding noninstructional contractors to those who must meet the screening requirements; defining the terms "noninstructional contractor," "convicted," and "school grounds"; creating s. 1012.467, F.S.; providing for the submission of fingerprints; requiring school districts to screen results of criminal records checks; requiring the cost of background screening requirements to be borne by certain parties; providing a cap on fees that may be charged; authorizing the retention of fingerprints; providing a list of violations that such persons must not have committed if they are to satisfy the screening requirements; providing sanctions for failure to meet requirements; providing grounds for contesting denial of access to school grounds; providing reporting requirements; providing that the failure to meet requirements is a misdemeanor of the first degree; allowing certain educational entities to share information derived from checks of criminal history records; authorizing the Department of Law Enforcement to adopt rules; providing immunity from civil or criminal liability; creating s. 1012.468, F.S.; specifying exemptions for contractors; providing criteria and conditions; providing that exempted contractors are subject to a search of certain databases that list sexual predators and sexual offenders; providing consequences of a failure to meet the screening requirements; prohibiting school districts from conducting additional criminal history checks; creating s. 1012.321, F.S.; creating an exception for certain instructional personnel; providing criteria; providing effective dates.

—which was previously considered and amended this day with pending **Amendment 2 (352334)** by Senator Argenziano and **Amendment 2A (142720)** by Senator Wise.

MOTION

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

Senator Argenziano moved the following substitute amendment for **Amendment 2A** which was adopted:

Amendment 2B (095960)—On page 1, line 17 through page 2, line 15, delete those lines and insert:

(4) A noninstructional contractor who has been convicted of any of the offenses listed in paragraph (2)(g) may not be permitted on school grounds when students are present, unless the contractor has received a full pardon or has had his or her civil rights restored. A noninstructional contractor who is present on school grounds in violation of this subsection commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(5) If a school district has reasonable cause to believe that grounds exist for the denial of a contractor's access to school grounds when students are present, it shall notify the contractor in writing, stating the specific record that indicates noncompliance with the standards set forth in this section. It is the responsibility of the affected contractor to contest his or her denial. The only basis for contesting the denial is proof of mistaken identity.

(6) Each contractor who is subject to the requirements of this section shall agree to inform his or her employer or the party to whom he or she is under contract and the school district within 48 hours if he or she is arrested for any of the disqualifying offenses in paragraph (2)(g). A contractor who willfully fails to comply with this subsection commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083. If the employer of a contractor or the party to whom the contractor is under contract knows the contractor has been arrested for any of the disqualifying offenses in paragraph (2)(g) and authorizes the contractor to be present on school grounds when students are present, such employer or such party commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

Amendment 2 as amended was adopted.

Senator Argenziano moved the following amendments which were adopted:

Amendment 3 (942864)—On page 14, between lines 27 and 28, insert:

(e) A noninstructional contractor who provides pick-up or delivery services and those services involve brief visits on school grounds when students are present.

Amendment 4 (952314)—On page 15, lines 6-10, delete those lines and insert: *subsection without charge or fee to the contractor.*

(b) A noninstructional contractor who is identified as a sexual predator or sexual offender in the registry search required in paragraph (a) is not permitted on school grounds when students are present. Upon determining that a noninstructional contractor is not permitted on school grounds pursuant to this subsection, the school district shall notify the vendor, individual, or entity under contract within three business days.

MOTION

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

Senator Argenziano moved the following amendment which was adopted:

Amendment 5 (244990)(with title amendment)—On page 14, line 27, after the period (.) insert: *The State Board of Education shall adopt rules to develop uniform specifications for what constitutes a separate and secure site that has perimeter fencing. These specifications shall be binding on the school districts.*

And the title is amended as follows:

On page 2, line 20, after the second semicolon (;) insert: providing for rulemaking by the State Board of Education;

Pursuant to Rule 4.19, **CS for CS for CS for SB 2280** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Pruitt, the rules were waived and time of recess was extended until completion of **HB 615** and **HB 7075** and motions and announcements.

RECONSIDERATION OF BILL

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

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.

—as amended passed this day.

On motion by Senator Smith, the rules were waived and the Senate reconsidered the vote by which **HB 7075** was read the third time.

On motion by Senator Smith, the Senate reconsidered the vote by which **Amendment 1 (065004)** by Senator Smith, as amended, was adopted.

