



Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President Pruitt at 10:00 a.m. A quorum present—35:

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peadar
Argenziano	Gaetz	Posey
Aronberg	Haridopolos	Rich
Atwater	Hill	Ring
Baker	Jones	Saunders
Bennett	Joyner	Siplin
Bullard	Justice	Storms
Carlton	King	Webster
Constantine	Lawson	Wilson
Crist	Lynn	Wise
Deutch	Margolis	

Excused: Senator Dawson; Senators Garcia and Villalobos until 10:35 a.m.

PRAYER

The following prayer was offered by the Rev. Dan Sowell, East Hill Baptist Church, Tallahassee:

Gracious God, creator of the universe, by whom and for whom all things have been created according to your divine plan and for your glory. We praise you, O God, for there is none like you. From the time before time to the ages to come, your awesome power and radiant majesty is continuously revealed. Your righteousness and your loving-kindness never cease.

We come to you this day acknowledging our failures, both as individuals and as a people. Personally and corporately, we have relied on our intellect rather than your divine wisdom. We have put our desires ahead of your perfect will. We have pursued our own agendas instead of your holy purposes. We have worked to build our own empires instead of your kingdom.

And yet you continue to bless us all with your providence, and you lavish your mercy upon all who will receive it. We thank you for your many blessings, the resources that you have entrusted to us, as well as the responsibility that accompanies those resources. Most of all, we thank you for the love that you have demonstrated to us by making a way for us to approach your throne of grace.

Bless these who serve in positions of power and influence. Teach them your way, O Lord. Guide them in your path. Grant them your wisdom, and reveal your will to them so that they might be faithful to you and the trust that has been granted to them.

In your most holy name, we pray. Amen.

PLEDGE

Senate Pages Joey Doyle of Pinecrest; James R. Paquin of Winter Park; Andrianna Lee Lawrence of DeLand; and Lindsey Sanders of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Wilson—

By Senators Wilson, Bullard, Hill, Joyner, Lawson, Rich and Dawson—

SR 3068—A resolution recognizing April 30, 2007, as Bessie “Queen Bess” Coleman Day in the State of Florida.

WHEREAS, Bessie Coleman was of African-American and Native-American descent, and

WHEREAS, Bessie Coleman experienced racial and gender discrimination in the United States and could not gain access to American Flight Schools while yearning to “amount to something” in American society, and

WHEREAS, Bessie Coleman learned French and secured funding to receive a passport with French and English Visas and departed for France in November 1920 to attend the flight school at the Ecole d’Aviation des Freres Caudon at Le Crotoy in the Sommes, and

WHEREAS, on June 15, 1921, Bessie Coleman received her license from the prestigious Federation Aeronautique International (FAI) and became the first African-American/Native-American female licensed pilot in the world, and

WHEREAS, in 1921, Bessie Coleman returned to a segregated United States, yet she still became a media sensation, performing in air shows across the country, and

WHEREAS, Bessie Coleman refused to perform at air shows unless the audiences were desegregated and everyone used the same gates, and

WHEREAS, in August 1922, Bessie Coleman outlined to reporters the objectives she intended to pursue for the remainder of her life - that she would be a leader in introducing aviation to her race and founded a school for aviators of any race, because American flight schools were closed to people of color under “Jim Crow” laws, and

WHEREAS, in January 1926, she returned to the East Coast, where she had signed up for a number of speaking engagements and exhibition flights in Georgia and Florida, and

WHEREAS, Bessie Coleman opened up a beauty shop in Orlando, Florida, to hasten her accumulation of funds to start her aviation school, and

WHEREAS, in Florida she met the Reverend Hezekiah Keith Hill and his wife, Viola Tillinghast, community activists from Orlando, who invited her to stay with them, and

WHEREAS, on April 30, 1926, Bessie Coleman met an untimely death while preparing for a benefit exhibition for the Jacksonville Negro Welfare League over the Jacksonville Paxon Airport, and

WHEREAS, upon her death, Bessie Coleman finally received recognition for her contributions to American Aviation when William J. Powell established her flying school in 1929, known as the Bessie Coleman Aero Club, and

WHEREAS, Bessie Coleman’s legacy produced such notable flyers as the Five Blackbirds, the Flying Hobo’s, Willa Brown, Janet Bragg, John Robinson, Cornelius Coffey, Harold Hurd, and the Tuskegee Airmen, and opened the door for people of all races to pursue aviation and aerospace technology careers in the United States and worldwide, NOW, THEREFORE,

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

That April 30, 2007, is recognized as Bessie “Queen Bess” Coleman Day in the State of Florida.

—SR 3068 was introduced, read and adopted by publication.

BILLS ON THIRD READING

Consideration of CS for SB’s 2730 and 1596 was deferred.

SENATOR ALEXANDER PRESIDING

CS for SB 1900—A bill to be entitled An act relating to license plates; amending s. 320.08056, F.S.; discontinuing the annual use fee for the Girl Scout license plate; increasing the annual use fee for the Sea Turtle license plate; increasing the annual use fee for the Florida Sheriffs Youth Ranches license plate; establishing annual use fees for the Florida NASCAR license plate, the Corrections Foundation license plate, the Protect Florida Springs license plate, and the Trees Are Cool license plate; authorizing the placement of a sponsoring organization’s Internet domain name on a specialty license plate; prohibiting annual use fees from the sale of specialty license plates, or the interest earned thereon, from being used for the purpose of marketing to, or lobbying, entertaining, or rewarding, an employee of a governmental agency that is responsible for the sale and distribution of specialty license plates; amending s. 320.08058, F.S.; authorizing the use of a specified percentage of the proceeds from the sale of the Florida Educational license plate for marketing and promotion expenses; authorizing the use of certain proceeds from the sale of the Florida Agricultural license plate for promotion, marketing, and administrative costs and for Florida agriculture in the classroom programs; deleting provisions establishing the Girl Scout license plate; creating the Florida NASCAR license plate; providing for the distribution of use fees received from the sale of such plate to the Florida Sports Foundation, the National Association for Stock Car Auto Racing, and the NASCAR Foundation; requiring the Florida Sports Association to provide for an annual audit to be submitted to the Office of Tourism, Trade, and Economic Development for certification to the Auditor General; creating the Corrections Foundation license plate; providing for the distribution of annual use fees received from the sale of such plate to a direct-support organization; creating the Protect Florida Springs license plate; providing for the annual use fees from the sale of such plate to be distributed to the Wildlife Foundation of Florida, Inc.; creating a Trees Are Cool license plate; providing for the distribution of annual use fees received from the sale of such plate; providing for construction of the act; repealing s. 320.0848(2)(c), F.S., relating to an administrative processing fee imposed upon issuance of a disabled parking permit; creating s. 320.0894, F.S.; directing the Department of Highway Safety and Motor Vehicles to develop and issue a Gold Star license plate honoring the family members of servicemembers who have been killed while serving in the Armed Forces of the United States; providing for design of the plate; providing eligibility requirements; providing for payment of certain taxes and fees; providing effective dates.

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

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

Amendment 1 (092578)(with title amendment)—On page 6, line 2 through page 13, line 3, delete those lines and insert:

(III) *Support Our Troops license plate, \$25.*

(6) Specialty license plates must bear the design required by law for the appropriate specialty license plate, and the designs and colors must conform to the department’s design specifications. In addition to a design, the specialty license plates may bear the imprint of numerals from 1 to 999, inclusive, capital letters “A” through “Z,” or a combination thereof. The department shall determine the maximum number of characters, including both numerals and letters. All specialty license plates must be otherwise of the same material and size as standard license plates issued for any registration period. A specialty license plate may bear an appropriate slogan, emblem, or logo in a size and placement that conforms to the department’s design specifications. *The sponsoring organization’s Internet domain name may appear on the plate.*

(11) *The annual use fee from the sale of specialty license plates, the interest earned from those fees, or any fees received by an agency as a result of the sale of specialty license plates may not be used for the purpose of marketing to, or lobbying, entertaining, or rewarding, an employee of a governmental agency that is responsible for the sale and distribution of specialty license plates.*

(12) *The application form for a specialty license plate shall provide the applicant the option to instruct the department to provide his or her name, address, and renewal date to the sponsoring organization.*

Section 2. Subsections (8), (14), (15), and (28) of section 320.08058, Florida Statutes, are amended, and subsections (61), (62), (63), (64), and (65) are added to that section, to read:

320.08058 Specialty license plates.—

(8) FLORIDA EDUCATIONAL LICENSE PLATES.—

(a) The Department of Highway Safety and Motor Vehicles shall develop a Florida educational license plate as provided in this section. Florida educational license plates must bear a design and colors that the department approves. The word “Florida” must appear in small letters at the top of the plate.

(b) The license annual use fees are to be distributed annually as follows:

1. *Up to 10 percent of the moneys raised from the sale of the plates may be used for continuing marketing and promotion of the plates.*

2.1. In each school district that has a district prekindergarten through grade 12 public school foundation or a direct-support organization, the moneys raised in that school district through the sale of Florida educational license plates must be distributed to the foundation or organization for enhancing educational programs.

3.2. In each school district that does not have a district prekindergarten through grade 12 public school foundation or a direct-support organization, the moneys raised in that school district through the sale of Florida educational license plates must be distributed to the district school board and must be used at the discretion of the board for enhancing educational programs.

(14) FLORIDA AGRICULTURAL LICENSE PLATES.—

(a) The Department of Highway Safety and Motor Vehicles shall develop a Florida Agricultural license plate. Florida Agricultural license plates must bear the colors and design approved by the department. The word “Agriculture” must appear at the top of the plate, and the words “Keeps Florida Green” must appear at the bottom of the plate.

(b) The proceeds of the Florida Agricultural license plate annual use fee must be forwarded to the direct-support organization created in s. 570.903. The funds must be used for the sole purpose of funding and promoting the Florida agriculture in the classroom program established within the Department of Agriculture and Consumer Services pursuant to s. 570.91.

(c) *Up to 25 percent of the funds distributed under paragraphs (a) and (b) may be used for promotion, marketing, and administrative costs directly associated with the license plate and Florida agriculture in the classroom programs.*

(15) ~~GIRL SCOUT LICENSE PLATES.—~~

(a) ~~The department shall develop a Girl Scout license plate as provided in this section to commemorate the Girl Scout councils in this state. The word “Florida” must appear at the top of the plate, and the words “For Her Future” must appear at the bottom of the plate.~~

(b) ~~The annual use fees shall be distributed to the Citrus Council of Girl Scouts, Inc., which shall distribute funds to the following Girl Scout councils equal to the annual use fees received from counties served by each council:~~

- ~~1. Citrus Council of Girl Scouts, Inc.~~
- ~~2. Gateway Girl Scout Council, Inc.~~
- ~~3. Girl Scouts of Broward County, Inc.~~
- ~~4. Girl Scout Council of Tropical Florida, Inc.~~
- ~~5. Heart of Florida Girl Scout Council, Inc.~~
- ~~6. Palm Glades Girl Scout Council, Inc.~~
- ~~7. Suncoast Girl Scout Council, Inc.~~

~~Funds collected in counties not served by one of the above councils shall be used by the Citrus Council of Girl Scouts, Inc., to reimburse expenditures made on behalf of other councils to comply with s. 320.08053. Once those expenditures have been reimbursed, the funds shall be distributed to the Girl Scout councils serving those counties in the same manner as funds are distributed to the listed councils.~~

(28) FLORIDA WILDFLOWER LICENSE PLATES.—

(a) The department shall develop a Florida Wildflower license plate as provided in this section. The word “Florida” must appear at the top of the plate, and the words “State Wildflower” and “coreopsis” must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the *Florida Wildflower Foundation, Inc.*, a nonprofit corporation under s. 501(c)(3) of the *Internal Revenue Code* Account established by *Keep Florida Beautiful, Inc.*, created by s. 403.4131. The proceeds must be used to establish native Florida wildflower research programs, wildflower educational programs, and wildflower grant programs to municipal, county, and community-based groups in this state:

1. *The foundation shall develop operation procedures, research contracts, education and marketing programs, and wildflower-planting grants for Florida native wildflowers, plants, and grasses.*

2. A maximum of 15 40 percent of the proceeds from the sale of such plates may be used by the foundation for administrative costs and marketing costs.

3. *If the foundation ceases to be an active nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, any unexpended use fees held by the foundation must be promptly transferred to the General Inspection Trust Fund within the Department of Agriculture and Consumer Services and all future fees collected shall be deposited to the same trust fund in the department. The department shall use and administer the proceeds from the annual use fee in the manner specified in this paragraph.*

(61) FLORIDA NASCAR LICENSE PLATES.—

(a) *The department shall develop a Florida NASCAR license plate as provided in this section. Florida NASCAR 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 term “NASCAR” must appear at the bottom of the plate. The National Association for Stock Car Auto Racing, following consultation with the Florida Sports Foundation, may submit a sample plate for consideration by the department.*

(b) *The license plate annual use fees shall be distributed to the Florida Sports Foundation, a direct-support organization of the Office of Tourism, Trade, and Economic Development. The license plate annual use fees shall be annually allocated as follows:*

1. *Up to 5 percent of the proceeds from the annual use fees may be used by the Florida Sports Foundation for the administration of the NASCAR license plate program.*

2. *The National Association for Stock Car Auto Racing shall receive up to \$60,000 in proceeds from the annual use fees to be used to pay startup costs, including costs incurred in developing and issuing the plates. Thereafter, 10 percent of the proceeds from the annual use fees shall be provided to the association for the royalty rights for the use of its marks.*

3. *The remaining proceeds from the annual use fees shall be distributed to the Florida Sports Foundation. The Florida Sports Foundation will retain 15 percent to support its regional grant program, attracting sporting events to Florida; 20 percent to support the marketing of motor-sports-related tourism in the state; and 50 percent to be paid to the NASCAR Foundation, a s. 501(c)(3) charitable organization, to support Florida-based charitable organizations.*

(c) *The Florida Sports Foundation shall provide an annual financial audit in accordance with s. 215.981 of its financial accounts and records by an independent certified public accountant pursuant to the contract established by the Office of Tourism, Trade, and Economic Development as specified in s. 288.1229(5). The auditor shall submit the audit report to the Office of Tourism, Trade, and Economic Development for review and approval. If the audit report is approved, the office shall certify the audit report to the Auditor General for review.*

(62) CORRECTIONS FOUNDATION LICENSE PLATES.—

(a) *The department shall develop a Corrections Foundation license plate as provided in this section. The word “Florida” must appear at the top of the plate, the words “Corrections Foundation” must appear at the bottom of the plate, and the Corrections Foundation logo must appear to the left of the numerals.*

(b) *The annual use fees shall be distributed to Corrections Foundation, Inc., a direct-support organization created pursuant to s. 944.802, and shall be used to continue and expand the charitable work of the foundation, as provided in s. 944.802 and the articles of incorporation of the foundation.*

(63) PROTECT FLORIDA SPRINGS LICENSE PLATES.—

(a) *The department shall develop a Protect Florida Springs license plate as provided in this section. The word “Florida” must appear at the top of the plate, and the words “Protect Florida Springs” must appear at the bottom of the plate.*

(b) *The annual use fees shall be distributed to the Wildlife Foundation of Florida, Inc., a citizen-support organization created pursuant to s. 372.0215, which shall administer the fees as follows:*

1. *Wildlife Foundation of Florida, Inc., shall retain the first \$60,000 of the annual use fees as direct reimbursement for administrative costs, startup costs, and costs incurred in the development and approval process.*

2. *Thereafter, a maximum of 10 percent of the fees may be used for administrative costs directly associated with education programs, conservation, springs research, and grant administration of the foundation. A maximum of 15 percent of the fees may be used for continuing promotion and marketing of the license plate.*

3. *At least 55 percent of the fees shall be available for competitive grants for targeted community-based springs research not currently available for state funding. The remaining 20 percent shall be directed toward community outreach programs aimed at implementing such research findings. The competitive grants shall be administered and approved by the board of directors of the Wildlife Foundation of Florida. The granting advisory committee shall be composed of nine members, including one representative from the Fish and Wildlife Conservation Commission, one representative from the Department of Environmental Protection, one representative from the Department of Health, one representative from the Department of Community Affairs, three citizen representatives, and two representatives from nonprofit stakeholder groups.*

4. *The remaining funds shall be distributed with the approval of and accountability to the board of directors of the Wildlife Foundation of Florida, and shall be used to support activities contributing to education, outreach, and springs conservation.*

(64) TREES ARE COOL LICENSE PLATES.—

(a) The department shall develop a Trees Are Cool license plate as provided in this section. The word "Florida" must appear at the top of the plate, and the words "Trees Are Cool" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the Florida Chapter of the International Society of Arboriculture, Inc., which shall retain the initial revenues from the sale of such plates until all startup costs for developing and establishing the plate have been recovered not to exceed \$60,000. Thereafter, the proceeds of the annual use fee shall be used in the following manner:

1. Twenty percent of the funds may be used by the Florida Chapter of the International Society of Arboriculture, Inc., for continuing promotion and marketing of the license plate and concept. Five percent of the funds received by the Florida Society of Arboriculture, Inc., may be used for administrative costs directly associated with the operations of the Florida Chapter of the International Society of Arboriculture, Inc., with respect to the management of the Trees Are Cool license plate program.

2. Seventy-five percent of the funds must be used to fulfill the mission of the Florida Chapter of the International Society of Arboriculture, Inc., which is to provide education and training statewide with respect to tree care and tree safety.

(65) SUPPORT OUR TROOPS LICENSE PLATES.—

(a) The department shall develop a Support Our Troops license plate as provided in this section. The plate must bear the colors and design approved by the department and must contain the "Support Our Troops" mark of Support Our Troops, Inc. The word "Florida" must appear at the top of the plate and the words "Support Our Troops" must appear at the bottom of the plate. The field of the plate may be colored.

(b) The annual use fees from the plate shall be distributed to Support Our Troops, Inc., to be used for the benefit of Florida troops and their families in accordance with its articles of incorporation. Support Our Troops, Inc., shall receive the first \$60,000 of the use fees to offset startup costs for developing and establishing the plate. Thereafter, the department shall distribute the annual use fees as follows:

1. Twenty-five percent shall be distributed to Support Our Troops, Inc., to offset marketing, administration, and promotion costs.

2. Of the remaining 75 percent, 65 percent shall be distributed to Support Our Troops, Inc., and 35 percent shall be distributed to the State Homes for Veterans Trust Fund within the Department of Veterans' Affairs State Homes.

And the title is amended as follows:

On page 1, line 11 through page 2, line 21, delete those lines and insert: Protect Florida Springs license plate, the Trees Are Cool license plate, and the Support Our Troops license plate; authorizing the placement of a sponsoring organization's Internet domain name on a specialty license plate; prohibiting annual use fees from the sale of specialty license plates, or the interest earned thereon, from being used for the purpose of marketing to, or lobbying, entertaining, or rewarding, an employee of a governmental agency that is responsible for the sale and distribution of specialty license plates; amending s. 320.08058, F.S.; authorizing the use of a specified percentage of the proceeds from the sale of the Florida Educational license plate for marketing and promotion expenses; authorizing the use of certain proceeds from the sale of the Florida Agricultural license plate for promotion, marketing, and administrative costs and for Florida agriculture in the classroom programs; deleting provisions establishing the Girl Scout license plate; revising provisions relating to the Florida Wildflower license plate; creating the Florida NASCAR license plate; providing for the distribution of use fees received from the sale of such plate to the Florida Sports Foundation, the National Association for Stock Car Auto Racing, and the NASCAR Foundation; requiring the Florida Sports Association to provide for an annual audit to be submitted to the Office of Tourism, Trade, and Economic Development for certification to the Auditor General; creating the Corrections Foundation license plate; providing for the distribution of annual use fees received from the sale of such plate to a direct-support organization; creating the Protect Florida Springs license plate; providing for the annual use fees from the sale of such plate to be distributed to the Wildlife Foundation of Florida, Inc.; creating a Trees Are Cool license plate; providing for the distribution of annual use fees

received from the sale of such plate; creating the Support Our Troops license plate; providing for the design of the plates; providing for the distribution of annual use fees received from the sale of such plates; providing for

On motion by Senator Baker, CS for SB 1900 as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Mr. President	Fasano	Peaden
Argenziano	Gaetz	Posey
Aronberg	Haridopolos	Rich
Atwater	Hill	Ring
Baker	Jones	Saunders
Bennett	Joyner	Siplin
Bullard	Justice	Storms
Carlton	King	Webster
Constantine	Lawson	Wilson
Crist	Lynn	Wise
Deutch	Margolis	
Dockery	Oelrich	

Nays—None

Vote after roll call:

Yea—Alexander, Diaz de la Portilla, Garcia, Geller, Villalobos

Consideration of CS for CS for CS for SB 1980 and CS for CS for SB 1982 was deferred.

CS for SB 732—A bill to be entitled An act relating to child abductions; creating s. 985.6011, F.S.; requiring the Department of Juvenile Justice to establish an immigration status screening program; providing an effective date.

—was read the third time by title.

On motion by Senator Wilson, CS for SB 732 was passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Deutch	Lynn
Alexander	Dockery	Margolis
Argenziano	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Haridopolos	Posey
Baker	Hill	Saunders
Bennett	Jones	Siplin
Bullard	Joyner	Storms
Carlton	Justice	Webster
Constantine	King	Wilson
Crist	Lawson	Wise

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla, Garcia, Rich, Ring, Villalobos

Consideration of CS for SB 574 and CS for SB 1228 was deferred.

CS for HB 7147—A bill to be entitled An act relating to postsecondary education enhancements; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of certain enrollment forecasting models; requiring a final report; requiring the Department of Education to conduct a review of certain courses in the statewide course numbering system and update the system as appropriate; requiring a report; requiring nonpublic postsecondary institutions that participate in statewide course numbering to provide certain information in

their catalogs; requiring the department's website to include certain information; requiring the department to review certain examinations and recommend articulated acceleration mechanisms; amending s. 1007.33, F.S.; identifying the areas in which community colleges may propose to deliver baccalaureate degree programs; removing requirement that proposal be submitted to the Council for Education Policy Research and Improvement for review; amending s. 1009.25, F.S.; revising provisions relating to the number of and qualifications for community college fee exemptions; amending s. 1011.83, F.S.; providing a residency requirement for funding baccalaureate degree programs at community colleges; providing requirements for funding nonrecurring and recurring costs associated with such programs; limiting per-student funding to a specified percentage of costs associated with state university baccalaureate degree programs; providing certain reporting and funding requirements; amending s. 1009.23, F.S.; providing guidelines and restrictions for setting tuition and out-of-state fees for community college upper-division courses; providing an effective date.

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

On motion by Senator Lynn, **CS for HB 7147** as amended was passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Deutch	Lynn
Alexander	Dockery	Margolis
Argenziano	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Haridopolos	Posey
Baker	Hill	Ring
Bennett	Jones	Saunders
Bullard	Joyner	Storms
Carlton	Justice	Webster
Constantine	King	Wilson
Crist	Lawson	Wise

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla, Garcia, Geller, Rich, Villalobos

CS for CS for SB 112—A bill to be entitled An act relating to electroconvulsive therapy and psychosurgical procedures; requiring the Department of Health to compile data on the frequency and usage of electroconvulsive therapy and psychosurgery procedures on children; providing criteria for the data; requiring the department to report the data to the Legislature; providing an effective date.

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

On motion by Senator Hill, **CS for CS for SB 112** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Argenziano	Gaetz	Peaden
Aronberg	Geller	Posey
Atwater	Haridopolos	Rich
Baker	Hill	Ring
Bennett	Jones	Saunders
Bullard	Joyner	Storms
Carlton	Justice	Webster
Constantine	King	Wilson
Crist	Lawson	Wise
Deutch	Lynn	

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla, Garcia, Siplin, Villalobos

CS for SB 390—A bill to be entitled An act relating to child welfare professionals; designating the second Monday in May as “Child Welfare Professionals Recognition Day”; providing an effective date.

—was read the third time by title.

On motion by Senator Wilson, **CS for SB 390** was passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Fasano	Peaden
Argenziano	Gaetz	Posey
Aronberg	Haridopolos	Rich
Atwater	Hill	Ring
Baker	Jones	Saunders
Bennett	Joyner	Siplin
Bullard	Justice	Storms
Carlton	King	Webster
Constantine	Lawson	Wilson
Crist	Lynn	Wise
Deutch	Margolis	
Dockery	Oelrich	

Nays—None

Vote after roll call:

Yea—Alexander, Diaz de la Portilla, Garcia, Geller, Villalobos

Consideration of **CS for SB 430** was deferred.

CS for HB 1007—A bill to be entitled An act relating to physician assistants; amending ss. 458.347 and 459.022, F.S.; requiring that a prescription be filled in a pharmacy unless it is a drug dispensed by a physician assistant; providing that authority to dispense may be delegated only by supervisory physicians registered as dispensing practitioners; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **CS for HB 1007** was passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Argenziano	Gaetz	Posey
Aronberg	Haridopolos	Rich
Atwater	Hill	Ring
Baker	Jones	Saunders
Bennett	Joyner	Siplin
Bullard	Justice	Storms
Carlton	King	Webster
Constantine	Lawson	Wilson
Crist	Lynn	Wise
Deutch	Margolis	

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla, Garcia, Geller, Villalobos

CS for SB 1190—A bill to be entitled An act relating to education articulation; amending s. 1007.01, F.S.; declaring additional legislative intent with respect to postsecondary articulation; prescribing duties of the Board of Governors with respect to development of articulation policies and guidelines; providing for an Articulation Coordinating Committee to report to the Commissioner of Education; providing for the committee's selection, membership, and duties; providing an effective date.

—was read the third time by title.

On motion by Senator Lynn, **CS for SB 1190** was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Argenziano	Gaetz	Peaden
Aronberg	Geller	Posey
Atwater	Haridopolos	Rich
Baker	Hill	Ring
Bennett	Jones	Saunders
Bullard	Joyner	Siplin
Carlton	Justice	Storms
Constantine	King	Webster
Crist	Lawson	Wilson
Deutch	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla, Garcia, Villalobos

CS for HB 229—A bill to be entitled An act relating to the Guardian Ad Litem Program; creating s. 39.8298, F.S.; creating a direct-support organization for the Guardian Ad Litem Program; providing for the organization and operation of the organization for the Statewide Guardian Ad Litem Office; providing for a contract; providing for a board of directors; providing for the use of property, facilities, and personal services of the Statewide Guardian Ad Litem Office by the direct-support organization; providing restrictions; providing for the deposit of moneys; providing for an annual audit; providing limits on the direct-support organization; providing an effective date.

—was read the third time by title.

On motion by Senator Rich, **CS for HB 229** was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Argenziano	Gaetz	Peaden
Aronberg	Geller	Posey
Atwater	Haridopolos	Rich
Baker	Hill	Ring
Bennett	Jones	Saunders
Bullard	Joyner	Siplin
Carlton	Justice	Storms
Constantine	King	Webster
Crist	Lawson	Wilson
Deutch	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla, Garcia, Villalobos

HB 515—A bill to be entitled An act relating to the University of West Florida; creating s. 1004.386, F.S.; authorizing master of science degree programs in nursing and social work; providing an effective date.

—was read the third time by title.

On motion by Senator Gaetz, **HB 515** was passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Atwater	Carlton
Alexander	Baker	Constantine
Argenziano	Bennett	Crist
Aronberg	Bullard	Deutch

Dockery	Justice	Ring
Fasano	King	Saunders
Gaetz	Lawson	Siplin
Geller	Lynn	Storms
Haridopolos	Margolis	Webster
Hill	Oelrich	Wilson
Jones	Peaden	Wise
Joyner	Posey	

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla, Garcia, Villalobos

CS for SB 1770—A bill to be entitled An act relating to the use of technology to supplement visitation; amending s. 61.046, F.S.; defining the term “electronic communication”; creating s. 61.13002, F.S.; authorizing a court to order electronic communication between a parent and a child; specifying factors a court must consider before ordering electronic communication; creating a rebuttable presumption in favor of telephone communication; requiring each parent to furnish the other parent with information necessary to facilitate electronic communication; declaring that electronic communication may be used only to supplement, not supplant, a parent’s face-to-face contact with his or her child; authorizing a person to seek court-ordered electronic communication without proving a substantial change in circumstances; prohibiting the consideration of electronic communication as a factor in determining child support; providing applicability; providing an effective date.

—was read the third time by title.

On motion by Senator Lynn, **CS for SB 1770** was passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Argenziano	Gaetz	Peaden
Aronberg	Geller	Posey
Atwater	Haridopolos	Rich
Baker	Hill	Ring
Bennett	Jones	Saunders
Bullard	Joyner	Storms
Carlton	Justice	Webster
Constantine	King	Wilson
Crist	Lawson	Wise
Deutch	Lynn	

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla, Garcia, Siplin, Villalobos

CS for SB 1896—A bill to be entitled An act relating to parental plans and time-sharing with children; retitling ch. 61, F.S.; amending s. 61.046, F.S.; deleting the definitions of “custodial parent” and “noncustodial parent,” and defining the terms “parenting plan,” “parenting plan recommendation,” and “time-sharing schedule”; amending s. 61.052, F.S.; authorizing the court to issue an appropriate order for a parenting plan; amending s. 61.09, F.S.; authorizing the parent who is not receiving child support to apply to the court for support of the child; amending s. 61.10, F.S.; providing for the court to adjudicate parenting plans and the time-sharing schedules when unconnected with the dissolution of a marriage; amending s. 61.122, F.S.; providing for developing a parenting plan recommendation; amending s. 61.13, F.S.; authorizing the court to make orders relating to time-sharing and parenting of children; requiring equal treatment for mothers and fathers in parenting decisions; providing for the creation or modification of a parenting plan or time-sharing schedule; establishing criteria for determining the best interests of a child; providing that a parent may not refuse to obey time-sharing orders even if the other parent has not paid alimony or child support; authorizing a court to order additional time-sharing if the custodial

parent refuses to abide by the time-sharing agreement or order; amending s. 61.13001, F.S.; providing for relocation of a child; providing for a relocation agreement between the parents; providing procedures for relocation when an agreement cannot be reached; requiring a court to consider the impact of a relocation on a child with certain health conditions; amending s. 61.181, F.S.; providing for distributing child support funds; amending s. 61.1827, F.S., relating to child support services; conforming provisions to changes made by the act; amending s. 61.20, F.S.; providing for the court to order a social service investigation if a parenting plan is at issue; amending s. 61.21, F.S.; providing that parties to a parenting plan or a time-sharing schedule may be required by the court to attend a parenting course; amending s. 61.30, F.S.; revising calculations for child support awards; amending s. 61.401, F.S.; authorizing the court to appoint a guardian ad litem in cases involving a parenting plan or a time-sharing schedule; amending s. 61.45, F.S.; providing for court orders for parenting plans and time-sharing schedules; amending s. 741.0306, F.S.; including material on parenting plans and time-sharing schedules in the family law handbook prepared by The Florida Bar; amending s. 741.30, F.S., relating to injunctions against domestic violence; conforming provisions to changes made by the act; amending s. 742.031, F.S.; providing for parenting plans and time-sharing schedules in proceedings to determine paternity; reenacting s. 61.1825(3)(a), F.S., relating to the State Case Registry, to incorporate the amendments made to s. 741.30, F.S., in a reference thereto; repealing s. 61.121, F.S., relating to court orders for rotating custody between parents if it is in the best interests of the child; providing an effective date.

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

On motion by Senator Lynn, **CS for SB 1896** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Dockery	Oelrich
Alexander	Gaetz	Peaden
Argenziano	Geller	Posey
Aronberg	Haridopolos	Rich
Atwater	Hill	Ring
Baker	Jones	Saunders
Bennett	Joyner	Siplin
Bullard	Justice	Storms
Carlton	King	Webster
Constantine	Lawson	Wilson
Crist	Lynn	Wise
Deutch	Margolis	

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla, Fasano, Garcia, Villalobos

CS for CS for SB 2130—A bill to be entitled An act relating to exceptional students; requiring a study by the Office of Program Policy Analysis and Government Accountability of the provision of educational services to certain exceptional students referred to or placed in private residential care facilities; defining terms; requiring a report with recommendations; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **CS for CS for SB 2130** was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Carlton	Haridopolos
Alexander	Constantine	Hill
Argenziano	Crist	Jones
Aronberg	Deutch	Joyner
Atwater	Dockery	Justice
Baker	Fasano	King
Bennett	Gaetz	Lawson
Bullard	Geller	Lynn

Margolis	Rich	Storms
Oelrich	Ring	Webster
Peaden	Saunders	Wilson
Posey	Siplin	Wise

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla, Garcia, Villalobos

HB 851—A bill to be entitled An act relating to historic preservation; creating s. 267.1735, F.S.; providing goals for contracting with the University of Florida for management of certain state-owned properties; requiring agreement of all parties to contracts for management of such properties and the University of Florida; rescinding existing contracts upon execution of contract between the University of Florida and the Board of Trustees of the Internal Improvement Trust Fund; specifying use of proceeds derived from the management of such properties; authorizing transfer and ownership of certain artifacts, documents, and properties to the university; providing for transfer of records, property, and funds to the university; specifying certain powers and duties of the University of Florida; providing that the university may contract with its direct-support organization to perform all acts necessary to assist the university in carrying out its historic preservation and historic education responsibilities; delineating certain powers; authorizing contracting without competitive bidding under certain circumstances; providing eligibility to match state funds in the University Major Gifts Program; creating s. 267.1736, F.S.; requiring the authorization of a direct-support organization to assist the university in historic preservation and historic preservation education purposes and responsibilities; providing purposes and duties of the direct-support organization; providing for a board of directors; providing membership requirements; delineating contract and other governance requirements; repealing s. 267.171, F.S., relating to contract with the City of St. Augustine for the management of certain state-owned properties, contingent on execution of a specified contract; providing an effective date.

—was read the third time by title.

On motion by Senator King, **HB 851** was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dockery	Margolis
Argenziano	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Geller	Posey
Baker	Haridopolos	Rich
Bennett	Hill	Ring
Bullard	Jones	Saunders
Carlton	Joyner	Siplin
Constantine	Justice	Storms
Crist	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Alexander, Garcia, Villalobos

HB 853—A bill to be entitled An act relating to public records; amending s. 267.1736, F.S.; providing an exemption from public records requirements for certain donor and prospective donor information involving state-owned properties in a historic district in the City of St. Augustine; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator King, **HB 853** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Argenziano	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Carlton	Joyner	Storms
Constantine	Justice	Webster
Crist	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	

Nays—None

Vote after roll call:

Yea—Villalobos

CS for SB 2512—A bill to be entitled An act relating to public school educator certification; creating s. 1012.587, F.S.; specifying inservice requirements for educators who provide English for Speakers of Other Languages instruction; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **CS for SB 2512** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Argenziano	Gaetz	Posey
Aronberg	Garcia	Rich
Atwater	Haridopolos	Ring
Baker	Hill	Saunders
Bennett	Jones	Siplin
Bullard	Joyner	Storms
Carlton	Justice	Webster
Constantine	King	Wilson
Crist	Lawson	Wise
Deutch	Lynn	
Diaz de la Portilla	Margolis	

Nays—None

Vote after roll call:

Yea—Geller, Villalobos

CS for CS for SB 1916—A bill to be entitled An act relating to assisted living facilities and adult day care centers; amending s. 429.52, F.S.; requiring the Department of Elderly Affairs to develop a staff training curriculum; requiring trainers to be registered with the department; requiring trainers to document experience and credentials; requiring the adoption of rules; amending s. 429.907, F.S.; providing for operation of adult day care centers in temporary locations in the event of disaster or emergency; providing notification requirements when adult day care centers relocate; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **CS for CS for SB 1916** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Atwater	Carlton
Alexander	Baker	Constantine
Argenziano	Bennett	Crist
Aronberg	Bullard	Deutch

Diaz de la Portilla	Justice	Ring
Dockery	King	Saunders
Fasano	Lawson	Siplin
Gaetz	Lynn	Storms
Garcia	Margolis	Webster
Haridopolos	Oelrich	Wilson
Hill	Peaden	Wise
Jones	Posey	
Joyner	Rich	

Nays—None

Vote after roll call:

Yea—Geller, Villalobos

HB 7181—A bill to be entitled An act relating to immigrant victims of human trafficking and other serious crimes; creating s. 414.156, F.S.; providing a definition; providing for the establishment of a state-funded benefit program subject to the availability of funds; providing for eligibility for benefits; providing for termination of benefits; providing for the creation of a public awareness campaign; providing a contingent effective date.

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

On motion by Senator Margolis, **HB 7181** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Argenziano	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Carlton	Joyner	Storms
Constantine	Justice	Villalobos
Crist	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

CS for CS for SB 2114—A bill to be entitled An act relating to independent living transition services; amending s. 322.09, F.S.; limiting liability of a caseworker who signs an application for a driver's license for a minor who is in foster care; requiring a caseworker to provide notice of intent to sign the application to specified persons; amending s. 409.1451, F.S.; revising eligibility criteria for independent living transition services; exempting foster parents and caregivers from responsibility for the actions of certain children engaged in activities specified in a written plan; requiring certain children eligible for subsidized independent living services to be formally evaluated under certain circumstances; revising eligibility criteria for the Road-to-Independence Program; amending s. 409.903, F.S.; increasing the age limit for eligibility for certain persons to qualify for medical assistance payments; creating s. 743.044, F.S.; providing for the removal of disabilities of certain minors for purposes of securing depository financial services; providing an appropriation; providing an effective date.

—was read the third time by title.

On motion by Senator Rich, **CS for CS for SB 2114** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Atwater	Constantine
Alexander	Baker	Crist
Argenziano	Bullard	Deutch
Aronberg	Carlton	Diaz de la Portilla

Dockery	Justice	Ring
Fasano	King	Saunders
Gaetz	Lawson	Siplin
Garcia	Lynn	Storms
Geller	Margolis	Villalobos
Haridopolos	Oelrich	Webster
Hill	Peaden	Wilson
Jones	Posey	Wise
Joyner	Rich	

Nays—None

Vote after roll call:

Yea—Bennett

On motion by Senator Bennett, by two-thirds vote **CS for HB 543** was withdrawn from the Committees on Health Regulation; and Judiciary.

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

CS for HB 543—A bill to be entitled An act relating to immunization services; providing a short title; amending s. 465.003, F.S.; revising a definition relating to the practice of pharmacists; creating s. 465.189, F.S.; authorizing pharmacists to administer influenza virus immunizations to adults; providing requirements with respect thereto; requiring that the protocol between a pharmacist and supervising physician contain certain information, terms, and conditions; requiring that pharmacists authorized to administer influenza virus immunizations provide evidence of current certification by the Board of Pharmacy to the supervising physician; requiring supervising physicians to review certain information in accordance with the written protocol; creating the Task Force for the Study of Biotech Competitiveness; providing for staff support by the Governor's Office of Tourism, Trade, and Economic Development; providing for appointment of members; requiring a study; requiring a report; providing for expiration of the task force; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2022** as amended and read the second time by title. On motion by Senator Bennett, by two-thirds vote **CS for HB 543** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Diaz de la Portilla	Lynn
Alexander	Dockery	Margolis
Argenziano	Fasano	Oelrich
Atwater	Garcia	Peaden
Baker	Haridopolos	Rich
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Carlton	Joyner	Storms
Constantine	Justice	Villalobos
Crist	King	Wilson
Deutch	Lawson	Wise

Nays—5

Aronberg	Geller	Webster
Gaetz	Ring	

Vote after roll call:

Yea—Posey

Yea to Nay—Oelrich

CS for SB 110—A bill to be entitled An act relating to health insurance; creating the "Senator Les Miller Act"; creating ss. 627.64091 and 627.6418, F.S., and amending s. 641.31, F.S.; requiring that health insurance policies, group health insurance policies, and health maintenance contracts provide coverage for an annual screening for prostate cancer for men of a specified age or older; providing requirements for the screening; providing that coverage for prostate cancer screening does not limit diagnostic benefits otherwise allowed under the policy; amending

s. 627.6515, F.S.; providing for the benefit requirement to apply to a group health insurance policy issued or delivered outside the state; providing a finding that the act fulfills an important state interest; providing for application of the act; providing an effective date.

—was read the third time by title.

On motion by Senator Hill, **CS for SB 110** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Argenziano	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Carlton	Joyner	Storms
Constantine	Justice	Villalobos
Crist	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

HB 63—A bill to be entitled An act relating to public records; amending s. 741.313, F.S.; providing an exemption from public records requirements for certain records and time sheets submitted to an agency, as defined in ch. 119, F.S., by an employee who is a victim of domestic violence; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Aronberg, **HB 63** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Argenziano	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Carlton	Joyner	Storms
Constantine	Justice	Villalobos
Crist	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

CS for HB 55—A bill to be entitled An act relating to domestic violence; creating s. 741.313, F.S.; defining the terms "domestic violence," "employee," "employer," "family or household member," and "victim"; requiring that certain employers permit an employee to take leave from work to undertake activities resulting from an act of domestic violence; specifying the activities for which the employee may take leave; requiring the employee to notify the employer of the leave; providing exceptions; requiring a private employer to keep information relating to the employee's leave confidential; requiring a governmental agency to keep such information confidential and exempt to the extent authorized by statute; prohibiting an employer from taking certain actions against the employee for exercising rights specified in the act; providing a recourse for violation of the act; providing an effective date.

—was read the third time by title.

On motion by Senator Aronberg, **CS for HB 55** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Argenziano	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Carlton	Joyner	Storms
Constantine	Justice	Villalobos
Crist	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

CS for HB 989—A bill to be entitled An act relating to crime victims; amending s. 960.001, F.S.; providing that alleged victims of sexual offenses shall not be required to submit to a polygraph or other truth-telling examination as a condition of proceeding with the investigation of such an offense; providing that refusal of the alleged victim to submit to such examination does not preclude investigation, charging, or prosecution of the alleged offense; providing for the presence of victim advocates during forensic medical examinations; amending s. 960.003, F.S.; requiring that HIV testing of certain defendants be ordered within a specified period; amending s. 960.03, F.S.; revising the definition of “crime” for specified purposes; amending s. 960.28, F.S.; revising provisions relating to payment of initial forensic examinations of alleged victims of certain sexual offenses; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **CS for HB 989** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Argenziano	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Storms
Carlton	Joyner	Villalobos
Constantine	Justice	Webster
Crist	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	

Nays—None

Vote after roll call:

Yea—Siplin

CS for CS for SB 770—A bill to be entitled An act relating to the physician workforce; creating s. 381.4018, F.S.; providing legislative intent; creating the Office of Physician Workforce Assessment and Development within the Division of Health Access and Tobacco of the Department of Health; requiring that the office serve as a coordinating and planning body to assess the state’s future workforce needs for physicians; requiring the office to develop strategies for addressing the current and projected workforce needs; specifying additional functions of the office; requiring each allopathic and osteopathic physician in the state to complete a survey concerning the physician’s practice as a condition of license renewal; specifying the information to be furnished to the

Department of Health in the physician survey; providing for a nondisciplinary citation to be issued to a physician or osteopathic physician who fails to complete the required survey; requiring the department to provide notice of the applicable penalty; requiring the Office of Physician Workforce Assessment and Development to annually analyze and evaluate the results of the survey; requiring the office to report its findings to the Governor and the Legislature; creating the Physician Workforce Advisory Council within the Department of Health to assist the department with respect to physician workforce issues; providing for the membership of the advisory council and terms of office; providing for members of the council to be reimbursed for travel and per diem expenses; providing an effective date.

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

MOTION

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

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

Amendment 1 (105710)—On page 8, lines 12 and 13, delete “*American College of*” and insert: *Accreditation Council for*

On motion by Senator Atwater, **CS for CS for SB 770** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Argenziano	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Carlton	Joyner	Storms
Constantine	Justice	Villalobos
Crist	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

CS for SB 1034—A bill to be entitled An act relating to public records; exempting from public-records requirements personal identifying information contained in workforce surveys completed by physicians as a condition of license renewal and provided to the Department of Health; authorizing certain entities access to such personal identifying information; providing guidelines for the use of such information; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a finding of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Atwater, **CS for SB 1034** was passed by the required constitutional two-thirds vote of the members/present and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Crist	Jones
Alexander	Deutch	Joyner
Argenziano	Diaz de la Portilla	Justice
Aronberg	Dockery	King
Atwater	Fasano	Lawson
Baker	Gaetz	Lynn
Bennett	Garcia	Margolis
Bullard	Geller	Oelrich
Carlton	Haridopolos	Peaden
Constantine	Hill	Posey

Rich	Siplin	Webster	Siplin	Villalobos	Wilson
Ring	Storms	Wilson	Storms	Webster	Wise
Saunders	Villalobos	Wise	Nays—None		
Nays—None					

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Atwater, by two-thirds vote **CS for CS for SB 1822**, **CS for SB 1866** and **CS for SB 2084** were withdrawn from the Committee on General Government Appropriations; **CS for SB 2148**, **CS for SB 2768** and **CS for CS for SB 2816** were withdrawn from the Committee on Judiciary; and **CS for SB 606** was withdrawn from the Committee on Transportation and Economic Development Appropriations.

On motion by Senator Dockery, by two-thirds vote **CS for SB 492** was withdrawn from the Committee on Governmental Operations; and **CS for SB 234** and **CS for SB 2544** were withdrawn from the Committee on Judiciary.

On motion by Senator Constantine, by two-thirds vote **CS for SB 94** and **CS for SB 444** were withdrawn from the Committee on General Government Appropriations; **CS for SB 800** and **CS for SB 2772** were withdrawn from the Committee on Governmental Operations; **CS for SB 2752** was withdrawn from the Committee on Judiciary; **CS for SB 628** and **SB 1492** were withdrawn from the Committee on Rules; and **CS for SB 800** was withdrawn from the Committee on Transportation and Economic Development Appropriations.

On motion by Senator Saunders, by two-thirds vote **CS for SB 270** was withdrawn from the Committee on Criminal and Civil Justice Appropriations; **CS for SB 928** was withdrawn from the Committee on Criminal Justice; **CS for CS for SB 2380** and **CS for SB 2382** were withdrawn from the Committee on Education Pre-K - 12 Appropriations; **CS for SB 402** was withdrawn from the Committee on Governmental Operations; and **CS for CS for SB 518** and **SB 2120** were withdrawn from the Committee on Health and Human Services Appropriations.

BILLS ON THIRD READING, continued

CS for HB 259—A bill to be entitled An act relating to the mobile home relocation corporation; amending s. 723.061, F.S.; providing notice requirements for certain mobile home lot tenants regarding entitlement to compensation from the Florida Mobile Home Relocation Trust Fund; amending s. 723.06116, F.S.; providing for late fees if a mobile home park owner does not make payments to the Florida Mobile Home Relocation Corporation within the required time period; authorizing the corporation to file and maintain certain actions to collect payments in Leon County; amending s. 723.0612, F.S.; prohibiting approval of certain applications for funding submitted by persons who have settled certain claims or causes of action; providing certain time periods within which an application for funding for relocation expenses must be submitted to the corporation; providing an effective date.

—was read the third time by title.

On motion by Senator Jones, **CS for HB 259** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Deutch	Justice
Alexander	Diaz de la Portilla	King
Argenziano	Dockery	Lawson
Aronberg	Fasano	Lynn
Atwater	Gaetz	Margolis
Baker	Garcia	Oelrich
Bennett	Geller	Peaden
Bullard	Haridopolos	Posey
Carlton	Hill	Rich
Constantine	Jones	Ring
Crist	Joyner	Saunders

CS for SB 1394—A bill to be entitled An act relating to health and human services; authorizing the Department of Children and Family Services to begin the process of reorganization; requiring the department to integrate substance abuse and mental health programs into its structure and priorities; authorizing the department to plan for the realignment of districts in conformance with judicial circuits; requiring that a report be submitted to the Legislature; authorizing the department to use the name Department of Children and Families; authorizing the department to establish community partnerships and advisory groups; providing for members of such partnerships or advisory groups to be reimbursed for per diem, travel, and child care expenses; providing for the members to be subject to the Code of Ethics for Public Officers and Employees; providing that meetings and records of the partnerships and advisory groups are subject to the public-meetings and public-records law; amending s. 839.13, F.S.; clarifying provisions that prohibit falsifying, altering, or in any manner destroying records if such act may be detrimental to the health, safety, or welfare of an individual in the care and custody of a state agency; clarifying provisions that prohibit falsifying, altering, or in any manner destroying records of the Department of Children and Family Services or its contract provider with the intent to conceal a material fact; providing for the application of penalties thereto; providing effective dates.

—was read the third time by title.