On motion by Senator Smith, the Senate reconsidered the vote by which **Amendment 1B (222956)** by Senator Aronberg was adopted. **Amendment 1B** was withdrawn.

Amendment 1 as amended was adopted.

On motion by Senator Smith, by two-thirds vote **HB 7075** as amended was read the third time by title, passed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Garcia	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 Saunders, the Senate recalled—

HB 615—A bill to be entitled An act relating to professional sports franchises; amending s. 288.1162, F.S.; providing additional requirements with respect to certification as a facility for a new professional sports franchise or a facility for a retained professional sports franchise; providing for repeal of the requirements by a specified date; providing an effective date.

—for further consideration.

MOTION

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

Senators Garcia, Villalobos, and Diaz de la Portilla offered the following amendment which was moved by Senator Garcia and adopted:

Amendment 1 (740456)(with title amendment)—Lines 16 through 38, delete those lines and insert:

(7) The Office of Tourism, Trade, and Economic Development shall notify the Department of Revenue of any facility certified as a facility for a new professional sports franchise or a facility for a retained professional sports franchise or as a facility for a retained spring training franchise. The Office of Tourism, Trade, and Economic Development shall certify no more than *nine* ~~eight~~ facilities as facilities for a new professional sports franchise or as facilities for a retained professional sports franchise ~~and shall certify at least five as facilities for retained spring training franchises~~, including in such total any facilities certified by the Department of Commerce before July 1, 1996. *The number of certifications of facilities for retained spring training franchises shall be pursuant to subsection (5).* The office may make no more than one certification for any facility. The office may not certify funding for less than the requested amount to any applicant certified as a facility for a retained spring training franchise.

(9)*(a)* An applicant is not qualified for certification under this section if the franchise formed the basis for a previous certification, unless*:*

1. The previous certification was withdrawn by the facility or invalidated by the Office of Tourism, Trade, and Economic Development or the Department of Commerce before any funds were distributed pursuant to s. 212.20*; or*~~.~~

2. The previous certification was for an applicant that served as the home facility for two professional sports franchises and the franchise was used as a basis for the certification of a new applicant. Notwithstanding any other provision of this section, the franchise continuing to use the original applicant shall be considered the franchise forming the basis of the previous certification and the previous certification shall continue to apply for the time period permitted from the original date of certification.

(b) This subsection does not disqualify an applicant if the previous certification occurred between May 23, 1993, and May 25, 1993; however, any funds to be distributed pursuant to s. 212.20 for the second certification shall be offset by the amount distributed to the previous certified facility. Distribution of funds for the second certification shall not be made until all amounts payable for the first certification have been distributed.

(c) Payments to a certified applicant may not extend beyond the period for which the original certification was issued.

Section 2. *Notwithstanding any other provision of law, an applicant that is certified after the effective date of this act pursuant to s. 288.1162, Florida Statutes, by the Office of Tourism, Trade, and Economic Development as a facility for a new professional sports franchise or a facility for a retained professional sports franchise may not receive disbursements pursuant to s. 212.20(6)(d)7.b., Florida Statutes, until July 1, 2008.*

(Redesignate subsequent sections.)

And the title is amended as follows:

Lines 3 through 7, delete those lines and insert: amending s. 288.1162, F.S.; clarifying the number of certifications of facilities for retained spring training franchises; increasing the number of facilities certified by the Office of Tourism, Trade, and Economic Development as facilities for a new professional sports franchise or as facilities for a retained professional sports franchise; providing an additional exception to disqualification for certification of an applicant when the franchise formed the basis of a previous certification; providing that payments to a certified applicant may not extend beyond the period for which the original certification was issued; specifying the date on which an applicant certified after the effective date of the act may receive disbursements; providing

On motion by Senator Saunders, **HB 615** as amended was placed on the calendar of Bills on Third Reading.

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 Thursday, May 4.