On motion by Senator Storms, **CS for SB 1394** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Argenziano	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Carlton	Joyner	Storms
Constantine	Justice	Villalobos
Crist	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

CS for SB 1424—A bill to be entitled An act relating to state financial matters; amending s. 215.47, F.S.; revising a limitation on the percentage of a fund that may be invested in specified investments; amending s. 216.181, F.S.; prohibiting initiating or commencing a new fixed capital outlay project through an amendment to the original approved operating budget for operational and fixed capital outlay expenditures; authorizing the Executive Office of the Governor to approve changes in amounts appropriated to the Department of Military Affairs for fixed capital outlay projects under specified circumstances; prohibiting initiating or commencing a fixed capital outlay project by a change to an approved operating budget unless specifically provided; amending s. 216.1827, F.S.; requiring that a state agency submit to the Executive Office of the Governor for review and approval requests concerning the revision or addition of agency activities, including the alignment of activities to performance measures; amending s. 216.192, F.S.; providing for certain exceptions to provisions of the original approved operating budget of state agencies and the judicial branch to be provided by law rather than in the General Appropriations Act; amending s. 216.292, F.S.; deleting provisions authorizing the approval of the transfer of funds for fixed capital outlay projects for the Department of Military Affairs; amending s. 286.036, F.S.; reassigning the Taxation and Budget Reform Commission for administrative purposes from the Board of Regents to the Office of Legislative Services; amending s. 1003.03, F.S.; authorizing the Commissioner of Education to recommend a budget amendment for the

transfer of certain funds if the State Board of Education finds that a district has been unable to meet class size reduction requirements; providing an effective date.

—was read the third time by title.

On motion by Senator Carlton, **CS for SB 1424** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Argenziano	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Carlton	Joyner	Storms
Constantine	Justice	Villalobos
Crist	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

CS for CS for SB 2008—A bill to be entitled An act relating to beaches and shores; amending s. 161.021, F.S.; amending a definition; amending s. 161.141, F.S.; providing additional legislative intent; creating s. 161.144, F.S.; providing for the development and maintenance of an inventory of identified offshore sand sources by the Department of Environmental Protection as part of its comprehensive long-term beach management plan; providing for public review of maps of offshore sand sources; providing for boards of county commissioners of coastal counties adjacent to sand sources proposed for use outside of the region or subregion to be notified and given adequate opportunity to comment during a project's planning and permitting stages; providing for the inclusion of certain information in the department's annual funding request; providing an effective date.

—was read the third time by title.

On motion by Senator Jones, **CS for CS for SB 2008** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Argenziano	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Carlton	Joyner	Storms
Constantine	Justice	Villalobos
Crist	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

HB 7111—A bill to be entitled An act relating to guardianship; amending s. 744.3135, F.S.; revising provisions relating to criminal history record checks for professional and nonprofessional guardians; granting rulemaking authority to the Statewide Public Guardianship Office; revising terminology; deleting obsolete language; revising language concerning investigations of credit histories of professional guardians and certain of their employees; providing an effective date.

—was read the third time by title.

On motion by Senator Storms, **HB 7111** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Argenziano	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Carlton	Joyner	Storms
Constantine	Justice	Villalobos
Crist	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

CS for HB 721—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; exempting payments to postsecondary educational institutions made for certain bookstore operations; providing a definition; providing construction; providing for retroactive application; providing an effective date.

—was read the third time by title.

On motion by Senator Gaetz, **CS for HB 721** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Argenziano	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Carlton	Joyner	Storms
Constantine	Justice	Villalobos
Crist	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

CS for SB 2118—A bill to be entitled An act relating to debts and debtors; amending s. 222.25, F.S.; providing that personal property of a specified value is exempt from legal process if the debtor does not receive a homestead exemption; providing limitations; amending s. 702.035, F.S.; permitting foreclosure notices to be published in certain newspapers that publish at least 5 days a week except during legal holidays; amending s. 727.103, F.S.; redefining the terms “asset” and “assignee”; defining the term “claims bar date”; defining the term “consensual lienholder”; amending s. 727.104, F.S.; revising the assignment and schedule forms; providing forms for verification and acceptance under oath for assignments and schedules; amending s. 727.105, F.S.; authorizing a consensual lienholder only to enforce a security interest against the assets of an estate; amending s. 727.108, F.S.; revising and providing additional duties for the assignee; amending s. 727.109, F.S.; providing additional powers of the court; amending s. 727.110, F.S.; conforming cross-references; amending s. 727.111, F.S.; requiring the assignee to give notice of the assignee's continued operation of the assignor's business; authorizing the assignee to take action as described in the notice by order of the court; requiring that notice be given to all consensual lienholders and counsel; amending s. 727.112, F.S.; providing limitations on a claim for damages; amending s. 727.113, F.S.; authorizing a creditor of the assignor to file an objection to a claim; requiring an assignee to create a claims register; providing that an assignee or any creditor has standing to challenge any claim by another creditor; authorizing certain creditors to file a claim for an unsecured deficiency within a certain time; amending s. 727.114, F.S.; providing that certain creditors are unsecured creditors for purpose of priority of distribution; revising the type and amount of claims receiving a priority distribution;

providing that a subordination agreement is enforceable; providing that certain claims are subordinate to other claims; providing an exception for a claim for common stock; providing an effective date.

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

On motion by Senator Joyner, **CS for SB 2118** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Argenziano	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Carlton	Joyner	Storms
Constantine	Justice	Villalobos
Crist	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

CS for CS for SB 2134—A bill to be entitled An act relating to tax increment financing; authorizing two or more counties, or a combination of at least one county and municipality, to establish a tax increment area for conservation lands by interlocal agreement; providing requirements for such an interlocal agreement; requiring that a tax increment be determined annually; limiting the amount of the tax increment; requiring the establishment of a separate reserve account for each tax increment area; providing for a refund; requiring an annual audit of the separate reserve account; providing for the administration of the separate reserve account; providing that the governmental body that administers the separate reserve account may spend revenues from the tax increment to purchase real property only if all parties to the interlocal agreement adopt a resolution that approves the purchase price; providing that a water management district may be a party to the interlocal agreement; requiring certain approvals from the Department of Environmental Protection and the Department of Community Affairs; providing a comparative standard on which the minimum annual funding of the separate reserve account must be based; requiring a taxing authority that does not pay tax increment revenues to the separate reserve account before a specified date to pay a specified amount of interest on the amount of unpaid increment revenues; providing exemptions for certain public bodies, taxing authorities, school districts and special districts; providing that revenue bonds may be paid only from revenues deposited into the separate reserve account; providing that such revenue bonds are not a debt, liability, or obligation of the state or any public body; providing legislative findings; providing an effective date.

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

On motion by Senator Constantine, **CS for CS for SB 2134** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Diaz de la Portilla	King
Alexander	Dockery	Lawson
Argenziano	Fasano	Lynn
Aronberg	Gaetz	Margolis
Atwater	Garcia	Oelrich
Baker	Geller	Peaden
Bennett	Haridopolos	Posey
Carlton	Hill	Rich
Constantine	Jones	Ring
Crist	Joyner	Saunders
Deutch	Justice	Siplin

Storms	Webster	Wise
Villalobos	Wilson	

Nays—None

Vote after roll call:

Yea—Bullard

CS for CS for CS for SB 2234—A bill to be entitled An act relating to regulation of building inspection professionals; amending s. 634.301, F.S.; redefining the terms “home warranty” or “warranty” for purposes of part II of ch. 634, F.S., relating to home warranty associations; creating pt. XV of ch. 468, F.S., relating to regulation of home inspectors; providing a purpose; providing exemptions; providing definitions; authorizing the Department of Business and Professional Regulation to establish fees; limiting fee amounts; providing for a home inspector licensure examination; providing qualifications to take the licensure examination; providing requirements for the department to certify and license home inspectors; providing for licensure by endorsement; requiring continuing education for license renewal; providing criteria for continuing education; providing for inactivation of licenses; requiring the department to establish fees for the reactivation and renewal of inactive licenses; providing for certification of partnerships and corporations offering home inspection services; requiring a certificate of authorization for certain persons and entities practicing home inspection services; providing for prohibitions and penalties; providing grounds for disciplinary proceedings; authorizing the department to impose specified penalties; requiring home inspectors to provide a specified disclosure to consumers; requiring home inspectors to maintain a specified insurance policy; requiring home inspectors to provide a written report to homeowners upon completion of each home inspection; providing content requirements for home inspection reports; authorizing certain persons to qualify for home inspection licensure notwithstanding the requirements of this part; creating pt. XVI of ch. 468, F.S., relating to regulation of mold remediators and mold assessors; providing a purpose; providing exemptions; providing definitions; authorizing the department to establish fees; limiting fee amounts; providing for a mold assessor and mold remediator licensure examination; providing qualifications to take the licensure examinations; providing requirements for the department to certify and license home inspectors; providing for licensure by endorsement; requiring continuing education for license renewal; providing criteria for continuing education; providing for inactivation of licenses; requiring the department to establish fees for the reactivation and renewal of inactive licenses; providing for certification of partnerships and corporations offering mold assessment or mold remediation services; requiring a certificate of authorization for certain persons and entities practicing home inspection services; providing for prohibitions and penalties; providing grounds for disciplinary proceedings; authorizing the department to impose specified penalties; requiring mold assessors and mold remediators to maintain specified insurance policies; providing requirements for contracts to perform mold assessment or mold remediation; authorizing certain persons to qualify for mold assessment and mold remediation licensure notwithstanding the requirements of this part; authorizing additional positions and providing appropriations; providing an effective date.

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

MOTION

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

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

Amendment 1 (283756)—On page 8, line 1, delete “home,” and insert: *home*:

Amendment 2 (782500)—On page 4, lines 1 and 2, delete those lines and insert:

(d) Offered in connection with a home inspection service as defined under s. 468.8311(4) or a mold

On motion by Senator Wise, **CS for CS for CS for SB 2234** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Argenziano	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Carlton	Joyner	Storms
Constantine	Justice	Villalobos
Crist	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

CS for SB 2482—A bill to be entitled An act relating to tax administration; amending s. 45.032, F.S.; including a tax warrant as a subordinate lienholder for purposes of the disbursement of surplus funds after a judicial sale; amending s. 193.1551, F.S.; providing for provisions governing the assessment of homestead property damaged in certain named storms to apply to properties in which repairs are commenced by January 1, 2008; amending s. 196.192, F.S.; specifying that ownership of property by a tax-exempt organization's sole member limited liability company has the same status for property tax purposes as direct ownership by the tax-exempt organization; amending s. 196.193, F.S.; requiring the property appraiser to explain to a nonprofit organization the legal and factual basis for denying a property tax exemption to the nonprofit organization; amending s. 196.196, F.S.; providing that property owned by an exempt entity shall be deemed to be used for religious purposes if the institution has taken affirmative steps to prepare the property for use as a public house of worship; providing definitions; amending s. 197.572, F.S.; providing for easements for conservation purposes; amending s. 198.13, F.S.; exempting certain representatives of an estate from the requirement to file certain returns if there is no tax on estates of decedents or no tax on generation-skipping transfers; amending s. 202.16, F.S.; requiring dealers to document exempt sales for resale; providing requirements and procedures; providing a definition; providing construction; providing for dealer provision of evidence of the exempt status of certain sales through an informal protest process; requiring the Department of Revenue to accept certain evidence during the protest period; providing limitations; requiring the department to establish a toll-free telephone number for the purpose of verifying registration numbers and resale certificates; requiring the department to establish a system for receiving information from dealers regarding certificate numbers; amending s. 202.18, F.S.; providing for adjustments in communications services tax distributions to correct for misallocations between jurisdictions; amending s. 202.20, F.S.; limiting local governmental authority to make certain rate adjustments in the tax under certain circumstances; providing for a determination of completeness of certain data; amending s. 202.28, F.S.; providing requirements for the Department of Revenue with respect to distributing proceeds of the communications services tax and allocating certain penalties; amending s. 202.30, F.S.; reducing the threshold tax amount which a dealer of communications services is required to remit taxes electronically; amending ss. 206.02 and 206.021, F.S.; authorizing the Department of Revenue to issue temporary fuel licenses during a declared state of emergency or a declared disaster; amending s. 206.9943, F.S.; authorizing the department to issue a temporary pollutant tax license during a declared state of emergency or a declared disaster; amending s. 211.3103, F.S.; providing for the annual producer price index to apply to the tax on the severance of phosphate rock; amending s. 212.02, F.S.; adding leases of certain aircraft to the definition of the term "qualified aircraft"; amending ss. 212.05 and 212.0515, F.S.; authorizing the department to adopt additional divisors for calculating the sales tax on vending machines when a county imposes a sales surtax rate that is not listed in statute; amending s. 212.0506, F.S.; clarifying that the definition of the term "service warranty" excludes certain contracts; amending s. 212.08, F.S., relating to exemptions from the sales tax; deleting provisions exempting certain building materials and business property from application of certain requirements for refunds; providing a sales tax exemption for certain delivery charges; repealing s. 212.095, F.S., relating to a sales tax refund permit for certain organizations; amending s. 212.12, F.S.; providing that a person is liable for failure to register a business or collect the

required taxes; providing penalties; providing exceptions to certain penalties; providing for voluntary sampling of fixed assets; providing for application; providing legislative intent; authorizing the Department of Revenue, in conjunction with financial institutions, to design a pilot program for identifying certain account holders against whose property the department has a tax warrant; authorizing the department to enter into agreements with financial institutions for developing and operating a data match system; requiring the department to pay a fee to participating financial institutions; requiring the department to submit a report to the Legislature; amending s. 213.053, F.S.; authorizing the department to provide information to the child support enforcement program; amending s. 213.21, F.S.; providing for a taxpayer's liability for a service fee to be waived due to unintentional error; amending s. 213.755, F.S.; reducing the threshold tax amount under which a taxpayer may be required to remit taxes electronically; amending s. 220.21, F.S.; requiring a taxpayer that is required to file its federal income tax return electronically to also file its state corporate income tax electronically; providing a penalty for failure to do so; authorizing the department to adopt rules; providing for applicability; amending s. 443.1216, F.S.; authorizing the Agency for Workforce Innovation and the agency that collects unemployment taxes to adopt rules; clarifying that certain senior management positions are excluded from unemployment compensation provisions; amending s. 443.1316, F.S.; providing for certain provisions of ch. 213, F.S., relating to taxpayers rights, to apply to the collection of unemployment taxes; deleting a limitation on the amount the department may charge for the costs of collection services; amending s. 443.141, F.S.; providing a date through which certain penalties on delinquent unemployment compensation reports can be assessed; applying the provisions of s. 213.24(1), F.S., to such penalties; amending s. 443.163, F.S.; amending s. 624.511, F.S.; authorizing the Department of Revenue to refund an overpayment of insurance premium tax under certain circumstances; amending s. 832.062, F.S.; providing for prima facie evidence of intent to defraud or knowledge of insufficient funds with respect to an electronic transfer to the Department of Revenue which is not honored or refused; providing for exceptions; providing requirements for notice; providing for the department to recover court costs and attorney's fees; providing procedures for establishing prima facie evidence; providing for refunds of certain property taxes for residential property damaged or destroyed by a tornado during a specified period; providing effective dates.

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

MOTION

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

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

Amendment 1 (254796)—On page 21, delete line 6 and insert: of section 202.30, Florida Statutes, is amended to read:

On motion by Senator Haridopolos, **CS for SB 2482** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Argenziano	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Carlton	Joyner	Storms
Constantine	Justice	Villalobos
Crist	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

CS for HB 1305—A bill to be entitled An act relating to notaries public; creating s. 117.021, F.S.; authorizing electronic notarization; requiring electronic signatures to include certain information; providing requirements for the use of a notary public seal with electronic signatures; providing that failure to comply with such requirements may result in specified sanctions against the notary public; authorizing the Department of State to adopt rules to ensure the security, reliability, and uniformity of the signatures and seals; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **CS for HB 1305** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Argenziano	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Carlton	Joyner	Storms
Constantine	Justice	Villalobos
Crist	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

CS for CS for HB 1283—A bill to be entitled An act relating to black business investment; amending s. 14.2015, F.S.; requiring the Office of Tourism, Trade, and Economic Development to administer the Black Business Loan Program; providing purposes; amending s. 288.702, F.S.; revising a short title; amending s. 288.703, F.S.; revising the definition of “minority person”; amending s. 288.706, F.S.; deleting references to the Florida Black Business Investment Board, Inc., and black business investment corporations from a list of certain financial institutions maintained by the Department of Management Services; requiring the Department of Management Services to collaborate with the Florida Black Business Investment Board, Inc., and the Office of Tourism, Trade, and Economic Development for certain purposes; creating s. 288.7065, F.S.; providing a short title; amending s. 288.707, F.S.; revising provisions creating the Florida Black Business Investment Board, Inc.; revising legislative findings; creating the board; requiring the board to contract with the Office of Tourism, Trade, and Economic Development for certain purposes; specifying application of public records and public meetings requirements; providing for appointment of a board of directors; specifying terms of office and experience requirements of board members; providing for filling of board vacancies; requiring the Governor to appoint a chair; providing for meetings; requiring members to serve without compensation; providing for reimbursement of expenses; requiring members to file a statement of financial interests; amending s. 288.708, F.S.; providing for appointment and duties of the president of the board; deleting a provision specifying prudent use of certain funds and requiring use of funds according to applicable laws, bylaws, or contracts; applying certain salary limitation provisions to employees of the board; requiring the Department of Management Services to establish a lease-agreement program for board employees; amending s. 288.709, F.S.; revising the powers of the board; amending s. 288.7091, F.S.; revising the duties of the board; creating s. 288.7094, F.S.; providing a definition; specifying eligibility of certain black business investment corporations to participate in the Black Business Loan Program; requiring the Office of Tourism, Trade, and Economic Development to give priority consideration to such corporations for participation in the program; creating s. 288.7102, F.S.; establishing the Black Business Loan Program in the Office of Tourism, Trade, and Economic Development; requiring the office to disburse funds appropriated by the Legislature, through certified eligible recipients, to certain black business enterprises; providing duties and responsibilities of the office and the board in administering the program; establishing a competitive application and annual certification process for eligible recipients for funds to provide loans, loan guarantees, and investments to black business enterprises; requiring an allocation policy for equitable distribution throughout the state; providing eligibility requirements for recipients to receive

funds and to provide loans, loan guarantees, or investments; requiring annual certification of eligibility; providing for award agreements and reimbursement of funds under certain circumstances; requiring the office to adopt rules; requiring the board to adopt policies and procedures; providing restrictions for the use of funds by black business investment corporations; providing legislative intent if an investment mechanism is held invalid; providing for reasonable profit for a black business investment corporation; creating s. 288.71025, F.S.; providing a prohibited act; providing for filing of a civil complaint, imposition of a fine, and the payment of court costs and reasonable attorney’s fees; creating s. 288.7103, F.S.; providing black business enterprise eligibility requirements for receiving loans, loan guarantees, or investments; amending s. 288.712, F.S.; revising provisions relating to guarantor funds to assist qualified black business enterprises obtain surety bonds and other credit instruments; authorizing the board to contract with regulated surety companies; revising uses of the Black Contractors Bond Trust Fund; eliminating the Black Business Loan Guaranty Trust Fund and the Black Contractors Bond Program Administrative and Loss Reserve Fund; revising board exceptions to laws and rules related to a guaranty company; requiring board adoption of policies and procedures relating to board guarantee of loss and to required payment of premiums; authorizing contracting with a private entity to administer a black contractors bonding program; delineating board use of a surety bond company; delineating board requirements for implementing the black contractors bonding program; amending s. 288.714, F.S.; requiring recipients to provide quarterly and annual reports; specifying report requirements; requiring the board to provide a summary of such reports to the office; requiring the board to submit an annual program report to the Governor and Legislature; specifying report requirements; amending s. 288.9015, F.S.; requiring Enterprise Florida, Inc., to collaborate with the Florida Black Business Investment Board, Inc., and the Office of Tourism, Trade, and Economic Development for certain purposes; requiring the Office of Program Policy Analysis and Government Accountability to submit a status report to the Governor and Legislature on the implementation of the Florida Black Business Investment Act by the Office of Tourism, Trade, and Economic Development, the Florida Black Business Investment Board, Inc., and program fund recipients; requiring the Office of Program Policy Analysis and Government Accountability to conduct a program review of the performance of the Office of Tourism, Trade, and Economic Development, the Florida Black Business Investment Board, Inc., and program fund recipients in meeting goals of the Florida Black Business Investment Act and to submit a program review report to the Governor and Legislature; amending ss. 17.11, 287.055, 288.90151, 625.3255, 657.042, and 658.67, F.S.; conforming references to changes made by the act; repealing s. 288.7092, F.S., relating to return on investment from activities of the corporation; repealing s. 288.7095, F.S., relating to duties of black business investment corporations; repealing s. 288.71, F.S., relating to conditions for board action; repealing s. 288.7101, F.S., relating to the state employee leasing program of the Department of Management Services for employees of the Florida Black Business Investment Board, Inc.; repealing s. 288.711, F.S., relating to the Florida Investment Incentive Trust Fund; repealing s. 288.713, F.S., relating to capital participation instruments; providing a legislative finding regarding use of state funds received by the board through fiscal year 2005-2006; providing an effective date.

—was read the third time by title.

On motion by Senator Joyner, **CS for CS for HB 1283** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Deutch	Justice
Alexander	Diaz de la Portilla	King
Argenziano	Dockery	Lawson
Aronberg	Fasano	Lynn
Atwater	Gaetz	Margolis
Baker	Garcia	Oelrich
Bennett	Geller	Peaden
Bullard	Haridopolos	Posey
Carlton	Hill	Rich
Constantine	Jones	Ring
Crist	Joyner	Saunders

Siplin	Villalobos	Wilson
Storms	Webster	Wise
Nays—None		

CS for SB 2868—A bill to be entitled An act relating to mental health and substance abuse services; creating s. 394.4996, F.S.; authorizing the Department of Children and Family Services to establish facilities that provide services as an integrated adult mental health crisis stabilization unit and addictions receiving facility; requiring licensure; providing eligibility criteria for treatment services; requiring the department to adopt rules; amending s. 409.906, F.S.; eliminating the requirement that providers of mental health or substance abuse services must be under contract with the department; providing an effective date.

—was read the third time by title.

On motion by Senator Storms, **CS for SB 2868** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Argenziano	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Carlton	Joyner	Storms
Constantine	Justice	Villalobos
Crist	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

HB 7107—A bill to be entitled An act relating to child support enforcement; amending s. 61.1814, F.S.; providing for the collection and deposit of an annual fee for certain child support cases; amending s. 61.1824, F.S.; revising requirements for certain employers to remit support payments electronically; providing grounds for waiving the requirement for employers to electronically remit support payments; amending s. 409.2564, F.S.; lowering the amount of child support owed to permit federal action against an obligor’s passport; amending s. 409.25641, F.S.; revising provisions governing the automated enforcement of a support order from another state; amending s. 409.2567, F.S.; authorizing the Department of Revenue to pay a federally required annual fee; amending ss. 49.011 and 409.257, F.S.; authorizing service of process by publication for unknown legal fathers; providing for diligent search and inquiry; amending s. 742.09, F.S.; providing an exception to the prohibition against publication of the name of a party in a paternity action; providing an effective date.

—was read the third time by title.

On motion by Senator Storms, further consideration of **HB 7107** was deferred.

CS for SB 430—A bill to be entitled An act relating to mental health facilities; amending s. 394.461, F.S.; requiring mental health and treatment facilities designated by the Department of Children and Family Services to report certain financial and health service data to the department; providing a definition; providing reporting deadlines; providing a report by the department; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **CS for SB 430** was passed and certified to the House. The vote on passage was:

Yeas—38		
Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Argenziano	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Carlton	Joyner	Villalobos
Constantine	Justice	Webster
Crist	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	

Nays—None

Vote after roll call:

Yea—Storms

Consideration of **CS for SB 1020**, **CS for SJR 3034**, **CS for SB 1022** and **CS for CS for SB 560** was deferred.

SPECIAL ORDER CALENDAR

Consideration of **CS for CS for SB 1388** was deferred.

CS for CS for SB 1604—A bill to be entitled An act relating to sexual offenders and predators; amending s. 775.21, F.S.; revising criteria for designation as a sexual predator; correcting a cross-reference; requiring sexual predators to register with the Department of Law Enforcement through a sheriff’s office; requiring a sexual predator who is supervised by the Department of Corrections but not incarcerated to register within a specified period; requiring that the custodian of a local jail register a sexual predator within a specified period after intake; requiring the sexual predator to register in the county where designated as a sexual predator; deleting provisions allowing certain predators to have predator designation removed after a specified period; revising references to applicable federal law; revising provisions relating to verification of addresses; increasing frequency of a reregistration requirement for a sexual predator; providing specified immunity to the Department of Juvenile Justice; amending s. 943.0435, F.S.; revising criteria for sexual offender designation; providing conditions under which juveniles are designated as sexual offenders; requiring the court to make certain written findings related to violations of sexual offender qualifying offenses; revising the definition of the term “conviction”; revising reporting requirements; revising references to applicable federal law; revising provisions relating to verification of addresses; providing specified immunity to the Department of Juvenile Justice; revising provisions relating to petitions to allow certain offenders to remove the offender designation after a specified period; increasing frequency of reregistration requirement for certain sexual offenders; creating s. 943.04354, F.S.; allowing certain sexual predators and sexual offenders to petition for the removal of the registration requirement; providing that a court may grant the petition if certain criteria are met and removal of the registration requirement will not conflict with federal law; creating s. 943.44353, F.S.; requiring development and maintenance of a system to provide automatic notification of registration information regarding sexual predators and sexual offenders to the public; amending s. 943.0515, F.S.; requiring retention of records of minors adjudicated delinquent of specified sexual offenses; amending s. 944.606, F.S.; revising criteria for designation as a sexual offender; providing registration and notification duties for a custodian of a local jail regarding sexual offenders; amending s. 944.607, F.S.; revising the definition of a sexual offender for notification purposes; requiring a sexual offender who is supervised by the Department of Corrections but not incarcerated to register within a specified period; providing registration and notification duties for a custodian of a local jail regarding sexual offenders; providing specified immunity to the Department of Juvenile Justice; requiring more frequent reregistration for specified offenders; amending s. 985.04, F.S.; providing that specified sexual predator and offender registration information is a public record; amending s. 985.045, F.S.; conforming a provision; creating s. 985.481, F.S.; providing definitions; providing for notification upon release of

specified juvenile sexual offenders; providing for availability of specified information concerning such offenders; providing immunity for specified officials; creating s. 985.4815, F.S.; providing for notification to the Department of Law Enforcement concerning specified juvenile sexual offenders; providing definitions; providing duties of clerks of court; providing registration requirements; requiring specified information to be made available to the Department of Law Enforcement; providing duties of a custodian of a local jail; providing for forwarding of information for specified offenders under federal supervision; providing penalties for failure to comply with requirements; providing venue for prosecution of specified offenses; providing for the effect of certain actions; providing that registration following certain actions does not provide a defense to specified charges; providing immunity for specified agencies and persons for certain actions; prohibiting certain acts concerning offenders; providing criminal penalties; providing reporting requirements for offenders; amending s. 921.0022, F.S.; ranking within the offense severity ranking chart of the Criminal Punishment Code certain offenses relating to the registration requirements for sexual offenders; providing an effective date.

—was read the second time by title.

Senator Argenziano moved the following amendments which were adopted:

Amendment 1 (244774)—On page 16, line 29, delete “s. 794.075” and insert: s. 794.05

Amendment 2 (143724)—On page 17, line 20, delete “I.d.” and insert: (1)(a)I.d.

Amendment 3 (293252)—On page 29, line 30, delete “s. 943.0435(1)(d)I.d.” and insert: s. 943.0435(1)(a)I.d.

Amendment 4 (282674)(with title amendment)—On page 37, between lines 2 and 3, insert:

Section 8. Subsection (9) of section 947.005, Florida Statutes, is amended to read:

947.005 Definitions.—As used in this chapter, unless the context clearly indicates otherwise:

(9) “Qualified practitioner” means a psychiatrist licensed under chapter 458 or chapter 459, a psychologist licensed under chapter 490, or a social worker, a mental health counselor, or a marriage and family therapist licensed under chapter 491 who practices in accordance with his or her respective practice act, as determined by rule of the respective boards, has the coursework, training, qualifications, and experience to evaluate and treat sex offenders.

Section 9. Subsection (6) of section 948.001, Florida Statutes, is amended to read:

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

(6) “Qualified practitioner” means a psychiatrist licensed under chapter 458 or chapter 459, a psychologist licensed under chapter 490, or a social worker, a mental health counselor, or a marriage and family therapist licensed under chapter 491 who practices in accordance with his or her respective practice act, as determined by rule of the respective boards, has the coursework, training, qualifications, and experience to evaluate and treat sex offenders.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 8, after the first semicolon (;) insert: amending ss. 947.005 and 948.001, F.S.; revising the definition of the term “qualified practitioner” for purposes of certain sex offender treatment programs;

On motion by Senator Argenziano, by two-thirds vote **CS for CS for SB 1604** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President Argenziano Atwater
Alexander Aronberg Baker

Bennett Geller Peadar
Bullard Haridopolos Posey
Carlton Hill Rich
Constantine Jones Ring
Crist Joyner Saunders
Deutch Justice Siplin
Diaz de la Portilla King Storms
Dockery Lawson Villalobos
Fasano Lynn Webster
Gaetz Margolis Wilson
Garcia Oelrich Wise

Nays—None

On motion by Senator Lawson, by two-thirds vote **CS for HB 111** was withdrawn from the Committees on Banking and Insurance; and Finance and Tax.

On motion by Senator Lawson—

CS for HB 111—A bill to be entitled An act relating to title insurance; amending s. 626.84201, F.S.; providing additional requirements for non-resident title insurance agent licensure; amending s. 626.9541, F.S.; revising unlawful rebate specifications; amending s. 627.7711, F.S.; revising definitions; amending s. 627.780, F.S.; providing an exception to a prohibition against dealing in certain premium; amending ss. 627.782 and 627.783, F.S.; revising rate and rate deviation requirements; amending s. 627.7845, F.S.; revising determination of insurability and records retention requirements; amending s. 701.04, F.S.; revising requirements for an estoppel letter; amending s. 701.041, F.S.; revising definitions; providing for application to certain mortgages; providing liability for title insurance agents recording a certificate of release; repealing the authority of the Financial Services Commission to adopt rules regarding the charge for the certificate of release; providing an effective date.

—a companion measure, was substituted for **CS for SB 636** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 111** was placed on the calendar of Bills on Third Reading.

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

BILLS ON THIRD READING, continued

The Senate resumed consideration of—

HB 7107—A bill to be entitled An act relating to child support enforcement; amending s. 61.1814, F.S.; providing for the collection and deposit of an annual fee for certain child support cases; amending s. 61.1824, F.S.; revising requirements for certain employers to remit support payments electronically; providing grounds for waiving the requirement for employers to electronically remit support payments; amending s. 409.2564, F.S.; lowering the amount of child support owed to permit federal action against an obligor’s passport; amending s. 409.25641, F.S.; revising provisions governing the automated enforcement of a support order from another state; amending s. 409.2567, F.S.; authorizing the Department of Revenue to pay a federally required annual fee; amending ss. 49.011 and 409.257, F.S.; authorizing service of process by publication for unknown legal fathers; providing for diligent search and inquiry; amending s. 742.09, F.S.; providing an exception to the prohibition against publication of the name of a party in a paternity action; providing an effective date.

—which was previously considered this day.

On motion by Senator Storms, **HB 7107** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President Argenziano Atwater
Alexander Aronberg Baker

Bennett	Geller	Peaden
Bullard	Haridopolos	Posey
Carlton	Hill	Rich
Constantine	Jones	Ring
Crist	Joyner	Saunders
Deutch	Justice	Siplin
Diaz de la Portilla	King	Storms
Dockery	Lawson	Villalobos
Fasano	Lynn	Webster
Gaetz	Margolis	Wilson
Garcia	Oelrich	Wise

Nays—None

COMMUNICATION

The Honorable Ken Pruitt
President, The Florida Senate

April 30, 2007

Dear Mr. President:

In compliance with Article III, Section 19(d) of the Constitution and Joint Rule 2, copies of the Conference Committee Report on **SB 2800** have been furnished to each member of the Legislature, the Governor, the Chief Justice of the Supreme Court, and each member of the Cabinet.

Delivery was completed April 30, 2007 at 11:48 a.m.

Respectfully submitted,
Faye W. Blanton, Secretary

SPECIAL ORDER CALENDAR, continued

On motion by Senator Storms—

CS for CS for SB 1388—A bill to be entitled An act relating to adoption and child protection; amending s. 39.001, F.S.; redesignating the Office of Child Abuse Prevention as the Office of Adoption and Child Protection; revising the purpose of the office; redesignating the director of the office as the Chief Child Advocate; providing for the promotion of adoption and support of adoptive families in the state plan of the office; revising the content requirement of an annual report; establishing the Child Abuse Prevention and Permanency Advisory Council and providing for its composition; providing additional purposes for district plans of action; creating s. 39.0011, F.S.; authorizing the office to establish a direct-support organization; providing purposes, requirements, and objectives; providing for members of a board of directors of the direct-support organization; requiring the organization to operate under contract with the office; providing guidelines for the use of funds; amending ss. 39.0014 and 39.01, F.S.; conforming references to changes made by the act; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 1388** to **CS for CS for HB 1309**.

Pending further consideration of **CS for CS for SB 1388** as amended, on motion by Senator Storms, by two-thirds vote **CS for CS for HB 1309** was withdrawn from the Committees on Children, Families, and Elder Affairs; Judiciary; and Health and Human Services Appropriations.

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

CS for CS for HB 1309—A bill to be entitled An act relating to adoption and child protection; amending s. 39.001, F.S.; redesignating the Office of Child Abuse Prevention as the Office of Adoption and Child Protection; revising the purpose of the office; providing for a Chief Child Advocate and providing duties therefor; providing duties and responsibilities of the office; providing for the promotion of adoption and support of adoptive families in the state plan of the office; establishing the Child Abuse Prevention and Permanency Advisory Council and providing for composition thereof; providing additional purposes for district plans of action; creating s. 39.0011, F.S.; authorizing the office to establish a direct-support organization; providing purposes, requirements, and objectives; providing for members of a board of directors of the direct-

support organization; requiring the organization to operate under contract with the office; providing guidelines for the use of funds; amending ss. 39.0014 and 39.01, F.S.; conforming references to changes made by the act; amending s. 409.166, F.S.; providing an adoption assistance program for children within the child welfare system; revising legislative intent; revising and providing definitions; requiring the Department of Children and Family Services to collect and maintain certain data; providing adoption assistance in the form of maintenance subsidies, subject to specific appropriations; specifying conditions under which such subsidies are granted; providing for reimbursement for certain expenses; requiring the department to adopt rules; providing appropriations; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1388** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1309** was placed on the calendar of Bills on Third Reading.

By Senator Atwater—

CS for SB 760—A bill to be entitled An act relating to hospitals; amending s. 395.003, F.S.; revising provisions designating classes of disease; exempting certain cancer center hospitals from licensure restrictions; amending s. 408.0361, F.S.; revising provisions relating to licensing standards for adult cardiovascular services; revising the period of validity for certain licenses authorized under a grandfather provision; revising the criteria for the adoption of rules by the Agency for Health Care Administration; requiring certain hospitals to participate in clinical outcome-reporting systems operated by the American College of Cardiology and the Society for Thoracic Surgeons for purposes of such rule criteria; removing a requirement that the agency include specified data in rules; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 760** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 780** was deferred.

On motion by Senator Jones, by two-thirds vote **CS for HB 405** was withdrawn from the Committees on Regulated Industries; Judiciary; and General Government Appropriations.

On motion by Senator Jones—

CS for HB 405—A bill to be entitled An act relating to vacation and timeshare plans; amending s. 721.03, F.S.; revising the formula for funding reserve accounts for conversions; authorizing a seller to offer timeshare interests in a timeshare plan located outside of this state without filing a public offering statement for such out-of-state timeshare plan; providing criteria for such offers; requiring certain notice; providing for a fee; conforming cross-references and terminology; amending s. 721.05, F.S.; revising the definition of the term “one-to-one purchaser to accommodation ratio”; providing definitions for the terms “lead dealer,” “personal contact information,” and “resale service provider”; amending s. 721.07, F.S.; revising information required to be contained in filed public offering statements for certain timeshare plans; authorizing the Division of Florida Land Sales, Condominiums, and Mobile Homes to accept alternate forms of timeshare disclosure statements; conforming cross-references; amending s. 721.075, F.S.; conforming terminology; amending s. 721.11, F.S.; revising provisions relating to advertising and oral statements to include those made by resale service providers; providing that a seller or resale service provider may not misrepresent or falsely imply that the resale service provider is affiliated with, or obtained personal contact information from, a developer, managing entity, or exchange company; creating s. 721.121, F.S.; providing recordkeeping requirements for resale service providers and lead dealers; providing that the failure to produce such records in any civil or criminal action relating to the wrongful possession or wrongful use of personal contact information shall lead to a presumption that the personal contact information was wrongfully obtained; providing what constitutes wrongful use of such personal contact information; providing for recovery of certain damages and attorney’s fees and costs; amending s. 721.13, F.S.;

providing that failure to obtain and maintain required insurance coverage constitutes a breach of the managing entity's fiduciary duty; authorizing funding of reserve accounts to be waived or reduced; providing the managing entity with certain rights and powers; providing language to be included in public offering statements; providing recordkeeping requirements; requiring the managing entity to make certain records available to the division under certain circumstances; conforming cross-references; amending s. 721.15, F.S.; providing that amounts expended for any insurance coverage required by law or by the timeshare instrument to be maintained by the owners' association shall be exempt from assessment of common expenses; providing that any determination by a timeshare association of whether assessments exceed 115 percent of assessments for the prior fiscal year shall exclude anticipated expenses for required insurance coverage; amending s. 721.165, F.S.; revising provisions relating to insurance; requiring managing entities to use due diligence to obtain certain types of insurance; providing factors that a managing entity must take into account in determining whether the insurance obtained is adequate; providing that insurance coverage may be subject to certain requirements; authorizing the managing entity to apply any existing reserves for certain purposes; amending s. 721.52, F.S.; providing application with respect to use of the term "vacation club"; amending ss. 721.55 and 721.552, F.S.; conforming cross-references and terminology; amending s. 721.97, F.S.; authorizing the Governor to appoint commissioners of deeds to take acknowledgments, proofs of execution, or oaths in international waters; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1374** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 405** was placed on the calendar of Bills on Third Reading.

CS for CS for CS for SB 1928—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.; defining the term "metropolitan planning organization" for purposes of the Florida Retirement System Act; revising definitions to include M.P.O.'s and positions in M.P.O.'s; amending s. 121.051, F.S.; providing for M.P.O.'s to participate in the Florida Retirement System; amending s. 121.055, F.S.; requiring certain M.P.O. staff positions to be in the Senior Management Service Class; 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 an M.P.O.; authorizing the governing body of an M.P.O. 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 M.P.O. officers and staff to claim credit for past service for retirement benefits; creating s. 163.3182, F.S.; providing for the creation of transportation concurrency backlog authorities; providing powers and responsibilities of such authorities; providing for transportation concurrency backlog plans; providing for the issuance of revenue bonds for certain purposes; providing for the establishment of a local trust fund within each county or municipality having an identified transportation concurrency backlog; providing exemptions from transportation concurrency requirements; providing for the satisfaction of concurrency requirements; providing for dissolution of transportation concurrency backlog authorities; amending s. 212.055, F.S.; deleting a provision prohibiting a school district, county, or municipality from issuing bonds more than once each year pledging the proceeds of certain discretionary taxes; amending s. 215.615, F.S.; revising the Department of Transportation's requirement to share certain costs of fixed-guideway system projects; revising criteria for an interlocal agreement to establish bond financing for fixed-guideway system projects; revising provisions for sources of funds for the payment of bonds; amending s. 311.22, F.S.; revising funding for certain dredging projects; amending s. 336.41, F.S.; increasing the threshold for certain road construction and maintenance by counties which is exempt from a competitive-bid requirement; amending s. 316.605, F.S.; providing height and placement requirements for vehicle license plates; prohibiting display that obscures identification of the letters and numbers on a license plate; providing penalties; 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 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; removing procedures for withholding of adjudication; providing for suspension of a driver's license under certain circumstances; amending s. 320.061, F.S.; prohibiting interfering with the legibility, angular visibility, or detectability of any feature or detail on a license plate or interfering with the ability to record any feature or detail on a license plate; amending s. 334.351, F.S.; requiring nonprofit youth organizations that contract with the Department of Transportation for the purpose of operating youth work experience programs to certify that the program participants are residents of the state and possess valid identification; specifying criteria for the department to consider in awarding contracts to such organizations; requiring that the nonprofit youth organizations submit certain reports and audits to the department and demonstrate participation in a peer assessment or review process; amending s. 336.025, F.S.; deleting a prohibition against local governments issuing certain bonds secured by revenues from local option fuel taxes more than once a year; amending s. 338.161, F.S.; providing for the Department of Transportation and certain toll agencies to enter into agreements with public or private entities for additional uses of electronic toll collection products and services; authorizing feasibility studies by the department or a toll agency of additional uses of electronic toll devices for legislative consideration; 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 for Sustainable Transportation; amending s. 339.175, F.S.; revising intent; providing the method of creation and operation of M.P.O.'s required to be designated pursuant to federal law; specifying that an M.P.O. is separate from the state or the governing body of a local government that is represented on the governing board of the M.P.O. or that is a signatory to the interlocal agreement creating the M.P.O.; providing specified powers and privileges to the M.P.O.; providing for the designation and duties of certain officials; revising requirements for voting membership; defining the term "elected officials of a general-purpose local government" to exclude certain constitutional officers for voting membership purposes; providing for the appointment of alternates and advisers; providing that members of an M.P.O. technical advisory committee shall serve at the pleasure of the M.P.O.; providing for the appointment of an executive or staff director and other personnel; authorizing an M.P.O. to enter into contracts with public or private entities to accomplish its duties and functions; providing for the training of certain persons who serve on an M.P.O. for certain purposes; requiring that certain plans, programs, and amendments that affect projects be approved by each M.P.O. on a recorded roll call vote, or hand-counted vote, of a majority of the membership present; amending s. 339.2819, F.S.; revising the share of matching funds for a public transportation project provided from the Transportation Regional Incentive Program; creating s. 339.282, F.S.; providing legislative findings; providing that property owners or developers who voluntarily contribute right-of-way and physically construct or expand a state transportation facility or segment may receive certain credits against any future transportation concurrency requirements under certain conditions; creating s. 339.285, 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; amending s. 343.81, F.S.; prohibiting elected officials from serving on the Northwest Florida Transportation Corridor Authority; providing for application of the prohibition to apply to persons appointed to serve on the authority after a certain date; amending s. 343.82, F.S.; directing the authority to plan for and study the feasibility of constructing, operating, and maintaining a bridge or bridges, and appurtenant structures, spanning Choctawhatchee Bay or Santa Rosa Sound; authorizing the authority to construct, operate, and maintain said bridges and structures; amending s. 348.0004, F.S.; authorizing certain transportation-related authorities to enter into agreements with private entities for the building, operation, ownership, or financing of transportation facilities; amending s. 348.0012, F.S.; revising provisions for certain exemptions from the Florida Expressway Authority Act; 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; provid-

ing 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 ss. 163.3177, 339.176, and 341.828, F.S.; correcting cross-references; amending s. 2, ch. 89-383, Laws of Florida; providing for certain alterations to and along Red Road in Miami-Dade County for transportation safety purposes; amending s. 479.01, F.S.; defining the term "wall mural"; creating s. 479.156, F.S.; providing for the regulation of wall murals by municipalities and counties; requiring that certain wall murals be located in areas zoned for industrial or commercial use; requiring that the local regulation of wall murals be consistent with specified criteria; requiring the Department of Transportation to approve a wall mural under certain conditions; providing an effective date.

—was read the second time by title.

Senator Constantine moved the following amendment which was adopted:

Amendment 1 (320144)(with title amendment)—On page 28, between lines 27 and 28, insert:

Section 12. Section 316.1951, Florida Statutes, is amended to read:

316.1951 Parking for certain purposes prohibited; *sale of motor vehicles; prohibited acts.*—

(1) It is unlawful for any person to park a motor vehicle, as defined in s. 320.01, ~~for a continuous period in excess of 24 hours, after written notice,~~ upon a public street or highway, upon a public parking lot, or other public property, or upon private property where the public has the right to travel by motor vehicle, for the principal purpose and intent of displaying the motor vehicle thereon for sale, hire, or rental unless the sale, hire, or rental of the motor vehicle is specifically authorized on such property by municipal or county regulation ~~and the person is duly licensed as a motor vehicle dealer in accordance with s. 320.27,~~ and the person is in compliance with all municipal or county licensing regulations.

(2) The provisions of subsection (1) do not prohibit a person from parking his or her own motor vehicle or his or her other personal property on any private real property which the person owns or leases or on private real property which the person does not own or lease, but for which he or she obtains the permission of the owner, or on the public street immediately adjacent thereto, for the principal purpose and intent of sale, hire, or rental.

(3) *Subsection (1) does not prohibit a licensed motor vehicle dealer from displaying for sale or offering for sale motor vehicles at locations other than the dealer's licensed location if the dealer has been issued a supplemental license for off-premises sales, as provided in s. 320.27(5), and has complied with the requirements in subsection (1). A vehicle displayed for sale by a licensed dealer at any location other than the dealer's licensed location is subject to immediate removal without warning.*

(4)(3) The Department of Highway Safety and Motor Vehicles shall adopt by rule a uniform written notice to be used to enforce this section. Each law enforcement agency in this state shall provide, at each agency's expense, the notice forms necessary to enforce this section.

(5)(4) A law enforcement officer, compliance officer ~~examiner, license inspector,~~ or supervisor of the department may cause to be removed at the owner's expense any motor vehicle found ~~upon a public street, public parking lot, other public property, or private property, where the public has the right to travel by motor vehicle, which is in violation of subsection (1), which has been parked in one location for more than 24 hours after a written notice has been issued.~~ Every written notice issued pursuant to this section shall be affixed in a conspicuous place upon a vehicle by a law enforcement officer, compliance officer ~~examiner, license inspector,~~ or supervisor of the department. Any vehicle found in violation of subsection (1) within ~~30~~ 10 days after a previous violation and written notice is ~~shall~~ be subject to immediate removal without an additional waiting period.

(6) *It is unlawful to offer a vehicle for sale if the vehicle identification number has been destroyed, removed, covered, altered, or defaced, as described in s. 319.33(1)(d). A vehicle found in violation of this subsection is subject to immediate removal without warning.*

(7) *It is unlawful to knowingly attach to any motor vehicle a registration that was not assigned or lawfully transferred to the vehicle pursuant to s. 320.261. A vehicle found in violation of this subsection is subject to immediate removal without warning.*

(8) *It is unlawful to display or offer for sale a vehicle that does not have a valid registration as provided in s. 320.02. A vehicle found in violation of this subsection is subject to immediate removal without warning. This subsection does not apply to vehicles and recreational vehicles being offered for sale through motor vehicle auctions as defined in s. 320.27(1)(c)4.*

(9) *A vehicle is subject to immediate removal without warning if it bears a telephone number that has been displayed on three or more vehicles offered for sale within a 12-month period.*

(10)(5) Any other provision of law to the contrary notwithstanding, a violation of subsection (1) shall subject the owner of such motor vehicle to towing fees reasonably necessitated by removal and storage of the motor vehicle.

(11)(6) This section does not prohibit the governing body of a municipality or county, with respect to streets, highways, or other property under its jurisdiction, from regulating the parking of motor vehicles for any purpose.

(12)(7) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318, *unless otherwise mandated by general law.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 28, after the semicolon (;) insert: amending s. 316.1951, F.S.; revising provisions relating to parking vehicles on public property for the purpose of displaying the vehicles for sale, hire, or rental; providing exceptions; prohibiting certain acts in the sale of motor vehicles;

Senator Baker moved the following amendment which was adopted:

Amendment 2 (100138)(with title amendment)—On page 64, between lines 27 and 28, insert:

Section 25. Subsection (4) of section 339.55, Florida Statutes, is amended, and paragraph (c) is added to subsection (2) and paragraph (j) is added to subsection (7) of that section, to read:

339.55 State-funded infrastructure bank.—

(2) The bank may lend capital costs or provide credit enhancements for:

(c)1. *Emergency loans for damages incurred to public-use commercial deepwater seaports, public-use airports, and other public-use transit and intermodal facilities that are within an area that is part of an official state declaration of emergency pursuant to chapter 252 and all other applicable laws. Such loans:*

a. *May not exceed 24 months in duration except in extreme circumstances, for which the Secretary of Transportation may grant up to 36 months upon making written findings specifying the conditions requiring a 36-month term.*

b. *Require application from the recipient to the department that includes documentation of damage claims filed with the Federal Emergency Management Agency or an applicable insurance carrier and documentation of the recipient's overall financial condition.*

c. *Are subject to approval by the Secretary of Transportation and the Legislative Budget Commission.*

2. *Loans provided under this paragraph must be repaid upon receipt by the recipient of eligible program funding for damages in accordance*

with the claims filed with the Federal Emergency Management Agency or an applicable insurance carrier, but no later than the duration of the loan.

(4) Loans from the bank may bear interest at or below market interest rates, as determined by the department. Repayment of any loan from the bank shall commence not later than 5 years after the project has been completed or, in the case of a highway project, the facility has opened to traffic, whichever is later, and shall be repaid ~~within in no more than~~ 30 years, except for loans provided under paragraph (2)(c), which shall be repaid within 36 months.