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 Thursday, May 4.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Pruitt, by two-thirds vote **CS for SB 1646** was withdrawn from the Committee on Ways and Means; and **CS for CS for SB 926** 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 Wednesday, May 3, 2006: CS for SB 1310, CS for SB 588, CS for SB 826, SB 2566, SB 2564, CS for SB 2424, CS for CS for SB 1766, CS for CS for SB 2356, CS for SB 2066, CS for SB 2250, CS for SB 2358, CS for CS for SB 2202, CS for CS for SB 954, CS for CS for SB 1306, SB 1022, CS for SB 1162, SB 1152, CS for CS for SB 2048, CS for CS for SB 1980, CS for SB 286, CS for CS for SB 1208, CS for SB 1816, SB 1942, CS for SB 2226, CS for SB 2292, CS for CS for SB 1742, CS for CS for SB 2366, CS for SB 2380, CS for CS for CS for SB 1030, CS for SB 2682, CS for SB 2744, CS for SB 678, SB 952, CS for SB 1092, CS for CS for SB 282, CS for SB 1052, SM 2626, CS for SB 2360, SB 2076, SB 2078, SJR 1840, CS for CS for SB 1020, CS for SB 2036, CS for SB 2218, SB 2438, CS for CS for SB 2238, CS for CS for CS for SB 1388, CS for CS for CS for SB 2490, CS for SB 976, SB 1148, CS for CS for SB 1320, CS for SB 1522, SB 1746, CS for CS for SB 2012, SB 488, CS for CS for SB 2128, SB 910, SB 1126, CS for SB 2688, CS for CS for SB 2010, CS for SB 2026, CS for SB 2322, CS for SB 2096, CS for SB 2214, CS for SB 280, CS for SB 1268, CS for CS for SB 1332, CS for CS for SB 2018, SB 2274, CS for CS for CS for SB 2280, CS for CS for SB 2412, SB 2472, CS for CS for CS for SB 856, SB 1128, CS for SB 2298, CS for CS for SB 2602, CS for SB 2708, CS for SB 1494, CS for CS for SB 772, CS for SB 1536, CS for CS for CS for SB 2020, CS for CS for CS for SB 1880, CS for SB 2460, CS for CS for SB 2102, CS for SB 900, CS for SB 962, CS for SB 1886, SB 1426, CS for SB 1206, CS for SB 1292, SB 1698, CS for CS for SB 1858, CS for CS for CS for SB's 528, 530 and 858, CS for CS for SB 860, CS for CS for CS for CS for CS for SB 1058

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 as amended HB 217, HB 335, HB 1199; has passed as amended by the required constitutional three-fifths vote of the membership HJR 447 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Legg and others—

HB 217—A bill to be entitled An act relating to sinkhole insurance; amending s. 627.706, F.S.; allowing a deductible amount applicable to sinkhole losses in a policy for residential property insurance; defining the term "professional engineer"; amending s. 627.707, F.S.; revising references to certain engineers; authorizing insurers to make direct payment for certain repairs; excluding insurers from liability for repairs under certain circumstances; amending s. 627.7072, F.S.; revising references to certain engineers; eliminating the requirement for certain testing compliance; amending s. 627.7073, F.S.; revising requirements for sinkhole reports by professional engineers and professional geologists; revising requirements with respect to the required filing of a report and certification by an insurer that has paid a claim for a sinkhole loss; providing for the recording of a report and certification with the clerk of court rather than the property appraiser; limiting the effect of the recording of the report and certification; creating s. 627.7074, F.S.; prescribing an alternative method for resolving disputed sinkhole insur-

ance claims; providing definitions; prescribing procedures for invoking the alternative method; providing that a recommendation by a neutral evaluator is not binding on any party but mandatory if requested by either party; providing for payments of costs; requiring the insurer to pay attorney's fees of the policyholder up to a specified amount under certain conditions; providing that an insurer is not liable for attorney's fees or for certain damages under certain conditions; amending s. 877.02, F.S.; prohibiting certain solicitations by contractors and other persons providing sinkhole remediation services; providing penalties; requiring the Office of Insurance Regulation to calculate a certain presumed factor on residential property insurance rates; providing requirements and procedures for determining such calculation; requiring the office to provide notice of such rate factor to insurers; requiring insurers to include such rate factor in certain rate filings; providing appropriations and authorizing additional positions and salary rates; providing effective dates.