(7) The department may consider, but is not limited to, the following criteria for evaluation of projects for assistance from the bank:

(j) *The extent to which damage from a disaster that results in a declaration of emergency has impacted a public transportation facility's ability to maintain its previous level of service and remain accessible to the public or has had a major impact on the cash flow or revenue-generation ability of the public-use facility.*

Section 26. Subsection (2) of section 341.071, Florida Statutes, is amended to read:

341.071 Transit productivity and performance measures; reports.—

(2) Each public transit provider shall establish productivity and performance measures, which must be approved by the department and which must be selected from measures developed pursuant to s. 341.041(3). Each provider shall by *January 31 of each year* report ~~annually~~ to the department relative to these measures. In approving these measures, the department shall give consideration to the goals and objectives of each system, the needs of the local area, and the role for public transit in the local area. *The report shall also specifically address potential enhancements to productivity and performance which would have the effect of increasing farebox recovery ratio.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, line 12, after the semicolon (;) insert: amending s. 339.55, F.S.; providing for the use of State Infrastructure Bank loans for certain damaged transportation facilities in areas officially declared to be in a state of emergency; providing criteria; amending s. 341.071, F.S.; requiring certain public transit providers to annually report potential productivity and performance enhancements;

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 3 (493092)(with title amendment)—On page 8, line 10, insert:

Section 1. Paragraphs (b) and (c) of subsection (2) of section 20.23, Florida Statutes, are amended to read:

20.23 Department of Transportation.—There is created a Department of Transportation which shall be a decentralized agency.

(2)

(b) The commission shall have the primary functions to:

1. Recommend major transportation policies for the Governor's approval, and assure that approved policies and any revisions thereto are properly executed.

2. Periodically review the status of the state transportation system including highway, transit, rail, seaport, intermodal development, and aviation components of the system and recommend improvements therein to the Governor and the Legislature.

3. Perform an in-depth evaluation of the annual department budget request, the Florida Transportation Plan, and the tentative work program for compliance with all applicable laws and established departmental policies. Except as specifically provided in s. 339.135(4)(c)2., (d),

and (f), the commission may not consider individual construction projects, but shall consider methods of accomplishing the goals of the department in the most effective, efficient, and businesslike manner.

4. Monitor the financial status of the department on a regular basis to assure that the department is managing revenue and bond proceeds responsibly and in accordance with law and established policy.

5. Monitor on at least a quarterly basis, the efficiency, productivity, and management of the department, using performance and production standards developed by the commission pursuant to s. 334.045.

6. Perform an in-depth evaluation of the factors causing disruption of project schedules in the adopted work program and recommend to the Legislature and the Governor methods to eliminate or reduce the disruptive effects of these factors.

7. Recommend to the Governor and the Legislature improvements to the department's organization in order to streamline and optimize the efficiency of the department. In reviewing the department's organization, the commission shall determine if the current district organizational structure is responsive to Florida's changing economic and demographic development patterns. The initial report by the commission must be delivered to the Governor and Legislature by December 15, 2000, and each year thereafter, as appropriate. The commission may retain such experts as are reasonably necessary to effectuate this subparagraph, and the department shall pay the expenses of such experts.

8. *Monitor the efficiency, productivity, and management of the authorities created under chapters 343 and 348, including any authority formed using the provisions of part I of chapter 348. The commission shall also conduct periodic reviews of each authority's operations and budget, acquisition of property, management of revenue and bond proceeds, and compliance with applicable laws and generally accepted accounting principles.*

(c) The commission or a member thereof may not enter into the day-to-day operation of the department or a monitored authority and is specifically prohibited from taking part in:

1. The awarding of contracts.
2. The selection of a consultant or contractor or the prequalification of any individual consultant or contractor. However, the commission may recommend to the secretary standards and policies governing the procedure for selection and prequalification of consultants and contractors.
3. The selection of a route for a specific project.
4. The specific location of a transportation facility.
5. The acquisition of rights-of-way.
6. The employment, promotion, demotion, suspension, transfer, or discharge of any department personnel.
7. The granting, denial, suspension, or revocation of any license or permit issued by the department.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 20.23, F.S.; requiring the commission to monitor transportation authorities and conduct periodic reviews of each authority; prohibiting a member of the commission from entering into the day-to-day operation of a monitored authority;

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 4 (600518)(with title amendment)—On page 9, between lines 20 and 21, insert:

Section 2. Subsection (1) of section 120.52, Florida Statutes, is amended to read:

120.52 Definitions.—As used in this act:

(1) “Agency” means:

(a) The Governor in the exercise of all executive powers other than those derived from the constitution.

(b) Each:

1. State officer and state department, and each departmental unit described in s. 20.04.

2. Authority, including a regional water supply authority.

3. Board.

4. Commission, including the Commission on Ethics and the Fish and Wildlife Conservation Commission when acting pursuant to statutory authority derived from the Legislature.

5. Regional planning agency.

6. Multicounty special district with a majority of its governing board comprised of nonelected persons.

7. Educational units.

8. Entity described in chapters 163, 373, 380, and 582 and s. 186.504.

(c) Each other unit of government in the state, including counties and municipalities, to the extent they are expressly made subject to this act by general or special law or existing judicial decisions.

This definition does not include any legal entity or agency created in whole or in part pursuant to chapter 361, part II, any metropolitan planning organization created pursuant to s. 339.175, any separate legal or administrative entity created pursuant to s. 339.175 of which a metropolitan planning organization is a member, an expressway authority pursuant to chapter 348 or transportation authority under chapter 349, any legal or administrative entity created by an interlocal agreement pursuant to s. 163.01(7), unless any party to such agreement is otherwise an agency as defined in this subsection, or any multicounty special district with a majority of its governing board comprised of elected persons; however, this definition shall include a regional water supply authority.

Section 3. Subsection (3) of section 349.03, Florida Statutes, is amended to read:

349.03 Jacksonville Transportation Authority.—

(3) The terms of appointed members shall be for 4 years deemed to have commenced on June 1 of the year in which they are appointed. Each member shall hold office until a successor has been appointed and has qualified. A vacancy during a term shall be filled by the respective appointing authority only for the balance of the unexpired term. Any member appointed to the authority for two consecutive full terms shall not be eligible for appointment to the next succeeding term. One of the members so appointed shall be designated annually by the members as chair of the authority, *one member shall be designated annually as the vice chair of the authority, one member shall be designated annually as the secretary of the authority, and one member shall be designated annually as the treasurer of the authority.* The members of the authority shall not be entitled to compensation, but shall be reimbursed for travel expenses or other expenses actually incurred in their duties as provided by law. Four voting members of the authority shall constitute a quorum, and no resolution adopted by the authority shall become effective unless with the affirmative vote of at least four members. The authority shall ~~may~~ employ an executive director, *and the executive director may hire such staff, permanent or temporary, as he or she may determine and may organize the staff of the authority into such departments and units as he or she may determine* ~~divisions as it deems necessary. The executive director~~ ~~may~~ appoint department directors, deputy directors, division chiefs, and staff assistants to the executive director, *as he or she may determine.* In so appointing *the executive director,* the authority may fix the compensation of *such appointee* ~~those appointees~~, who shall serve at the pleasure of the authority. *All employees of the authority shall be*

exempt from the provisions of part II of chapter 110. The authority may employ such financial advisers and consultants, technical experts, engineers, and agents and employees, permanent or temporary, as it may require and may fix the compensation and qualifications of such persons, firms, or corporations. *The authority may delegate to one or more of its agents or employees such of its powers as it shall deem necessary to carry out the purposes of this chapter, subject always to the supervision and control of the governing body of the authority.*

Section 4. Paragraph (n) is added to subsection (2) of section 349.04, Florida Statutes, to read:

349.04 Purposes and powers.—

(2) The authority is hereby granted, and shall have and may exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of the aforesaid purposes, including, but without being limited to, the right and power:

(n) To adopt rules to carry out the powers and obligations herein granted, which set forth a purpose, necessary definitions, forms, general conditions and procedures, and fines and penalties, including, without limitation, suspension or debarment, and charges for nonperformance, with respect to any aspect of the work or function of the authority for the permitting, planning, funding, design, acquisition, construction, equipping, operation, and maintenance of transportation facilities, transit and highway, within the state, provided or operated by the authority or others in cooperation with or at the direction of the authority, and for carrying out all other purposes of the authority set forth or authorized in this chapter.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 6, after the first semicolon (;) insert: amending s. 120.52, F.S.; excluding expressway authorities under ch. 349, F.S., from the definition of the term “agency” for certain purposes; amending s. 349.03, F.S.; revising provisions for officers and employees of the Jacksonville Transportation Authority; amending s. 349.04, F.S.; providing for the adoption of rules by the Jacksonville Transportation Authority for certain purposes;

MOTION

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

Senator Baker moved the following amendments which were adopted:

Amendment 5 (844626)(with title amendment)—On page 66, line 20 through page 70, line 13, delete those lines and insert:

Section 28. Section 334.30, Florida Statutes, is amended to read:

334.30 Public-private transportation facilities.—The Legislature ~~hereby~~ finds and declares that there is a public need for the rapid construction of safe and efficient transportation facilities for the purpose of ~~traveling~~ ~~travel~~ within the state, and that it is in the public’s interest to provide for the construction of additional safe, convenient, and economical transportation facilities.

(1) The department may receive or solicit proposals and, with legislative approval as evidenced by approval of the project in the department’s work program, enter into agreements with private entities, or consortia thereof, for the building, operation, ownership, or financing of transportation facilities *which increase transportation capacity. Except as provided in s. 337.25, s. 337.251, s. 338.234, or s. 338.235, the department may not sell or lease any transportation facility owned by the department.* The department may advance projects programmed in the adopted 5-year work program using funds provided by public-private partnerships or private entities to be reimbursed from department funds for the project as programmed in the adopted work program. The department shall by rule establish an application fee for the submission of *unsolicited* proposals under this section. The fee must be sufficient to pay the costs of evaluating the proposals. The department may engage the services of private consultants to assist in the evaluation. Before approval, the department must determine that the proposed project:

- (a) Is in the public's best interest;
- (b) Would not require state funds to be used unless the project is on the State Highway System; ~~and~~
- (c) Would have adequate safeguards in place 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 cancellation of the agreement by the department;
- (d) *Would have adequate safeguards in place to ensure that the department or the private entity has the opportunity to add capacity to the proposed project and other transportation facilities serving similar origins and destinations; and*
- (e) *Would be owned by the department upon completion or termination of the agreement.*

The department shall ensure that all reasonable costs to the state, related to transportation facilities that are not part of the State Highway System, are borne by the private entity. The department 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.

(2) Agreements entered into pursuant to this section may authorize the 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 department to avoid unreasonable costs to users of the facility.

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

(4) The department may exercise any power possessed by it, including eminent domain, with respect to the development and construction of state transportation projects to facilitate the development and construction of transportation projects pursuant to this section. The department may provide services to the private entity. Agreements for maintenance, law enforcement, and other services entered into pursuant to this section shall provide for full reimbursement for services rendered for projects not on the State Highway System.

(5) Except as herein provided, the provisions of this section are not intended to amend existing laws by granting additional powers to, or further restricting, local governmental entities from regulating and entering into cooperative arrangements with the private sector for the planning, construction, and operation of transportation facilities.

(6) The department may request proposals from private entities for public-private transportation projects or, if the department receives an unsolicited proposal, the department shall publish a notice in the Florida Administrative Weekly and a newspaper of general circulation at least once a week for 2 weeks stating that the department 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 area. After the public notification period has expired, the department shall rank the proposals in order of preference. In ranking the proposals the department may consider factors, including, but not limited to, professional qualifications, general business terms, innovative engineering or cost-reduction terms, finance plans, and the need for state funds to deliver the project. If the department is not satisfied with the results of the negotiations, the department may, at its sole discretion, terminate negotiations with the proposer. If these negotiations are unsuccessful, the department may go to the second-ranked and lower-ranked firms, in order, using this same procedure. If only one proposal is received, the department may negotiate in good faith and, if the department is not satisfied with the results of the negotiations, the department may, at its sole discretion, terminate negotiations with the proposer. ~~Notwithstanding this subsection,~~ The department may, at its discretion, reject all proposals at any point in the process up to completion of a contract with the proposer.

(7) The department may lend funds from the Toll Facilities Revolving Trust Fund, as outlined in s. 338.251, to private entities that construct projects on the State Highway System containing toll facilities that are approved under this section. 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. The state's liability for the funding of a facility is limited to the amount approved for that specific facility in the department's 5-year work program adopted pursuant to s. 339.135.

~~(8) A fixed guideway transportation system authorized by the department to be wholly or partially within the department's right of way pursuant to a lease granted under s. 337.251 may operate at any safe speed.~~

Section 29. Section 338.234, Florida Statutes, is amended to read:

338.234 Granting concessions or selling along the turnpike system; immunity from taxation.—

(1) The department may enter into contracts or licenses with any person for the sale of services or products or business opportunities on the turnpike system, or the turnpike enterprise may sell services, products, or business opportunities on the turnpike system, which benefit the traveling public or provide additional revenue to the turnpike system. Services, business opportunities, and products authorized to be sold include, but are not limited to, motor fuel, vehicle towing, and vehicle maintenance services; food with attendant nonalcoholic beverages; lodging, meeting rooms, and other business services opportunities; advertising and other promotional opportunities, which advertising and promotions must be consistent with the dignity and integrity of the state; state lottery tickets sold by authorized retailers; games and amusements that operate by the application of skill, not including games of chance as defined in s. 849.16 or other illegal gambling games; Florida citrus, goods promoting the state, or handmade goods produced within the state; and travel information, tickets, reservations, or other related services. However, the department, pursuant to the grants of authority to the turnpike enterprise under this section, shall not exercise the power of eminent domain solely for the purpose of acquiring real property in order to provide business services or opportunities, such as lodging and meeting-room space on the turnpike system.

(2) *The effectuation of the authorized purposes of the Florida Intra-state Highway System and Florida Turnpike Enterprise, created under this chapter, is for the benefit of the people of the state, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions and, because the system and enterprise perform essential government functions in effectuating such purposes, neither the turnpike enterprise nor any nongovernment lessee or licensee renting, leasing, or licensing real property from the turnpike enterprise, pursuant to an agreement authorized by this section are required to pay any commercial rental tax imposed under s. 212.031 on any capital improvements constructed, improved, acquired, installed, or used for such purposes.*

Section 30. 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 the rapid construction of safe and efficient transportation facilities for *traveling* 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* 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 *which increase transportation capacity. An authority may not sell or lease any transportation facility owned by the 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.
4. *Would have adequate safeguards in place to ensure that the department, the authority, or the private entity has the opportunity to add capacity to the proposed project and other transportation facilities serving similar origins and destinations.*
5. *Would be owned by the authority upon completion or termination of the agreement.*

(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 maintaining 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 do not subject a statutorily created expressway authority, transportation authority, bridge authority, or toll authority, other than one created under this part, to any of the requirements of this part other than those contained in this subsection.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, line 25, after the semicolon (;) insert: amending s. 334.30, F.S.; authorizing the Department of Transportation to enter into agreements with private entities for the building, operation, ownership, or financing of transportation facilities; revising criteria for approving agreements; amending s. 338.234, F.S.; granting the Florida Turnpike Enterprise, its lessees, and licensees an exemption from paying commercial rental tax on capital improvements;

Amendment 6 (020844)(with title amendment)—On page 27, line 26 through page 36, line 16, delete those lines and insert:

Section 11. Section 316.2123, Florida Statutes, is amended 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. *Alternatively, a county may, by majority vote after such a hearing, designate certain unpaved roadways where an ATV may be operated during the daytime as long as each such designated roadway has a posted speed limit of less than 35 miles per hour and is appropriately marked to indicate permissible ATV use.*

(3) *Any ATV operation that is permitted under subsection (1) or subsection (2) may be undertaken only by a licensed driver or a minor who is under the direct supervision of a licensed driver. The operator must provide proof of ownership under chapter 317 upon the request of a law enforcement officer.*

Section 12. Subsection (1) of section 316.605, Florida Statutes, is amended to read:

316.605 Licensing of vehicles.—

(1) Every vehicle, at all times while driven, stopped, or parked upon any highways, roads, or streets of this state, shall be licensed in the name of the owner thereof in accordance with the laws of this state unless such vehicle is not required by the laws of this state to be licensed in this state and shall, except as otherwise provided in s. 320.0706 for front-end registration license plates on truck tractors and s. 320.086(5) which exempts display of license plates on described former military vehicles, display the license plate or both of the license plates assigned to it by the state, one on the rear and, if two, the other on the front of the vehicle, each to be securely fastened to the vehicle outside the main body of the vehicle *not higher than 60 inches and not lower than 12 inches from the ground and no more than 24 inches to the left or right of the centerline of the vehicle, and in such manner as to prevent the plates from swinging, and all letters, numerals, printing, writing, and other identification marks upon the plates regarding the word "Florida," the registration decal, and the alphanumeric designation shall be clear and*

distinct and free from defacement, mutilation, grease, and other obscuring matter, so that they will be plainly visible and legible at all times 100 feet from the rear or front. *Vehicle license plates shall be affixed and displayed in such a manner that the letters and numerals shall be read from left to right parallel to the ground. No vehicle license plate may be displayed in an inverted or reversed position or in such a manner that the letters and numbers and their proper sequence are not readily identifiable.* Nothing shall be placed upon the face of a Florida plate except as permitted by law or by rule or regulation of a governmental agency. No license plates other than those furnished by the state shall be used. However, if the vehicle is not required to be licensed in this state, the license plates on such vehicle issued by another state, by a territory, possession, or district of the United States, or by a foreign country, substantially complying with the provisions hereof, shall be considered as complying with this chapter. A violation of this subsection is a non-criminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 13. 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 \$25 fine, or such other amount as imposed by the governmental entity owning the applicable toll facility, plus the amount of the unpaid toll that is shown on the traffic citation directly to the governmental entity that issued the citation, or on whose behalf the citation was issued, 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, or on whose behalf the citation was issued, and no points will be assessed against the person's driver's license.*

Section 14. 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 governmental entity owning the applicable toll facility, plus the amount of the unpaid toll that is shown on the traffic citation directly to the governmental entity that issued the citation, or on whose behalf the citation was issued, 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 governmental entity owning the applicable toll facility plus the amount of the unpaid toll that is shown on the traffic citation directly to the governmental entity that issued the citation, or on whose behalf the citation was issued, as described in this subsection 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 15. Section 318.18, Florida Statutes, is amended to read:

318.18 Amount of civil penalties.—The penalties required for a non-criminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:

- (1) Fifteen dollars for:
 - (a) All infractions of pedestrian regulations.
 - (b) All infractions of s. 316.2065, unless otherwise specified.
 - (c) Other violations of chapter 316 by persons 14 years of age or under who are operating bicycles, regardless of the noncriminal traffic infraction's classification.

(2) Thirty dollars for all nonmoving traffic violations and:

- (a) For all violations of s. 322.19.
- (b) For all violations of ss. 320.0605, 320.07(1), 322.065, and 322.15(1). Any person who is cited for a violation of s. 320.07(1) shall be charged a delinquent fee pursuant to s. 320.07(4).

1. If a person who is cited for a violation of s. 320.0605 or s. 320.07 can show proof of having a valid registration at the time of arrest, the clerk of the court may dismiss the case and may assess a dismissal fee of up to \$7.50. A person who finds it impossible or impractical to obtain a valid registration certificate must submit an affidavit detailing the reasons for the impossibility or impracticality. The reasons may include, but are not limited to, the fact that the vehicle was sold, stolen, or destroyed; that the state in which the vehicle is registered does not issue a certificate of registration; or that the vehicle is owned by another person.

2. If a person who is cited for a violation of s. 322.03, s. 322.065, or s. 322.15 can show a driver's license issued to him or her and valid at the time of arrest, the clerk of the court may dismiss the case and may assess a dismissal fee of up to \$7.50.

3. If a person who is cited for a violation of s. 316.646 can show proof of security as required by s. 627.733, issued to the person and valid at the time of arrest, the clerk of the court may dismiss the case and may assess a dismissal fee of up to \$7.50. A person who finds it impossible or impractical to obtain proof of security must submit an affidavit detailing the reasons for the impracticality. The reasons may include, but are not limited to, the fact that the vehicle has since been sold, stolen, or destroyed; that the owner or registrant of the vehicle is not required by s. 627.733 to maintain personal injury protection insurance; or that the vehicle is owned by another person.

(c) For all violations of ss. 316.2935 and 316.610. However, for a violation of s. 316.2935 or s. 316.610, if the person committing the violation corrects the defect and obtains proof of such timely repair by an affidavit of compliance executed by the law enforcement agency within 30 days from the date upon which the traffic citation was issued, and pays \$4 to the law enforcement agency, thereby completing the affidavit of compliance, then upon presentation of said affidavit by the defendant to the clerk within the 30-day time period set forth under s. 318.14(4), the fine must be reduced to \$7.50, which the clerk of the court shall retain.

(d) For all violations of s. 316.126(1)(b), unless otherwise specified.

(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, which posting must include notification of the speed limit and the doubling of fines, 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) A person cited for exceeding the speed limit in an enhanced penalty zone shall pay a fine amount of \$50 plus the amount listed in paragraph (b). Notwithstanding paragraph (b), a person cited for exceeding the speed limit by up to 5 m.p.h. in a legally posted enhanced penalty zone shall pay a fine amount of \$50.

(f) 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.

(g) 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.

(h) 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 as a result of a jury verdict, nonjury trial, or entry of a plea of guilty. 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.

(4) The penalty imposed under s. 316.545 shall be determined by the officer in accordance with the provisions of ss. 316.535 and 316.545.

(5)(a) One hundred dollars for a violation of s. 316.172(1)(a), failure to stop for a school bus. If, at a hearing, the alleged offender is found to have committed this offense, the court shall impose a minimum civil penalty of \$100. In addition to this penalty, for a second or subsequent offense within a period of 5 years, the department shall suspend the driver's license of the person for not less than 90 days and not more than 6 months.

(b) Two hundred dollars for a violation of s. 316.172(1)(b), passing a school bus on the side that children enter and exit when the school bus displays a stop signal. If, at a hearing, the alleged offender is found to have committed this offense, the court shall impose a minimum civil penalty of \$200. In addition to this penalty, for a second or subsequent offense within a period of 5 years, the department shall suspend the driver's license of the person for not less than 180 days and not more than 1 year.

(6) One hundred dollars or the fine amount designated by county ordinance, plus court costs for illegally parking, under s. 316.1955, in a parking space provided for people who have disabilities. However, this fine will be waived if a person provides to the law enforcement agency that issued the citation for such a violation proof that the person committing the violation has a valid parking permit or license plate issued pursuant to s. 316.1958, s. 320.0842, s. 320.0843, s. 320.0845, or s. 320.0848 or a signed affidavit that the owner of the disabled parking permit or license plate was present at the time the violation occurred, and that such a parking permit or license plate was valid at the time the violation occurred. The law enforcement officer, upon determining that all required documentation has been submitted verifying that the required parking permit or license plate was valid at the time of the violation, must sign an affidavit of compliance. Upon provision of the affidavit of compliance and payment of a dismissal fee of up to \$7.50 to the clerk of the circuit court, the clerk shall dismiss the citation.

(7) *Mandatory \$100 fine* ~~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 that is shown on the citation, to the governmental entity that issued the citation, or on whose behalf the citation was issued. If a plea arrangement is reached prior to the date set for a scheduled evidentiary hearing and adjudication is withheld, there shall be a mandatory fine assessed per citation of not less than \$50 and not more than \$100, plus the amount of the unpaid toll for each citation issued. The clerk of the court shall forward \$25 of the fine imposed plus the amount of the unpaid toll that is shown on the citation to the governmental entity that issued the citation or on whose behalf the citation was issued. 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.

(8)(a) Any person who fails to comply with the court's requirements or who fails to pay the civil penalties specified in this section within the 30-day period provided for in s. 318.14 must pay an additional civil penalty of \$12, \$2.50 of which must be remitted to the Department of Revenue for deposit in the General Revenue Fund, and \$9.50 of which must be remitted to the Department of Revenue for deposit in the Highway Safety Operating Trust Fund. The department shall contract with the Florida Association of Court Clerks, Inc., to design, establish, operate, upgrade, and maintain an automated statewide Uniform Traffic Citation Accounting System to be operated by the clerks of the court which shall include, but not be limited to, the accounting for traffic infractions by type, a record of the disposition of the citations, and an accounting system for the fines assessed and the subsequent fine amounts paid to the clerks of the court. On or before December 1, 2001, the clerks of the court must provide the information required by this chapter to be transmitted to the department by electronic transmission pursuant to the contract.

(b) Any person who fails to comply with the court's requirements as to civil penalties specified in this section due to demonstrable financial hardship shall be authorized to satisfy such civil penalties by public works or community service. Each hour of such service shall be applied, at the rate of the minimum wage, toward payment of the person's civil penalties; provided, however, that if the person has a trade or profession for which there is a community service need and application, the rate for each hour of such service shall be the average standard wage for such trade or profession. Any person who fails to comply with the court's requirements as to such civil penalties who does not demonstrate financial hardship may also, at the discretion of the court, be authorized to satisfy such civil penalties by public works or community service in the same manner.

(c) If the noncriminal infraction has caused or resulted in the death of another, the person who committed the infraction may perform 120 community service hours under s. 316.027(4), in addition to any other penalties.

(9) One hundred dollars for a violation of s. 316.1575.

(10) Twenty-five dollars for a violation of s. 316.2074.

(11)(a) In addition to the stated fine, court costs must be paid in the following amounts and shall be deposited by the clerk into the fine and forfeiture fund established pursuant to s. 142.01:

- For pedestrian infractions \$ 3.
- For nonmoving traffic infractions \$ 16.
- For moving traffic infractions \$ 30.

(b) In addition to the court cost required under paragraph (a), up to \$3 for each infraction shall be collected and distributed by the clerk in those counties that have been authorized to establish a criminal justice selection center or a criminal justice access and assessment center pursuant to the following special acts of the Legislature:

1. Chapter 87-423, Laws of Florida, for Brevard County.
2. Chapter 89-521, Laws of Florida, for Bay County.
3. Chapter 94-444, Laws of Florida, for Alachua County.
4. Chapter 97-333, Laws of Florida, for Pinellas County.

Funds collected by the clerk pursuant to this paragraph shall be distributed to the centers authorized by those special acts.

(c) In addition to the court cost required under paragraph (a), a \$2.50 court cost must be paid for each infraction to be distributed by the clerk to the county to help pay for criminal justice education and training programs pursuant to s. 938.15. Funds from the distribution to the county not directed by the county to fund these centers or programs shall be retained by the clerk and used for funding the court-related services of the clerk.

(d) In addition to the court cost required under paragraph (a), a \$3 court cost must be paid for each infraction to be distributed as provided in s. 938.01 and a \$2 court cost as provided in s. 938.15 when assessed by a municipality or county.

(12) Two 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. 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 and not more than 2 years.

(13) In addition to any penalties imposed for noncriminal traffic infractions pursuant to this chapter or imposed for criminal violations listed in s. 318.17, a board of county commissioners or any unit of local government which is consolidated as provided by s. 9, Art. VIII of the State Constitution of 1885, as preserved by s. 6(e), Art. VIII of the Constitution of 1968:

(a) May impose by ordinance a surcharge of up to \$15 for any infraction or violation to fund state court facilities. The court shall not waive this surcharge. Up to 25 percent of the revenue from such surcharge may be used to support local law libraries provided that the county or unit of local government provides a level of service equal to that provided prior to July 1, 2004, which shall include the continuation of library facilities located in or near the county courthouse or annexes.

(b) That imposed increased fees or service charges by ordinance under s. 28.2401, s. 28.241, or s. 34.041 for the purpose of securing payment of the principal and interest on bonds issued by the county before July 1, 2003, to finance state court facilities, may impose by ordinance a surcharge for any infraction or violation for the exclusive purpose of securing payment of the principal and interest on bonds issued by the county before July 1, 2003, to fund state court facilities until the date of stated maturity. The court shall not waive this surcharge. Such surcharge may not exceed an amount per violation calculated as the quotient of the maximum annual payment of the principal and interest on the bonds as of July 1, 2003, divided by the number of traffic citations for county fiscal year 2002-2003 certified as paid by the clerk of the court of the county. Such quotient shall be rounded up to the next highest dollar amount. The bonds may be refunded only if savings will be realized on payments of debt service and the refunding bonds are scheduled to mature on the same date or before the bonds being refunded. *Notwithstanding any of the foregoing provisions of this paragraph that limit the use of surcharge revenues, if the revenues generated as a result of the adoption of this ordinance exceed the debt service on the bonds, the surplus revenues may be used to pay down the debt service on the bonds; fund other state-court-facility construction projects as may be certified by the chief judge as necessary to address unexpected growth in caseloads, emergency requirements to accommodate public access, threats to the safety of the public, judges, staff, and litigants, or other exigent circumstances; or support local law libraries in or near the county courthouse or annexes.*

A county may not impose both of the surcharges authorized under paragraphs (a) and (b) concurrently. The clerk of court shall report, no later than 30 days after the end of the quarter, the amount of funds collected under this subsection during each quarter of the fiscal year. The clerk shall submit the report, in a format developed by the Office of State Courts Administrator, to the chief judge of the circuit, the Governor, the

President of the Senate, and the Speaker of the House of Representatives.

(14) In addition to any penalties imposed for noncriminal traffic infractions under this chapter or imposed for criminal violations listed in s. 318.17, any unit of local government that is consolidated as provided by s. 9, Art. VIII of the State Constitution of 1885, as preserved by s. 6(e), Art. VIII of the State Constitution of 1968, and that is granted the authority in the State Constitution to exercise all the powers of a municipal corporation, and any unit of local government operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the State Constitution of 1885, as preserved by s. 6(e), Art. VIII of the State Constitution of 1968, that is granted the authority in the State Constitution to exercise all the powers conferred now or hereafter by general law upon municipalities, may impose by ordinance a surcharge of up to \$15 for any infraction or violation. Revenue from the surcharge shall be transferred to such unit of local government for the purpose of replacing fine revenue deposited into the clerk's fine and forfeiture fund under s. 142.01. The court may not waive this surcharge. Proceeds from the imposition of the surcharge authorized in this subsection shall not be used for the purpose of securing payment of the principal and interest on bonds. This subsection, and any surcharge imposed pursuant to this subsection, shall stand repealed September 30, 2007.

(15) One hundred twenty-five dollars for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal. Sixty dollars shall be distributed as provided in s. 318.21, and the remaining \$65 shall be remitted to the Department of Revenue for deposit into the Administrative Trust Fund of the Department of Health.

(16) One hundred dollars for a violation of s. 316.622(3) or (4), for a vehicle that fails to display a sticker authorizing it to transport migrant or seasonal farm workers or fails to display standardized notification instructions requiring passengers to fasten their seat belts. Two hundred dollars for a violation of s. 316.622(1) or (2), for operating a farm labor vehicle that fails to conform to vehicle safety standards or lacks seat belt assemblies at each passenger position.

(17) *In addition to any penalties imposed, a surcharge of \$3 must be paid for all criminal offenses listed in s. 318.17 and for all noncriminal moving traffic violations under chapter 316. Revenue from the surcharge shall be remitted to the Department of Revenue and deposited quarterly into the State Agency Law Enforcement Radio System Trust Fund of the Department of Management Services for the state agency law enforcement radio system, as described in s. 282.1095. This subsection expires July 1, 2012.*

Section 16. Subsection (17) is added to section 318.21, Florida Statutes, to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(17) *Notwithstanding subsections (1) and (2), the proceeds from the surcharge imposed under s. 318.18(17) shall be distributed as provided in that subsection. This subsection expires July 1, 2012.*

Section 17. Section 320.061, Florida Statutes, is amended to read:

320.061 Unlawful to alter motor vehicle registration certificates, license plates, mobile home stickers, or validation stickers or to obscure license plates; penalty.—No person shall alter the original appearance of any registration license plate, mobile home sticker, validation sticker, or vehicle registration certificate issued for and assigned to any motor vehicle or mobile home, whether by mutilation, alteration, defacement, or change of color or in any other manner. *No person shall apply or attach any substance, reflective matter, illuminated device, spray, coating, covering, or other material onto or around any license plate that interferes with the legibility, angular visibility, or detectability of any feature or detail on the license plate or interferes with the ability to record any feature or detail on the license plate.* Any person who violates the provisions of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 18. Paragraph (c) of subsection (6) and subsection (8) of section 332.007, Florida Statutes, are amended to read:

332.007 Administration and financing of aviation and airport programs and projects; state plan.—

(6) Subject to the availability of appropriated funds, the department may participate in the capital cost of eligible public airport and aviation development projects in accordance with the following rates, unless otherwise provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act:

(c) When federal funds are not available, the department may fund up to 80 percent of master planning and eligible aviation development projects at publicly owned, publicly operated airports. *If federal funds are available, the department may fund up to 80 percent of the nonfederal share of such projects.* Such funding is limited to airports that have no scheduled commercial service.

(8) Notwithstanding any other provision of law to the contrary, the department is authorized to ~~fund security projects at provide operational and maintenance assistance to~~ publicly owned public-use airports. ~~Such assistance shall be to comply with enhanced federal security requirements or to address related economic impacts from the events of September 11, 2001.~~ For projects in the current adopted work program, or projects added using the available budget of the department, airports may request the department change the project purpose in accordance with this provision notwithstanding the provisions of s. 339.135(7). For purposes of this subsection, the department may fund up to 100 percent of eligible project costs that are not funded by the Federal Government. ~~Prior to releasing any funds under this section, the department shall review and approve the expenditure plans submitted by the airport. The department shall inform the Legislature of any change that it approves under this subsection.~~ This subsection shall expire on June 30, 2012 2007.

Section 19. Subsection (4) of section 332.14, Florida Statutes, is amended to read:

332.14 Secure Airports for Florida's Economy Council.—

(4) The council shall adopt bylaws governing the manner in which the business of the council will be conducted. The bylaws shall specify the procedure by which the chair of the council is elected. The council shall meet at the call of its chair, at the request of a majority of its membership, or at such times as may be prescribed in its bylaws. However, the council must meet at least twice a year. *Except for the members under paragraphs (2)(d), (e), and (f),* all members of the council are voting members. A majority of voting members of the council constitutes a quorum for the purpose of transacting the business of the council. A vote of the majority of the members present is sufficient for any action of the council, except that a member representing the Department of Transportation, the Department of Community Affairs, the Department of Law Enforcement, or the Office of Tourism, Trade, and Economic Development may ~~vote to~~ overrule any action of the council approving a project pursuant to paragraph (7)(a). The bylaws of the council may require a greater vote for a particular action.

Section 20. Section 334.351, Florida Statutes, is amended to read:

334.351 Youth work experience program; findings and intent; authority to contract; limitation.—

(1) The Legislature finds and declares that young men and women of the state should be given an opportunity to obtain public service work and training experience that protects and conserves the valuable resources of the state and promotes participation in other community enhancement projects. Notwithstanding the requirements of chapters 287 and 337, the Department of Transportation is authorized to contract with public agencies and nonprofit organizations for the performance of work related to the construction and maintenance of transportation-related facilities by youths enrolled in youth work experience programs. The total amount of contracts entered into by the department under this section in any fiscal year may not exceed the amount specifically appropriated by the Legislature for this program.

(2) *Each nonprofit youth organization that provides services under a contract with the department must certify that each young person enrolled in its work experience program is a resident of this state and possesses a valid Florida driver's license or identification card.*

(3) *When selecting a nonprofit youth organization to perform work on transportation-related facilities and before awarding a contract under this section, the department must consider the following criteria:*

(a) *The number of participants receiving life-management skills training;*

(b) *The number of participants receiving high school diplomas or GEDs;*

(c) *The number of participants receiving scholarships;*

(d) *The number of participants receiving bonuses;*

(e) *The number of participants who have secured full-time jobs; and*

(f) *The other programs or services that support the development of disadvantaged youths.*

(4) *Each nonprofit youth organization under contract with the department must:*

(a) *Submit an annual report to the department by January 1 of each year. The report must include, but need not be limited to, the applicable performance of the organization when measured by the criteria in subsection (3) for the organization's most recently completed fiscal year.*

(b) *Submit an independent audit of the organization's financial records to the department each year. The organization's contract with the department must allow the department the right to inspect the organization's financial and program records.*

(c) *Demonstrate participation in a peer assessment or review process, such as the Excellence in Corps Operations of the National Association of Service and Conservation Corps.*

Section 21. 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.

Section 22. Subsection (3) of section 336.41, Florida Statutes, is amended to read:

336.41 Counties; employing labor and providing road equipment; accounting; when competitive bidding required.—

(3) All construction and reconstruction of roads and bridges, including resurfacing, full scale mineral seal coating, and major bridge and bridge system repairs, to be performed utilizing the proceeds of the 80-percent portion of the surplus of the constitutional gas tax shall be let to contract to the lowest responsible bidder by competitive bid, except for:

(a) Construction and maintenance in emergency situations, and

(b) In addition to emergency work, construction and reconstruction, including resurfacing, mineral seal coating, and bridge repairs, having a total cumulative annual value not to exceed 5 percent of its 80-percent portion of the constitutional gas tax or \$400,000 \$250,000, whichever is greater, and

(c) *Construction of sidewalks, curbing, accessibility ramps, or appurtenances incidental to roads and bridges if each project is estimated in accordance with generally accepted cost-accounting principles to have total construction project costs of less than \$400,000 or as adjusted by the percentage change in the Construction Cost Index from January 1, 2008,*

for which the county may utilize its own forces. However, if, after proper advertising, no bids are received by a county for a specific project, the county may use its own forces to construct the project, notwithstanding the limitation of this subsection. Nothing in this section shall prevent the county from performing routine maintenance as authorized by law.

Section 23. *Construction aggregate materials.*—

(1) *DEFINITIONS.*—“Construction aggregate materials” means crushed stone, limestone, dolomite, limerock, shell rock, cemented coquina, sand for use as a component of mortars, concrete, bituminous mixtures, or underdrain filters, and other mined resources providing the basic material for concrete, asphalt, and road base.

(2) *LEGISLATIVE INTENT.*—The Legislature finds that there is a strategic and critical need for an available supply of construction aggregate materials within the state and that a disruption of the supply would cause a significant detriment to the state’s construction industry, transportation system, and overall health, safety, and welfare.

(3) *LOCAL GOVERNMENT DECISIONMAKING.*—No local government shall approve or deny a proposed land use zoning change, comprehensive plan amendment, land use permit, ordinance, or order regarding construction aggregate materials without considering any information provided by the Department of Transportation regarding the effect such change, amendment, permit decision, ordinance, or order would have on the availability, transportation, and potential extraction of construction aggregate materials on the local area, the region, and the state. The failure of the Department of Transportation to provide this information shall not be a basis for delay or invalidation of the local government action. No local government may impose a moratorium, or combination of moratoria, of more than 12 months’ duration on the mining or extraction of construction aggregate materials, commencing on the date the vote was taken to impose the moratorium. January 1, 2007, shall serve as the commencement of the 12-month period for moratoria already in place as of July 1, 2007.

(4) *EXPEDITED PERMITTING.*—Due to the state’s critical infrastructure needs and the potential shortfall in available construction aggregate materials, limerock environmental resource permitting and reclamation applications filed after March 1, 2007, are eligible for the expedited permitting processes contained in s. 403.973, Florida Statutes. Challenges to state agency action in the expedited permitting process for establishment of a limerock mine in this state under s. 403.973, Florida Statutes, are subject to the same requirements as challenges brought under s. 403.973(15)(a), Florida Statutes, except that, notwithstanding s. 120.574, Florida Statutes, summary proceedings must be conducted within 30 days after a party files the motion for summary hearing, regardless of whether the parties agree to the summary proceeding.

(5) *STRATEGIC AGGREGATES REVIEW TASK FORCE.*—

(a) The Strategic Aggregates Review Task Force is created to evaluate the availability and disposition of construction aggregate materials and related mining and land use practices in this state.

(b) The task force shall be appointed by August 1, 2007, and shall be composed of the following 19 members:

1. The President of the Senate, the Speaker of the House of Representatives, and the Governor shall each appoint one member from each of the following groups:

- a. The mining industry.
- b. The construction industry.
- c. The transportation industries, including seaports, trucking, railroads, or roadbuilders.
- d. Elected officials representing counties identified by the Department of Transportation as limestone or sand resource areas. Rural, mid-size, and urban counties shall each have one elected official on the task force.
- e. Environmental advocacy groups.

2. The Secretary of Environmental Protection or designee.

3. The Secretary of Community Affairs or designee.

4. The Secretary of Transportation or designee.

5. One member appointed by the Florida League of Cities, Inc.

(c) Members of the commission shall serve without compensation. Travel and per diem expenses for members who are not state employees shall be paid by the Department of Transportation in accordance with s. 112.061, Florida Statutes.

(d) The Department of Transportation shall organize and provide administrative support for the task force and coordinate with other state agencies and local governments in obtaining and providing such data and information as may be needed by the task force to complete its evaluation. The department may conduct any supporting studies as are required to obtain needed information or otherwise assist the task force in its review and deliberations.

(e) The Department of Transportation shall collect and provide information to the task force relating to construction aggregate materials and the amount of such materials used by the department on state road infrastructure projects and shall provide any technical and supporting information relating to the use of such materials as is available to the department.

(f) The task force shall report its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2008. The report must identify locations with significant concentrations of construction aggregate materials and recommend actions intended to ensure the continued extraction and availability of construction aggregate materials.

(g) The task force shall be dissolved on July 1, 2008.

Section 24. Section 337.026, Florida Statutes, is created to read:

337.026 Authority of department to enter into agreements for construction aggregate materials.—

(1) The department may pursue procurement techniques that will provide the department with reliable and economic supplies of construction aggregate materials and control time and cost increases on construction projects.

(2) The department may enter into agreements with private or public entities. Such agreements may include, but are not limited to, department acquisition of materials or resources or long-term leases for a term not to exceed 99 years that will advance the state’s transportation needs.

(3) To the maximum extent practical, the department must use the existing process to award and administer such procurement techniques. When techniques authorized by this section are to be used, the department is not required to adhere to provisions of law that would prevent, preclude, or prohibit it from using this procurement technique. However, prior to using this procurement technique, the department must document in writing the need for the exception and identify the benefits the traveling public and the affected community are anticipated to receive.

Section 25. Paragraph (a) of subsection (3) of section 337.11, Florida Statutes, is amended to read:

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

(3)(a) On all construction contracts of \$250,000 or less, and any construction contract of less than \$500,000 for which the department has waived prequalification under s. 337.14, the department shall advertise for bids in a newspaper having general circulation in the county where the proposed work is located. Publication shall be at least once a week for no less than 2 consecutive weeks, and the first publication shall be no less than 14 days prior to the date on which bids are to be received.

Section 26. Subsection (1) of section 337.14, Florida Statutes, is amended to read:

337.14 Application for qualification; certificate of qualification; restrictions; request for hearing.—

(1) Any person desiring to bid for the performance of any construction contract in excess of \$250,000 which the department proposes to let must first be certified by the department as qualified pursuant to this section and rules of the department. The rules of the department shall address the qualification of persons to bid on construction contracts in excess of \$250,000 and shall include requirements with respect to the equipment, past record, experience, financial resources, and organizational personnel of the applicant necessary to perform the specific class of work for which the person seeks certification. The department is authorized to limit the dollar amount of any contract upon which a person is qualified to bid or the aggregate total dollar volume of contracts such person is allowed to have under contract at any one time. Each applicant seeking qualification to bid on construction contracts in excess of \$250,000 shall furnish the department a statement under oath, on such forms as the department may prescribe, setting forth detailed information as required on the application. Each application for certification shall be accompanied by the latest annual financial statement of the applicant completed within the last 12 months. If the annual financial statement shows the financial condition of the applicant more than 4 months prior to the date on which the application is received by the department, then an interim financial statement must also be submitted. The interim financial statement must cover the period from the end date of the annual statement and must show the financial condition of the applicant no more than 4 months prior to the date on which the application is received by the department. Each required annual or interim financial statement must be audited and accompanied by the opinion of a certified public accountant or a public accountant approved by the department. The information required by this subsection is confidential and exempt from the provisions of s. 119.07(1). The department shall act upon the application for qualification within 30 days after the department determines that the application is complete. *The department may waive the requirements of this subsection for projects having a contract price of \$500,000 or less if the department determines that the project is of a noncritical nature and the waiver will not endanger public health, safety, or property.*

Section 27. Paragraph (a) of subsection (1) of section 337.18, Florida Statutes, is amended to read:

337.18 Surety bonds for construction or maintenance contracts; requirement with respect to contract award; bond requirements; defaults; damage assessments.—

(1)(a) A surety bond shall be required of the successful bidder in an amount equal to the awarded contract price. *However, the department may choose, in its discretion and applicable only to multiyear maintenance contracts, to allow for incremental annual contract bonds that cumulatively total the full, awarded, multiyear contract price.* For a project for which the contract price is ~~\$250,000~~ \$150,000 or less, the department may waive the requirement for all or a portion of a surety bond if it determines the project is of a noncritical nature and nonperformance will not endanger public health, safety, or property. *If the secretary or his designee determines that it is in the best interests of the department to reduce the bonding requirement for a project and that to do so will not endanger public health, safety, or property, the department may waive the requirement of a surety bond in an amount equal to the awarded contract price for a project having a contract price of \$250 million or more and, in its place, may set a surety bond amount that is a portion of the total contract price and provide an alternate means of security for the balance of the contract amount that is not covered by the surety bond or provide for incremental surety bonding and provide an alternate means of security for the balance of the contract amount that is not covered by the surety bond. Such alternative means of security may include letters of credit, United States bonds and notes, parent company guarantees, and cash collateral.* The department may require alternate means of security if a surety bond is waived. The surety on such bond shall be a surety company authorized to do business in the state. All bonds shall be payable to the department and conditioned for the prompt, faithful, and efficient performance of the contract according to plans and specifications and within the time period specified, and for the prompt payment of all persons defined in s. 713.01 furnishing labor, material, equipment, and supplies for work provided in the contract; however, whenever an improvement, demolition, or removal contract price is \$25,000 or less, the security may, in the discretion of the bidder, be in the form of a cashier's check, bank money order of any state or national bank, certified check, or postal money order. The department shall adopt rules to implement this subsection. Such rules shall include provisions under which the department shall refuse to accept bonds on

contracts when a surety wrongfully fails or refuses to settle or provide a defense for claims or actions arising under a contract for which the surety previously furnished a bond.

Section 28. Section 338.161, Florida Statutes, is amended to read:

338.161 Authority of department or toll agencies to advertise and promote electronic toll collection; expanded uses of electronic toll collection system; studies authorized.—

(1) The department is authorized to incur expenses for paid advertising, marketing, and promotion of toll facilities and electronic toll collection products and services. Promotions may include discounts and free products.

(2) The department is authorized to receive funds from advertising placed on electronic toll collection products and promotional materials to defray the costs of products and services.

(3)(a) *The department or any toll agency created by statute may incur expenses to advertise or promote its electronic toll collection system to consumers on or off the turnpike or toll system.*

(b) *If the department or any toll agency created by statute finds that it can increase nontoll revenues or add convenience or other value for its customers, the department or toll agency may enter into agreements with any private or public entity allowing the use of its electronic toll collection system to pay parking fees for vehicles equipped with a transponder or similar device. The department or toll agency may initiate feasibility studies of additional future uses of its electronic toll collection system and make recommendations to the Legislature to authorize such uses.*

Section 29. Subsections (1), (3), and (4) of section 338.2275, Florida Statutes, are amended to read:

338.2275 Approved turnpike projects.—

(1) Legislative approval of the department's tentative work program that contains the turnpike project constitutes approval to issue bonds as required by s. 11(f), Art. VII of the State Constitution. *No more than \$10 billion of bonds may be outstanding to fund approved turnpike projects. Turnpike projects approved to be included in future tentative work programs include, but are not limited to, projects contained in the 2003-2004 tentative work program. A maximum of \$4.5 billion of bonds may be issued to fund approved turnpike projects.*

(3) ~~Subject to verification of economic feasibility by the department in accordance with s. 338.221(8), the department shall acquire the assets and assume the liabilities of the Sawgrass Expressway as a candidate project from the Broward County Expressway Authority. The agreement to acquire the Sawgrass Expressway shall be subject to the terms and covenants of the Broward County Expressway Authority Bond Series 1984 and 1986A lease-purchase agreements and shall not act to the detriment of the bondholders nor decrease the quality of the bonds. The department shall provide for the cost of operations and maintenance expenses and for the replacement of future Broward County gasoline tax funds pledged for the payment of principal and interest on such bonds. The department shall repay, to the extent possible, Broward County gasoline tax funds used since July 6, 1988, for debt service on such bonds. For the purpose of calculating the economic feasibility of this project, the department is authorized to exclude operations and maintenance expenses accumulated between July 6, 1988, and the date of the agreement. Upon performance of all terms of the agreement between the parties, the Sawgrass Expressway will become a part of the turnpike system.~~

(3)(4) Bonds may not be issued to fund a turnpike project until the department has made a final determination that the project is economically feasible in accordance with s. 338.221, based on the most current information available.