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

By Representative Culp and others—

HB 335—A bill to be entitled An act relating to juvenile justice; amending s. 985.04, F.S.; authorizing disclosure of specified confidential juvenile records to private school principals; requiring the Department of Juvenile Justice, law enforcement agencies, and state attorneys to provide notice to private school principals of specified juvenile offenders; providing criminal penalties for a private school employee who improperly discloses specified confidential information; requiring private school principals to notify classroom teachers of specified information; amending s. 985.207, F.S.; requiring the arresting authority to provide notice to private school principals of specified juvenile offenders; requiring private school principals to notify classroom teachers of specified information; permitting a law enforcement officer to take a child into custody for a violation of adjudication order conditions; amending s. 985.215, F.S.; permitting specified types of postadjudication detention for a child who has previously failed to appear at delinquency court proceedings regardless of risk assessment instrument results; providing exceptions that permit postadjudication detention until the child's disposition order is entered in his or her case; conforming cross-references; requiring detention staff to notify private school personnel of a juvenile sexual offender's release; amending s. 985.228, F.S.; requiring a court to include specified conditions in a child's order of adjudication of delinquency that apply during the postadjudication and predisposition period; providing a definition; permitting a court to find a child in contempt of court for a violation of adjudication order conditions; providing sanctions; amending s. 985.31, F.S.; deleting a requirement for a report on serious or habitual juvenile offenders; amending s. 985.311, F.S.; deleting a requirement for a report on intensive residential treatment; amending s. 985.317, F.S.; deleting a requirement for a report on literacy programs for juvenile offenders; creating s. 985.3142, F.S.; providing that the willful failure of a child to return to a residential commitment facility within the time authorized for a temporary release is absconding for a first offense and is a second degree misdemeanor for a second or subsequent offense; providing penalties; amending s. 985.412, F.S.; directing the Department of Juvenile Justice to collect and analyze specified data; creating and revising definitions; requiring the development of a standard methodology for annually measuring, evaluating, and reporting program outputs and youth outcomes; requiring an annual report; specifying report contents; deleting a requirement for an annual cost data report; deleting a requirement for a cost-benefit analysis of educational programs; revising a cost-effectiveness model for commitment programs; revising a cost-effectiveness report due date; revising requirements for annual quality assurance reporting; conforming provisions; deleting obsolete provisions relating to incentive and disincentive proposals and liquidated damages; creating a pilot program that authorizes specified courts to select commitment programs for juvenile delinquents; providing definitions; providing the program's purpose; requiring the Department of Juvenile Justice to develop implementation procedures and to publish specified information about commitment programs on its website; providing procedures for the selection of commitment programs by courts; requiring evaluation and reports by the Office of Program Policy Analysis and Government Accountability; specifying department and court responsibilities relating to the reports; providing for future repeal of the pilot program; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

By Representative Traviesa and others—

HB 1199—A bill to be entitled An act relating to statewide cable television franchises; providing a short title; amending s. 202.24, F.S.; prohibiting counties and municipalities from negotiating terms and conditions relating to cable services; deleting authorization to negotiate; revising application to existing ordinances or franchise agreements; amending s. 337.401, F.S.; deleting authorization for counties and municipalities to award cable service franchises and a restriction that cable service companies not operate without such a franchise; amending s. 337.4061, F.S.; revising definitions; creating ss. 610.102, 610.103, 610.104, 610.105, 610.107, 610.1075, 610.108, 610.109, 610.110, 610.111, 610.112, 610.113, 610.114, 610.115, 610.116, 610.117, and 610.118, F.S.; designating the Department of State as the franchising authority for cable service ordinances or statutory franchises; prohibiting counties or municipalities from granting new cable service franchises after a certain date; providing definitions; authorizing municipalities and counties to enact standard cable service ordinances under certain circumstances; providing ordinance requirements, procedures, and limitations; providing for issuance of a statutory certificate of franchise authority issued by the Department of State under certain circumstances; specifying required provisions of standard cable service franchise ordinances; providing for optional provisions of such ordinances; providing requirements; specifying an application process for statutory certificates of franchise authority; providing requirements; authorizing the department to adopt rules; authorizing the department to revoke certificates under certain circumstances; specifying eligibility criteria and requirements for certain cable providers for franchise authority for cable service ordinances or statutory certificates; prohibiting the department from imposing taxes, fees, or charges on a cable service provider to issue a certificate; prohibiting imposing buildout requirements on a certificateholder; specifying certain customer service standards; requiring certificateholders to make cable service available at certain public buildings under certain circumstances; requiring the Department of Agriculture and Consumer Services to receive customer service complaints; requiring provision of public, educational, and governmental access channels or capacity equivalent; providing criteria, requirements, and procedures; providing exceptions; providing responsibilities of municipalities and counties relating to such channels; providing for enforcement; requiring certificateholders to pay a portion of certain monthly revenues to municipalities or counties for a certain period of time; providing for continuing such payments pursuant to local government approval; authorizing continued payments to be itemized; providing criteria for such payments; providing requirements for and limitations on counties and municipalities relating to access to public right-of-way; prohibiting counties and municipalities from imposing additional requirements on certificateholders; authorizing counties and municipalities to require permits of certificateholders relating to public right-of-way; providing permit criteria and requirements; prohibiting discrimination between cable service subscribers; providing for enforcement; providing for determinations of violations; providing for enforcement of compliance by certificateholders; requiring the Office of Program Policy Analysis and Government Accountability to report to the Legislature on the status of competition in the cable service industry; providing applicability to competitive video programming services; providing report requirements; providing severability; repealing s. 166.046, F.S., relating to definitions and minimum standards for cable television franchises imposed upon counties and municipalities; amending ss. 350.81 and 364.0361, F.S.; conforming cross-references; providing an appropriation; providing for voiding certain deed restrictions or restrictive covenants relating to cable service purchase requirements; providing an effective date.