Section 30. Subsections (3), (4), and (6) of section 338.231, Florida Statutes, are amended to read:

338.231 Turnpike tolls, fixing; pledge of tolls and other revenues.— The department shall at all times fix, adjust, charge, and collect such tolls for the use of the turnpike system as are required in order to provide a fund sufficient with other revenues of the turnpike system to pay the cost of maintaining, improving, repairing, and operating such turnpike

system; to pay the principal of and interest on all bonds issued to finance or refinance any portion of the turnpike system as the same become due and payable; and to create reserves for all such purposes.

(3) The department shall publish a proposed change in the toll rate for the use of an existing toll facility, in the manner provided for in s. 120.54, which will provide for public notice and the opportunity for a public hearing before the adoption of the proposed rate change. When the department is evaluating a proposed turnpike toll project under s. 338.223 and has determined that there is a high probability that the project will pass the test of economic feasibility predicated on proposed toll rates, the toll rate that is proposed to be charged after the project is constructed must be adopted during the planning and project development phase of the project, in the manner provided for in s. 120.54, including public notice and the opportunity for a public hearing. For such a new project, the toll rate becomes effective upon the opening of the project to traffic.

(4) For the period July 1, 1998, through June 30, 2017 2007, the department shall, to the maximum extent feasible, program sufficient funds in the tentative work program such that the percentage of turnpike toll and bond financed commitments in Dade County, Broward County, and Palm Beach County as compared to total turnpike toll and bond financed commitments shall be at least 90 percent of the share of net toll collections attributable to users of the turnpike system in Dade County, Broward County, and Palm Beach County as compared to total net toll collections attributable to users of the turnpike system. The requirements of this subsection do not apply when the application of such requirements would violate any covenant established in a resolution or trust indenture relating to the issuance of turnpike bonds.

(6) In each fiscal year while any of the bonds of the Broward County Expressway Authority series 1984 and series 1986-A remain outstanding, the department is authorized to pledge revenues from the turnpike system to the payment of principal and interest of such series of bonds; ~~the repayment of Broward County gasoline tax funds as provided in s. 338.2275(3);~~ and the operation and maintenance expenses of the Sawgrass Expressway, to the extent gross toll revenues of the Sawgrass Expressway are insufficient to make such payments. The terms of an agreement relative to the pledge of turnpike system revenue will be negotiated with the parties of the 1984 and 1986 Broward County Expressway Authority lease-purchase agreements, and subject to the covenants of those agreements. The agreement shall establish that the Sawgrass Expressway shall be subject to the planning, management, and operating control of the department limited only by the terms of the lease-purchase agreements. The department shall provide for the payment of operation and maintenance expenses of the Sawgrass Expressway until such agreement is in effect. This pledge of turnpike system revenues shall be subordinate to the debt service requirements of any future issue of turnpike bonds, the payment of turnpike system operation and maintenance expenses, and subject to provisions of any subsequent resolution or trust indenture relating to the issuance of such turnpike bonds.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 25 through page 4, line 23, delete those lines insert: certain dredging projects; amending s. 316.2123, F.S.; authorizing a county to designate certain unpaved roadways where an ATV may be operated; providing conditions for such operation; amending s. 316.605, F.S.; providing height and placement requirements for vehicle license plates; prohibiting display that obscures identification of the letters and numbers on a license plate; providing penalties; 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 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; removing procedures for withholding of adjudication; providing for suspension of a driver's license under certain circumstances; revising authorized uses of revenue received by a county from a certain sur-

charge; revising penalty provisions to provide for certain criminal penalties; imposing a surcharge to be paid for specified traffic-related criminal offenses and all moving traffic violations; providing for distribution of the proceeds of the surcharge to be used for the state agency law enforcement radio system; providing for future expiration; amending s. 318.21, F.S.; revising distribution provisions to provide for distribution of the surcharge; providing for future expiration; amending s. 320.061, F.S.; prohibiting interfering with the legibility, angular visibility, or detectability of any feature or detail on a license plate or interfering with the ability to photograph or otherwise record any feature or detail on a license plate; providing penalties; amending s. 332.007, F.S.; authorizing the Department of Transportation to provide funds for certain general aviation projects under certain circumstances; extending the timeframe that the department is authorized to provide operational and maintenance assistance to certain airports and may redirect the use of certain funds to security-related or economic-impact projects related to the events of September 11, 2001; amending s. 332.14, F.S.; providing that certain members of the Secure Airports for Florida's Economy Council shall be nonvoting members; authorizing certain members to overrule certain actions of the council; amending s. 334.351, F.S.; amending s. 334.351, F.S.; requiring nonprofit youth organizations that contract with the Department of Transportation for the purpose of operating youth work experience programs to certify that the program participants are residents of the state and possess valid identification; specifying criteria for the department to consider in awarding contracts to such organizations; requiring that the nonprofit youth organizations submit certain reports and audits to the department and demonstrate participation in a peer assessment or review process; amending s. 336.025, F.S.; deleting a prohibition against local governments issuing certain bonds secured by revenues from local option fuel taxes more than once a year; amending s. 336.41, F.S.; revising an exception to competitive-bid requirements for certain county road construction and reconstruction projects; increasing the value threshold under which the exception applies; defining the term "construction aggregate materials"; providing legislative intent; prohibiting a local government from approving or denying a land use zoning change, comprehensive plan amendment, land use permit, ordinance, or order regarding construction aggregate materials without considering information provided by the Department of Transportation and considering the effect of such decision; prohibiting an agency from imposing a moratorium on the mining and extraction of construction aggregate materials of longer than a specified period; providing that limerock environmental resource permitting and reclamation applications are eligible to be expedited; establishing the Strategic Aggregates Review Task Force; providing for membership, staffing, reporting, and expiration; providing for support and the coordination of data and information for the task force; requiring that the task force report its findings to the Governor and the Legislature; providing report requirements; providing for the dissolution of the task force; creating s. 337.026, F.S.; authorizing the Department of Transportation to pursue procurement techniques relating to construction aggregate materials; authorizing the department to enter into agreements for construction aggregate materials; providing exceptions; providing requirements for such exceptions; amending s. 337.11, F.S.; providing that certain construction projects be advertised for bids in local newspapers; amending s. 337.14, F.S.; authorizing the department to waive specified prequalification requirements for certain transportation projects under certain conditions; amending s. 337.18, F.S.; revising surety bond requirements for construction or maintenance contracts; providing for incremental annual surety bonds for multiyear maintenance contracts under certain conditions; revising the threshold for transportation projects eligible for a waiver of surety bond requirements; authorizing the department to provide for phased surety bond coverage or an alternate means of security for a portion of the contract amount in lieu of the surety bond; amending s. 338.161, F.S.; providing for the Department of Transportation and certain toll agencies to enter into agreements with public or private entities for additional uses of electronic toll collection products and services; authorizing feasibility studies by the department or a toll agency of additional uses of electronic toll devices for legislative consideration; amending s. 338.2275, F.S.; raising the limit on outstanding bonds to fund turnpike projects; removing a provision authorizing the department to acquire the Sawgrass Expressway from the Broward County Expressway Authority; amending s. 338.231, F.S.; extending the timeframe for application of requirement that the department program in the tentative work program certain funds relative to the share of toll collections attributable to users of the turnpike system in certain areas; removing a reference to conform; amending s. 339.08, F.S.;

MOTION

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

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

Amendment 7 (780632)(with directory and title amendments)—On page 24, between lines 2 and 3, insert:

(1) CHARTER COUNTY ~~TRANSPORTATION~~ TRANSIT SYSTEM SURTAX.—

(a) Each charter county ~~that has~~ ~~which~~ adopted a charter ~~prior to~~ ~~January 1, 1984~~, and each county the government of which is consolidated with that of one or more municipalities, may levy a discretionary sales surtax, subject to approval by a majority vote of the electorate of the county or by a charter amendment approved by a majority vote of the electorate of the county.

(b) The rate shall be up to 1 percent.

(c) The proposal to adopt a discretionary sales surtax as provided in this subsection and to create a trust fund within the county accounts shall be placed on the ballot in accordance with law at a time to be set at the discretion of the governing body.

(d) Proceeds from the surtax shall be applied to as many or as few of the uses enumerated below in whatever combination the county commission deems appropriate:

1. Deposited by the county in the trust fund and shall be used for the purposes of development, construction, equipment, maintenance, operation, supportive services, including a countywide bus system, and related costs of a fixed guideway rapid transit system;

2. Remitted by the governing body of the county to an expressway, transit, or transportation authority created by law to be used, at the discretion of such authority, for the development, construction, operation, or maintenance of roads or bridges in the county, for the operation and maintenance of a bus system, for the payment of principal and interest on existing bonds issued for the construction of such roads or bridges, and, upon approval by the county commission, such proceeds may be pledged for bonds issued to refinance existing bonds or new bonds issued for the construction of such roads or bridges;

3. Used by the charter county for the development, construction, operation, and maintenance of roads and bridges in the county; for the expansion, operation, and maintenance of bus and fixed guideway systems; and for the payment of principal and interest on bonds issued for the construction of fixed guideway rapid transit systems, bus systems, roads, or bridges; and such proceeds may be pledged by the governing body of the county for bonds issued to refinance existing bonds or new bonds issued for the construction of such fixed guideway rapid transit systems, bus systems, roads, or bridges and no more than 25 percent used for nontransit uses; and

4. Used by the charter county for the planning, development, construction, operation, and maintenance of roads and bridges in the county; for the planning, development, expansion, operation, and maintenance of bus and fixed guideway systems; and for the payment of principal and interest on bonds issued for the construction of fixed guideway rapid transit systems, bus systems, roads, or bridges; and such proceeds may be pledged by the governing body of the county for bonds issued to refinance existing bonds or new bonds issued for the construction of such fixed guideway rapid transit systems, bus systems, roads, or bridges. Pursuant to an interlocal agreement entered into pursuant to chapter 163, the governing body of the charter county may distribute proceeds from the tax to a municipality, or an expressway or transportation authority created by law to be expended for the purpose authorized by this paragraph.

And the directory clause is amended as follows:

On page 23, lines 18 and 19, delete those lines and insert:

Section 8. Subsection (1) and paragraph (e) of subsection (2) of section 212.055, Florida Statutes, are amended to read:

And the title is amended as follows:

On page 2, line 12, after the semicolon (;) insert: renaming the charter county transit system surtax; expanding eligibility to levy the surtax to all charter counties;

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 failed:

Amendment 8 (731520)(with title amendment)—On page 66, between lines 19 and 20, insert:

Section 28. Paragraph (d) of subsection (2) and paragraph (c) of subsection (4) of section 348.0003, Florida Statutes, are amended to read:

348.0003 Expressway authority; formation; membership.—

(2) The governing body of an authority shall consist of not fewer than five nor more than nine voting members. The district secretary of the affected department district shall serve as a nonvoting member of the governing body of each authority located within the district. Each member of the governing body must at all times during his or her term of office be a permanent resident of the county which he or she is appointed to represent.

(d) Notwithstanding any provision to the contrary in this subsection, in any county as defined in s. 125.011(1), the governing body *shall be abolished on or before December 31, 2007. Prior to the termination of the existing governing body, a new governing body consisting of eight members shall be appointed as follows:*

1. *Three voting members shall be appointed by the board of county commissioners of the county served by the authority. Members appointed under this subparagraph shall serve a term of 4 years each; however, for the purpose of providing staggered terms, the initial appointees shall serve terms as follows: one member shall serve for 1 year, one member shall serve for 2 years, and one member shall serve for 3 years.*

2. *Four voting members shall be appointed by the Governor subject to confirmation by the Senate at the next regular session of the Legislature. Refusal or failure of the Senate to confirm an appointment shall create a vacancy. Members appointed under this subparagraph shall serve a term of 4 years each; however, for the purpose of providing staggered terms, the initial appointees shall serve terms as follows: one member shall serve for 1 year, one member shall serve for 2 years, one member shall serve for 3 years, and one member shall serve for 4 years.*

3. *One member shall be the district secretary of the department serving in the district that contains the county served by the authority, who shall serve ex officio. of an authority shall consist of up to 13 members, and the following provisions of this paragraph shall apply specifically to such authority. Except for the district secretary of the department, the members must be residents of the county. Seven voting members shall be appointed by the governing body of the county. At the discretion of the governing body of the county, up to two of the members appointed by the governing body of the county may be elected officials residing in the county. Five voting members of the authority shall be appointed by the Governor. One member shall be the district secretary of the department serving in the district that contains such county. This member shall be an ex officio voting member of the authority. If the governing board of an authority includes any member originally appointed by the governing body of the county as a nonvoting member, when the term of such member expires, that member shall be replaced by a member appointed by the Governor until the governing body of the authority is composed of seven members appointed by the governing body of the county and five members appointed by the Governor. The qualifications, terms of office, and obligations and rights of members of the authority shall be determined by resolution or ordinance of the governing body of the county in a manner that is consistent with subsections (3) and (4).*

(4)

(c) Members of an authority shall be required to comply with the applicable financial disclosure requirements of s. 8, Art. II of the State Constitution ss. 112.3145, 112.3148, and 112.3149.

Section 29. Subsections (8) and (9) of section 348.0004, Florida Statutes, are renumbered as subsections (9) and (10), respectively, and a new subsection (8) is added to that section, to read:

348.0004 Purposes and powers.—

(8) Notwithstanding any provision of law, an expressway authority located in a county as defined in s. 125.011(1) may not contract with any lobbyist as defined in s. 11.045(1)(f) to represent the authority and its interests. This does not preclude full-time employees of the authority from lobbying on the authority's behalf.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 6, on line 25, after the semicolon (;) insert: amending s. 348.0003, F.S.; revising provisions relating to membership of the governing bodies of specified expressway authorities; providing for termination of the existing governing bodies of such authorities and creation of new governing bodies; providing for membership and terms of office; revising members' financial disclosure requirements; amending s. 348.0004, F.S.; prohibiting specified expressway authorities from contracting with lobbyists;

The vote was:

Yeas—14

Argenziano	Deutch	Oelrich
Aronberg	Dockery	Peaden
Baker	Fasano	Posey
Bullard	Garcia	Villalobos
Carlton	Lynn	

Nays—20

Alexander	Hill	Rich
Atwater	Jones	Ring
Bennett	Joyner	Saunders
Diaz de la Portilla	Justice	Siplin
Gaetz	King	Wilson
Geller	Lawson	Wise
Haridopolos	Margolis	

Vote after roll call:

Yea—Constantine, Crist, Storms

MOTION

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

Senator Baker moved the following amendment:

Amendment 9 (115580)—On page 17, line 13 through page 22, line 26, delete those lines and insert:

Section 7. Section 163.3182, Florida Statutes, is created to read:

163.3182 Transportation concurrency backlogs.—

(1) DEFINITIONS.—For purposes of this section, the term:

(a) "Transportation construction backlog area" means the geographic area within the unincorporated portion of a county or within the municipal boundary of a municipality designated in a local government comprehensive plan for which a transportation concurrency backlog authority is created pursuant to this section. A transportation concurrency backlog area created within the corporate boundary of a municipality shall be made pursuant to an interlocal agreement between a county, a municipality or municipalities, and any affected taxing authority or authorities.

(b) "Authority" or "transportation concurrency backlog authority" means the governing body of a county or municipality within which an authority is created.

(c) "Governing body" means the council, commission, or other legislative body charged with governing the county or municipality within

which a transportation concurrency backlog authority is created pursuant to this section.

(d) "Transportation concurrency backlog" means an identified deficiency where the existing extent of traffic volume exceeds the level of service standard adopted in a local government comprehensive plan for a transportation facility.

(e) "Transportation concurrency backlog plan" means the plan adopted as part of a local government comprehensive plan by the governing body of a county or municipality acting as a transportation concurrency backlog authority.

(f) "Transportation concurrency backlog project" means any designated transportation project identified for construction within the jurisdiction of a transportation construction backlog authority.

(g) "Debt service millage" means any millage levied pursuant to s. 12, Art. VII of the State Constitution.

(h) "Increment revenue" means the amount calculated pursuant to subsection (5).

(i) "Taxing authority" means a public body that levies or is authorized to levy an ad valorem tax on real property located within a transportation concurrency backlog area, except a school district.

(2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG AUTHORITIES.—

(a) A county or municipality may create a transportation concurrency backlog authority if it has an identified transportation concurrency backlog.

(b) Acting as the transportation concurrency backlog authority within the authority's jurisdictional boundary, the governing body of a county or municipality shall adopt and implement a plan to eliminate all identified transportation concurrency backlogs within the authority's jurisdiction using funds provided pursuant to subsection (5) and as otherwise provided pursuant to this section.

(3) POWERS OF A TRANSPORTATION CONCURRENCY BACKLOG AUTHORITY.—Each transportation concurrency backlog authority has the powers necessary or convenient to carry out the purposes of this section, including the following powers in addition to others granted in this section:

(a) To make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this section.

(b) To undertake and carry out transportation concurrency backlog projects for transportation facilities that have a concurrency backlog within the authority's jurisdiction. Concurrency backlog projects may include transportation facilities that provide for alternative modes of travel including sidewalks, bikeways, and mass transit which are related to a backlogged transportation facility.

(c) To invest any transportation concurrency backlog funds held in reserve, sinking funds, or any such funds not required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to the control of the authority and to redeem such bonds as have been issued pursuant to this section at the redemption price established therein, or to purchase such bonds at less than redemption price. All such bonds redeemed or purchased shall be canceled.

(d) To borrow money, apply for and accept advances, loans, grants, contributions, and any other forms of financial assistance from the Federal Government or the state, county, or any other public body or from any sources, public or private, for the purposes of this part, to give such security as may be required, to enter into and carry out contracts or agreements, and to include in any contracts for financial assistance with the Federal Government for or with respect to a transportation concurrency backlog project and related activities such conditions imposed pursuant to federal laws as the transportation concurrency backlog authority considers reasonable and appropriate and which are not inconsistent with the purposes of this section.

(e) To make or have made all surveys and plans necessary to the carrying out of the purposes of this section, to contract with any persons,

public or private, in making and carrying out such plans, and to adopt, approve, modify, or amend such transportation concurrency backlog plans.

(f) To appropriate such funds and make such expenditures as are necessary to carry out the purposes of this section, and to enter into agreements with other public bodies, which agreements may extend over any period notwithstanding any provision or rule of law to the contrary.

(4) **TRANSPORTATION CONCURRENCY BACKLOG PLANS.—**

(a) Each transportation concurrency backlog authority shall adopt a transportation concurrency backlog plan as a part of the local government comprehensive plan within 6 months after the creation of the authority. The plan shall:

1. Identify all transportation facilities that have been designated as deficient and require the expenditure of moneys to upgrade, modify, or mitigate the deficiency.

2. Include a priority listing of all transportation facilities that have been designated as deficient and do not satisfy concurrency requirements pursuant to s. 163.3180, and the applicable local government comprehensive plan.

3. Establish a schedule for financing and construction of transportation concurrency backlog projects that will eliminate transportation concurrency backlogs within the jurisdiction of the authority within 10 years after the transportation concurrency backlog plan adoption. The schedule shall be adopted as part of the local government comprehensive plan.

(b) The adoption of the transportation concurrency backlog plan shall be exempt from the provisions of s. 163.3187(1).

(5) **ESTABLISHMENT OF LOCAL TRUST FUND.—**The transportation concurrency backlog authority shall establish a local transportation concurrency backlog trust fund upon creation of the authority. Each local trust fund shall be administered by the transportation concurrency backlog authority within which a transportation concurrency backlog has been identified. Beginning in the first fiscal year after the creation of the authority, each local trust fund shall be funded by the proceeds of an ad valorem tax increment collected within each transportation concurrency backlog area to be determined annually and shall be 25 percent of the difference between:

(a) The amount of ad valorem tax levied each year by each taxing authority, exclusive of any amount from any debt service millage, on taxable real property contained within the jurisdiction of the transportation concurrency backlog authority and within the transportation backlog area; and

(b) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property within the transportation concurrency backlog area as shown on the most recent assessment roll used in connection with the taxation of such property of each taxing authority prior to the effective date of the ordinance funding the trust fund.

(6) **EXEMPTIONS.—**

(a) The following public bodies or taxing authorities are exempt from the provision of this section:

1. A special district that levies ad valorem taxes on taxable real property in more than one county.

2. Special district for which the sole available source of revenue is the authority to levy ad valorem taxes at the time an ordinance is adopted under this section. However, revenues or aid that may be dispensed or appropriated to a district as defined in s. 388.011 at the discretion of an entity other than such district shall not be deemed available.

3. A library district.

4. A neighborhood improvement district created under the Safe Neighborhoods Act.

5. A metropolitan transportation authority.

6. A water management district created under s. 373.069.

7. A community redevelopment agency.

(b) A transportation concurrency exemption authority may also exempt from this section a special district that levies ad valorem taxes within the transportation concurrency backlog area pursuant to s. 163.387(2)(d).

THE PRESIDENT PRESIDING

On motion by Senator Baker, further consideration of **CS for CS for CS for SB 1928** with pending **Amendment 9 (115580)** was deferred.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Atwater, by two-thirds vote **CS for SB 96** was withdrawn from the Committee on Transportation and Economic Development Appropriations.

On motion by Senator Constantine, by two-thirds vote **CS for SB 2176** was withdrawn from the Committee on Community Affairs; and **CS for SB 2772** was withdrawn from the Committee on Rules.

RECESS

On motion by Senator King, the Senate recessed at 1:06 p.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:00 p.m. A quorum present—39:

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Argenziano	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Carlton	Joyner	Storms
Constantine	Justice	Villalobos
Crist	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

SPECIAL ORDER CALENDAR, continued

SENATOR WEBSTER PRESIDING

On motion by Senator Ring—

CS for CS for CS for CS for SB 2420—A bill to be entitled An act relating to venture capital investment; amending s. 1004.226, F.S.; amending the 21st Century Technology, Research, and Scholarship Enhancement Act to include the commercialization of products and services developed from the research and development conducted at state universities; requiring the Florida Technology, Research, and Scholarship Board to review and approve State University Research Commercialization Assistance Grants; requiring board members to refrain from having any direct interest or derive any benefit from a project receiving a grant under the program created by the act; providing guidelines for a state university to receive funding through the program; requiring private matching funds; requiring the board to periodically solicit proposals of state universities; requiring that the board submit an annual report to the Governor and the Legislature; creating s. 288.9625, F.S.; creating the Institute for the Commercialization of Public Research; providing that the institute is a not-for-profit corporation; providing that the purpose of the institute is to commercialize the products of public research; providing for membership of the board of directors; requiring the institute to provide data to certain entities; providing responsibilities of the

institute; prohibiting the institute from having any interest in any product supported by the institute; creating s. 288.9621, F.S.; providing a short title; creating s. 288.9622, F.S.; providing legislative findings and intent; creating s. 288.9623, F.S.; providing definitions; creating s. 288.9624, F.S.; requiring Enterprise Florida, Inc., to facilitate creation of the Florida Opportunity Fund; specifying criteria of the fund; providing for appointment of an appointment committee; providing for selection of a board of directors of the fund by Enterprise Florida, Inc.; specifying criteria; providing for terms and requirements of the directors; providing purposes of the fund; providing duties and responsibilities of the fund; authorizing the fund to negotiate all contract terms; providing for reimbursement for travel and other direct expenses; providing for powers of the fund; providing investment requirements for the fund; requiring the board of directors to issue an annual report on the activities of the fund; providing report requirements; requiring a review by the Office of Program Policy Analysis and Government Accountability; providing appropriations; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for CS for SB 2420** to **CS for CS for HB 83**.

Pending further consideration of **CS for CS for CS for CS for SB 2420** as amended, on motion by Senator Ring, by two-thirds vote **CS for CS for HB 83** was withdrawn from the Committees on Commerce; Governmental Operations; Finance and Tax; and Transportation and Economic Development Appropriations.