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

By Representative Pickens and others—

HJR 447—A joint resolution proposing an amendment to Section 1 of Article IX of the State Constitution relating to public education.

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

RETURNING MESSAGES—FINAL ACTION

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 80, CS for SB 122, SB 124, SB 152, CS for CS for SB 170, CS for SB 202, CS for CS for SB 262, SB 266, SB 370, SB 372, CS for SB 388, CS for CS for SB 428, CS for SB 460, CS for SB 466, CS for SB 640, CS for SB 646, SB 676, SB 692, SB 694, SB 704, CS for SB 730, CS for CS for SB 786, CS for SB 792, CS for SB 876, CS for CS for SB 980, CS for CS for SB 994, SB 1076, CS for CS for SB 1080, CS for SB's 1086 and 1604, CS for CS for SB 1090, CS for CS for SB 1112, CS for SB 1172, CS for SB 1190, SB 1198, CS for CS for SB 1212, CS for SB 1256, CS for SB 1278, SB 1282, CS for CS for SB 1286, CS for SB 1290, CS for CS for SB 1322, SB 1386, SB 1408, CS for SB 1438, CS for CS for SB 1450, CS for CS for SB 1510, CS for SB 1540, CS for CS for SB 1556, CS for SB 1590, CS for SB 1670, CS for CS for SB 1678, CS for SB 1690, CS for SB 1716, CS for SB 1748, CS for CS for SB 1774, SB 1850, CS for SB 1922, SB 1948, CS for SB 1956, CS for CS for SB 1958, CS for SB 2034, CS for CS for SB 2060, CS for CS for CS for SB 2114, CS for CS for SB 2184, CS for SB 2348, CS for SB 2432, SB 2434 and CS for SB 2548; and passed SB 2340, SB 2342, SB 2344, SB 2346 and SB 2350 by the required constitutional three-fifths vote of the membership of the House.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 2 was corrected and approved.

CO-INTRODUCERS

Senators Alexander—SJR 1840; Atwater—CS for CS for SB 132, CS for CS for SB 142, CS for CS for SB 256, SB 488, CS for CS for SB 862, SB 910, CS for SB 1310, CS for CS for CS for SB 1798, SJR 1840, CS for CS for SB 2128, CS for SB 2234; Baker—SJR 1840; Bennett—SJR 1840; Bullard—SJR 626, CS for CS for SB 862, SB 1592, SM 2626, CS for SB 2714; Crist—SR 4, CS for SB 122, CS for SB 274, CS for SB 298, CS for CS for CS for SB 888, SB 972, CS for CS for SB 994, CS for CS for CS for CS for CS for SB 1058, CS for SB 1182, CS for SB 1232, CS for SB 2290, CS for CS for SB 2356, CS for CS for SB 2602, SM 2626, CS for SB 2744, SR 2848; Fasano—SJR 626, SJR 1840; Haridopolos—CS for CS for SJR 1436; King—SJR 1840; Posey—SB 8, CS for CS for SB 208, CS for CS for CS for SB's 528, 530 and 858, SB 692, CS for CS for SB 1274, SR 1402, SB 1404, CS for CS for SJR 1436, SB 1666, SB 2006, CS for CS for SB 2580, CS for SB 2630, SB 2676; Pruitt—SJR 1840; Wilson—CS for SB 678, SB 1022

RECESS

On motion by Senator Pruitt, the Senate recessed at 7:08 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Thursday, May 4 or upon call of the President.