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

CS for CS for HB 83—A bill to be entitled An act relating to venture capital investments; creating s. 288.9621, F.S.; providing a short title; creating s. 288.9622, F.S.; providing legislative findings and intent; creating s. 288.9623, F.S.; providing definitions; creating s. 288.9624, F.S.; requiring Enterprise Florida, Inc., to facilitate creation of the Florida Opportunity Fund; specifying criteria of the fund; providing for appointment of an appointment committee; providing for selection of a board of directors of the fund by Enterprise Florida, Inc.; specifying criteria; providing for terms and requirements of the directors; providing purposes of the fund; providing duties and responsibilities of the fund; authorizing the fund to negotiate all contract terms; providing for reimbursement for travel and other direct expenses; providing for powers of the fund; providing investment requirements for the fund; requiring the board of directors to issue an annual report on the activities of the fund; providing report requirements; creating s. 288.9625, F.S.; creating the Institute for the Commercialization of Public Research; providing that the institute is a not-for-profit corporation; providing that the purpose of the institute is to commercialize the products of public research; providing for membership of the board of directors; requiring the institute to provide data to certain entities; providing responsibilities of the institute; prohibiting the institute from having any interest in any product supported by the institute; prohibiting the institute from charging fees for services rendered to certain entities; requiring an annual report to the Governor and Legislature; providing report requirements; amending s. 1004.226, F.S.; providing that the 21st Century Technology, Research, and Scholarship Enhancement Act includes the commercialization of products and services developed from the research and development conducted at state universities; establishing the State University Research Commercialization Assistance Grants Program; requiring the Florida Technology, Research, and Scholarship Board to review and approve State University Research Commercialization Assistance Grants; requiring board members to refrain from having any direct interest or derive any benefit from a project receiving a grant under the program; providing guidelines for a state university to receive funding; providing for use of funds; requiring private match; requiring the board to periodically solicit proposals from state universities; providing criteria for application evaluation; providing for contracts with state universities; specifying content; requiring that the board's annual report to the Governor and Legislature include information on grants awarded and repaid; requiring the Office of Program Policy Analysis and Government Accountability to conduct an interim review and evaluation of the Florida Capital Formation Act; providing appropriations; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for CS for SB 2420** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 83** was placed on the calendar of Bills on Third Reading.

On motion by Senator Ring—

CS for CS for SB 2422—A bill to be entitled An act relating to public records and meetings; creating s. 288.9630, F.S.; creating definitions; creating an exemption from public-records requirements for certain information held by the SURE Venture Capital Fund or the Institute for the Commercialization of Public Research; providing exceptions to the exemption; creating an exemption from public-meetings requirements for portions of meetings of the board of directors of the SURE Venture Capital Fund or the Institute for the Commercialization of Public Research at which confidential and exempt records are discussed; providing penalties; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 2422** to **CS for CS for HB 131**.

Pending further consideration of **CS for CS for SB 2422** as amended, on motion by Senator Ring, by two-thirds vote **CS for CS for HB 131** was withdrawn from the Committees on Commerce; and Governmental Operations.

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

CS for CS for HB 131—A bill to be entitled An act relating to public records and meetings; creating s. 288.9626, F.S.; providing definitions; providing an exemption from public records requirements for certain information held by the Florida Opportunity Fund and for certain information held by the Institute for the Commercialization of Public Research; providing exceptions to the exemption; creating an exemption from public meetings requirements for portions of meetings of the boards of directors of the Florida Opportunity Fund and the Institute for the Commercialization of Public Research at which confidential and exempt records are discussed; providing penalties; providing for future legislative review and repeal; providing a statement of public necessity; amending s. 1004.226, F.S.; creating an exemption from public records requirements for certain information held by the Florida Technology, Research, and Scholarship Board; creating an exemption from public meetings requirements for portions of meetings of the Florida Technology, Research, and Scholarship Board at which confidential and exempt records are discussed; providing exceptions to the exemption; providing penalties; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **CS for CS for SB 2422** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 131** was placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz de la Portilla, by two-thirds vote **CS for HB 1301** was withdrawn from the Committees on Commerce; Children, Families, and Elder Affairs; and Transportation and Economic Development Appropriations.

On motion by Senator Diaz de la Portilla—

CS for HB 1301—A bill to be entitled An act relating to workforce services; amending s. 445.024, F.S.; revising definitions of work activities to conform to federal law and regulations governing work requirements for participants in the temporary cash assistance program; revising work activity requirements and exemptions from such requirements; revising certain requirements for and duties of regional workforce boards with respect to work requirements for program participants; amending s. 445.032, F.S.; clarifying circumstances under which transitional child care is available to former participants in the welfare transition program and certain other individuals; amending s. 402.305, F.S.; correcting cross-references; providing an effective date.

—a companion measure, was substituted for **CS for SB 1926** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1301** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 1172** was deferred.

By Senator Crist—

SB 720—A bill to be entitled An act relating to vehicular incidents involving death or personal injuries; providing a short title; amending s. 316.027, F.S.; requiring a court to sentence a driver of a vehicle to a minimum term of imprisonment if the person is driving under the influence and leaves the scene of a crash that results in death; requiring a court to order the driver of a vehicle to make restitution to the victim for any damage or loss if a driver leaves the scene of an accident that results in injury or death; requiring a court to make the payment of restitution a condition of probation; providing that an order requiring the defendant to make restitution to a victim does not remove or diminish the requirement that the court order payment to the Crimes Compensation Trust Fund; amending s. 316.193, F.S.; requiring that a person convicted of DUI manslaughter be sentenced to a mandatory minimum term of imprisonment; amending s. 921.0021, F.S.; allowing assessment of victim injury points for certain offenses if the court finds that the offender caused victim injury; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 720** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1864—A bill to be entitled An act relating to hurricane damage mitigation; amending s. 215.5586, F.S.; redesignating the Florida Comprehensive Hurricane Damage Mitigation Program as the “My Safe Florida Home Program”; providing additional duties of the Department of Financial Services; revising criteria and requirements for hurricane mitigation inspections; requiring the department to contract with certain entities to provide hurricane mitigation inspections; revising the requirements for such inspections; providing for a hurricane resistance rating scale as adopted by the Financial Services Commission; revising the requirements for an entity to be selected by the department to perform inspections; providing qualification requirements for certain licensed professionals; providing requirements for a homeowner with respect to applying for an inspection; revising requirements for mitigation grants; limiting the purposes for which a grant may be used; providing for priorities of grants; requiring the department to develop a grant applications verification and collection process; authorizing the department to undertake a statewide consumer information campaign; requiring the advisory council to advise and assist the department in administering the program; expanding the department’s authorization to enhance financial resource funding of the program; revising the department’s rulemaking authority; deleting provisions authorizing the department to contract with not-for-profit corporations; requiring the department to maintain a list of authorized hurricane mitigation inspectors; authorizing the department to develop a no-interest loan program; providing program requirements and limitations; requiring the department to pay certain creditors from funds appropriated for the program; providing loan eligibility criteria; authorizing the department to set aside certain funds for program purposes; requiring the department to adopt rules; providing for public outreach for contractors, real estate brokers, and licensed sales associates; authorizing the department to contract for grants management, inspection services, education outreach, and auditing services; providing additional legislative intent; requiring the department to make annual reports to the Legislature concerning the program; providing report requirements; amending s. 489.115, F.S.; including wind mitigation methodologies under certain continuing education requirements for contractors; amending ss. 4, 39, and 42 of ch. 2006-12, Laws of Florida; providing conforming changes to the redesignation of the Florida Comprehensive Hurricane Damage Mitigation Program; providing legislative intent; requiring the Office of Insurance Regulation, in consultation with the Department of Community Affairs and the Florida Building Commission, to conduct wind-loss mitigation studies; providing requirements for the studies; requiring a report to the Governor, the Legislature, the Chief Financial Officer, and the Commissioner of Insurance Regulation; creating s. 553.844, F.S.; providing legislative findings concerning the need to prevent property

damage caused by hurricanes; requiring the Florida Building Commission to adopt amendments to the Florida Building Code, including requirements for certain buildings constructed before the implementation of the code; providing requirements for such amendments; providing requirements for buildings located in a wind-borne debris region; amending s. 627.351, F.S.; requiring that a residential structure located in a wind-borne debris region have certain opening protections required under the Florida Building Code in order to be eligible for coverage by the Citizens Property Insurance Corporation; providing an effective date.

—was read the second time by title.

Senator Posey moved the following amendments which were adopted:

Amendment 1 (052026)(with title amendment)—On page 4, line 11, after the period (.) insert: *It is the intent of the Legislature that the My Safe Florida Home Program provide inspections for at least 400,000 site-built, single-family, residential properties and provide grants to at least 35,000 applicants before June 30, 2009.*

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: providing additional legislative intent;

Amendment 2 (794734)(with title amendment)—On page 8, line 14, after the period (.) insert: *Wind certification and hurricane mitigation inspectors qualifying for the program may also participate as mitigation contractors as long as the inspectors meet the department’s qualifications and certification requirements for mitigation contractors.*

And the title is amended as follows:

On page 1, line 22, after the semicolon (;) insert: authorizing inspectors to participate as contractors under certain circumstances;

Amendment 3 (122464)(with title amendment)—On page 10, between lines 2 and 3, insert:

(j) The department shall transfer the amount of \$40 million from funds appropriated to the program, including up to 5 percent for administrative costs, to Volunteer Florida Foundation, Inc., for provision of inspections and grants to low-income homeowners, as defined in s. 420.0004(10), consistent with this section. Volunteer Florida Foundation, Inc., shall be responsible for inspections and grants management for low-income homeowners and shall report its activities and account for state funds on a quarterly and annual basis to the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives.

And the title is amended as follows:

On page 1, line 26, after the semicolon (;) insert: requiring the department to transfer certain appropriated funds to Volunteer Florida Foundation, Inc., for certain purposes; specifying duties of Volunteer Florida Foundation, Inc.;

MOTION

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

Senator Posey moved the following amendments which were adopted:

Amendment 4 (761336)—On page 7, lines 10-12, delete those lines and insert:

2. Be a dwelling with an insured value of \$300,000 ~~\$500,000~~ or less. Homeowners who are low-income

Amendment 5 (775000)(with title amendment)—On page 19, delete line 11 and insert: *Commissioner of Insurance Regulation by January 1, 2008, for the studies related to residential property, and by March 1, 2008, for the studies related to commercial nonresidential property.*

And the title is amended as follows:

On page 3, line 6, delete “a report” and insert: reports

Amendment 6 (060884)—On page 8, lines 3-6, delete those lines and insert:

(b) All grants must be matched on a dollar-for-dollar basis for a total of \$10,000 for the *actual cost of the mitigation project* with the state's contribution not to exceed \$5,000.

Amendment 7 (754342)—On page 9, delete line 15 and insert: up to \$5,000 and are not required to provide a matching

Amendment 8 (450504)—On page 9, between lines 1 and 2, insert:

The department may require that improvements be made to all openings, including exterior doors and garage doors, as a condition of approving an application for a grant if the department determines that improvements to less than all openings would not substantially improve the structure's ability to withstand hurricane damage.

Amendment 9 (671538)—On page 26, lines 6 and 7, delete those lines and insert: *Building Code (2006), and that has an insured value on the structure of \$300,000 or more is not*

Amendment 10 (665000)—On page 21, lines 22 and 23, delete those lines and insert: *Building Code (2006) and that has an insured value of \$300,000 or more or, if the building is uninsured or for which documentation of insured value is not presented, has a just valuation for the structure of \$300,000 or more for purposes of ad valorem taxation:*

Amendment 11 (375528)(with title amendment)—On page 6, lines 14-23, delete those lines and redesignate subsequent paragraphs.

And the title is amended as follows:

On page 1, lines 17-19, delete those lines and insert: perform inspections; providing requirements for a

MOTION

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

Senators Fasano and Crist offered the following amendment which was moved by Senator Fasano and adopted:

Amendment 12 (132292)(with title amendment)—On page 22, line 1 through page 26, line 12, delete section 6 and renumber subsequent sections.

And the title is amended as follows:

On page 3, lines 19-24, delete those lines and insert: region;

The vote was:

Yeas—21

Argenziano	Fasano	Lynn
Aronberg	Geller	Margolis
Atwater	Hill	Peaden
Bennett	Jones	Saunders
Bullard	Joyner	Siplin
Crist	Justice	Storms
Deutch	Lawson	Wise

Nays—13

Alexander	King	Ring
Baker	Oelrich	Villalobos
Constantine	Posey	Webster
Dockery	Rich	Wilson
Gaetz		

Vote after roll call:

Yea—Diaz de la Portilla

Nay—Garcia

Nay to Yea—Wilson

MOTION

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

Senators Storms, Fasano and Crist offered the following amendment which was moved by Senator Storms and adopted:

Amendment 13 (625370)—On page 21, lines 23-30, delete those lines and insert: *purposes of ad valorem taxation of \$300,000 or more, a roof replacement must incorporate the techniques specified in subparagraph (2)(b)3.*

The vote was:

Yeas—22

Argenziano	Fasano	Margolis
Aronberg	Geller	Saunders
Atwater	Hill	Siplin
Bennett	Jones	Storms
Bullard	Joyner	Wilson
Carlton	Justice	Wise
Crist	Lawson	
Deutch	Lynn	

Nays—12

Mr. President	Gaetz	Posey
Baker	Garcia	Ring
Constantine	King	Villalobos
Dockery	Oelrich	Webster

Vote after roll call:

Yea—Diaz de la Portilla

On motion by Senator Posey, further consideration of **CS for CS for SB 1864** as amended was deferred.

By Senator Margolis—

SB 274—A bill to be entitled An act relating to cystic fibrosis treatment; creating s. 627.6614, F.S.; requiring a group health insurance policy to cover services needed to treat cystic fibrosis authorized by a physician; amending s. 641.31, F.S.; requiring a contract by a health maintenance organization to cover services needed to treat cystic fibrosis as authorized by a physician; amending s. 627.6515, F.S., relating to out-of-state groups; conforming a cross-reference to changes made by the act; providing that the act fulfills an important state interest; providing an effective date.

—was read the second time by title.

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

Amendment 1 (853672)—On page 2, lines 4 and 20, delete “sold” and insert: *issued*

Senator Margolis moved the following amendment which was adopted:

Amendment 2 (551828)—On page 5, line 28, delete “October 1, 2007” and insert: January 1, 2008

Pursuant to Rule 4.19, **SB 274** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By Senator Rich—

CS for SB 2508—A bill to be entitled An act relating to social workers; amending ss. 39.01 and 491.003, F.S.; defining the term “social worker”; creating s. 491.016, F.S.; prohibiting persons from identifying themselves as social workers unless they hold certain credentials; providing exceptions; requiring the Department of Health to adopt rules; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2508** was placed on the calendar of Bills on Third Reading.

By Senator Crist—

CS for CS for SB 2856—A bill to be entitled An act relating to funeral and cemetery industry regulation; amending s. 497.101, F.S.; conforming a reference; amending s. 497.141, F.S.; prohibiting certain persons from conducting, maintaining, managing, owning, or operating licensees under ch. 479; providing an exception; amending s. 497.143, F.S.; revising regulation and practice of limited licensees; amending s. 497.162, F.S.; authorizing the use of Internet courses for continuing education; amending s. 497.260, F.S.; requiring that a provision relating to the installation of monuments applies to all cemeteries in the state; amending s. 497.271, F.S.; requiring that certain mausoleums contain pressure relief ventilation; amending s. 497.273, F.S.; providing for interment or entombment of a decedent with the remains of the decedent's pet; amending s. 497.367, F.S.; revising the frequency with which licensed funeral directors and embalmers are required to complete a continuing education course on HIV and AIDS; amending s. 497.374, F.S.; revising qualifications for licensure by endorsement for funeral directors; amending s. 497.550, F.S.; replacing the term "monument dealer" with "monument retailer"; creating s. 497.609, F.S.; providing freedom from liability for direct disposers, direct disposal establishments, funeral directors, funeral establishments, and cinerator facilities performing cremation under certain circumstances; amending s. 553.36, F.S.; providing definitions; amending s. 553.73, F.S.; providing exceptions to the Florida Building Code relating to columbaria and mausoleums; amending ss. 316.515 and 627.702, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Senator Crist moved the following amendment which was adopted:

Amendment 1 (350976)(with title amendment)—On page 12, line 8 through page 13, line 11, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 2, lines 3-6, delete those lines and insert: F.S.; providing definitions; amending ss. 316.515 and

Pursuant to Rule 4.19, **CS for CS for SB 2856** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By Senator Bennett—

CS for CS for SB 1592—A bill to be entitled An act relating to administrative procedures; amending s. 120.52, F.S.; redefining the term "invalid exercise of delegated legislative authority"; defining the terms "law implemented," "rulemaking authority," and "unadopted rule"; amending s. 120.536, F.S.; revising guidelines for the construction of statutory language granting rulemaking authority; amending s. 120.54, F.S.; prescribing limits and guidelines with respect to incorporation of material by reference; prescribing requirements for materials being incorporated by reference; providing for rules; revising information to be included in notices of proposed actions; requiring that specified rulemaking responsibilities of an agency head, including those relating to conducting a public hearing, may not be delegated or transferred; revising dates for filing rules for adoption; revising provisions with respect to petitions to initiate rulemaking; amending s. 120.545, F.S.; revising duties of the Administrative Procedures Committee and agencies with respect to review of agency rules; providing for a legislative committee to request agency information for examination of an unadopted rule; prescribing responses that may be made by an agency to a committee objection to a rule or statement of estimated regulatory costs; prescribing presumptions resulting from an agency's refusal to respond to committee objections; amending s. 120.55, F.S.; requiring electronic publication of the Florida Administrative Code; prescribing requirements with respect to content of such electronic publication; providing for filing information incorporated by reference in electronic form; conforming a cross-reference; amending s. 120.56, F.S.; revising notice requirements with respect to challenges of proposed rules; requiring an agency to discontinue reliance on a statement when an administrative determination is sought with respect to the statement; allowing continued reliance on a statement when an administrative law judge determines that the inability to rely on it would constitute an immediate

danger; deleting certain provisions relating to actions before a final hearing is held; amending s. 120.569, F.S.; requiring that certain administrative proceedings be terminated and subsequently reinstated under different provisions of state law if a disputed issue of material fact arises during such a proceeding; providing for the waiver of such termination; revising a cross-reference; amending s. 120.57, F.S.; prescribing procedures with respect to challenges to unadopted rules; amending s. 120.595, F.S.; increasing maximum attorney's fees; revising guidelines for award of attorney's fees in challenges to agency action; providing for attorney's fees and costs in certain circumstances; amending s. 120.74, F.S.; revising reporting requirements for agency heads; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Bennett moved the following amendments which were adopted:

Amendment 1 (304572)(with directory and title amendments)—On page 25, between lines 19 and 20, insert:

(5)(a) All fees and moneys collected by the Department of State under this chapter shall be deposited in the Records Management Trust Fund for the purpose of paying for the publication and distribution of the Florida Administrative Code and the Florida Administrative Weekly and for associated costs incurred by the department in carrying out this chapter.

(b) The unencumbered balance in the Records Management Trust Fund for fees collected pursuant to this chapter shall not exceed \$300,000 at the beginning of each fiscal year, and any excess shall be transferred to the General Revenue Fund.

(c) It is the intent of the Legislature that the Florida Administrative Weekly be supported entirely from funds collected for subscriptions to and advertisements in the Florida Administrative Weekly.

(d) *For the 2007-2008 fiscal year only, notwithstanding paragraph (b), the unencumbered balance in the Records Management Trust Fund for fees collected pursuant to this chapter shall not exceed \$400,000 at the beginning of each fiscal year, and any excess shall be transferred to the General Revenue Fund. This paragraph expires July 1, 2008.*

And the directory clause is amended as follows:

On page 23, delete line 28 and insert: and subsections (3) and (5) of section 120.55, Florida Statutes, are

And the title is amended as follows:

On page 2, line 8, after the semicolon (;) insert: revising for a specified period the limit for the unencumbered balance in the Records Management Trust Fund at the beginning of each fiscal year for fees collected pursuant to chapter 120; providing for transfer of excess funds; providing for expiration of provisions;

Amendment 2 (095282)(with directory and title amendments)—On page 28, between lines 2 and 3, insert:

(8)(a) All fees and moneys collected by the Department of State under this chapter shall be deposited in the Records Management Trust Fund for the purpose of paying for costs incurred by the department in carrying out this chapter.

(b) The unencumbered balance in the Records Management Trust Fund for fees collected pursuant to this chapter may not exceed \$300,000 at the beginning of each fiscal year, and any excess shall be transferred to the General Revenue Fund.

(c) *For the 2007-2008 fiscal year only, notwithstanding paragraph (b), the unencumbered balance in the Records Management Trust Fund for fees collected pursuant to this chapter shall not exceed \$400,000 at the beginning of each fiscal year, and any excess shall be transferred to the General Revenue Fund. This paragraph expires July 1, 2008.*

And the directory clause is amended as follows:

On page 25, delete line 21 and insert: and (d) of subsection (1) and subsections (2), (5), and (8) of

And the title is amended as follows:

On page 2, line 8, after the semicolon (;) insert: revising for a specified period the limit for the unencumbered balance in the Records Management Trust Fund at the beginning of each fiscal year for fees collected pursuant to chapter 120; providing for transfer of excess funds; providing for expiration of provisions;

Pursuant to Rule 4.19, **CS for CS for SB 1592** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Posey, by two-thirds vote **CS for HB 743** was withdrawn from the Committees on Banking and Insurance; and Judiciary.

On motion by Senator Posey—

CS for HB 743—A bill to be entitled An act relating to trusts; amending s. 660.417, F.S.; revising criteria for investments in certain investment instruments; creating s. 736.04117, F.S.; providing criteria, requirements, and limitations on a trustee's power to invade the principal of a trust; specifying conditions under which discretionary distributions may be made in further trust; amending s. 736.0802, F.S.; specifying additional trust property transactions not voidable by a beneficiary; revising certain disclosure and applicability requirements; broadening authority for investing in certain investment instruments; revising definitions; excusing trustees from certain compliance requirements under certain circumstances; amending s. 736.0816, F.S.; defining the term "mutual fund" for certain purposes; amending s. 736.1008, F.S.; revising effective dates relating to limitations on proceedings against trustees; amending s. 736.1011, F.S.; providing construction relating to trustee drafts of exculpatory terms in a trust instrument; amending s. 689.071, F.S.; limiting the definition of the term "land trust" to an arrangement in which title to real property is vested in a trustee by a recorded instrument that confers certain authority as prescribed by state law; providing that such a recorded instrument does not itself create an entity; providing that a recorded instrument is effective regardless of whether it refers to beneficiaries of the trust; providing that a recorded instrument vests both legal and equitable title to real property or the interest therein in the trustee; conforming cross-references; amending s. 731.201, F.S.; revising a definition; amending s. 731.303, F.S.; excluding trusts from guidelines regarding administration and judicial proceedings; amending s. 736.0102, F.S.; conforming a cross-reference; amending s. 736.0501, F.S.; limiting the ability of creditors or assignees of a beneficiary to reach the beneficiary's interest in a trust; amending s. 736.0502, F.S.; clarifying the application of restrictions on transferring a beneficiary's interest under a spendthrift provision; amending s. 736.0503, F.S.; providing an exception to a provision authorizing the attachment of trust distributions; amending s. 736.0504, F.S.; defining the term "discretionary distribution"; prohibiting certain creditors from compelling distributions or attaching a beneficiary's interest or expectancy; amending s. 736.0813, F.S.; conforming a date of applicability of the accounting provision and corresponding limitations to the effective date of the code; amending s. 736.1106, F.S.; providing that certain antilapse provisions continue to apply to irrevocable trusts created between June 12, 2003, and July 1, 2007; amending s. 736.1204, F.S.; clarifying the use of income interest of a trust; amending ss. 736.1209 and 736.1001, F.S., relating to the release of power by a trustee and removal of a trustee; conforming cross-references; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2218** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 743** was placed on the calendar of Bills on Third Reading.

By Senator Lynn—

CS for SB 644—A bill to be entitled An act relating to naming state university buildings and other facilities; amending s. 267.062, F.S.; providing for the naming of the facilities of a state university for a living person by the university in accordance with the rules of the Board of Governors of the State University System; amending s. 1013.79, F.S.; authorizing a university board of trustees to name a building in accordance with s. 267.062, F.S.; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 644** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 2250** was deferred.

By Senator Bennett—

CS for CS for SB 2346—A bill to be entitled An act relating to the Myakka River; amending s. 258.501, F.S.; requiring the Myakka River Management Coordinating Council to prepare a report; providing report requirements; requiring public hearings; requiring the council to submit the report to the Governor and the Legislature; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2346** was placed on the calendar of Bills on Third Reading.

By Senator Wise—

SB 2230—A bill to be entitled An act relating to accessible parking spaces; amending s. 553.5041, F.S.; providing for reservation of accessible parking spaces for persons who require extra space to exit from or enter a motor vehicle; requiring signage; requiring specific markings; providing a penalty; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2230** was placed on the calendar of Bills on Third Reading.

By Senator Joyner—

SB 1172—A bill to be entitled An act relating to breast cancer treatment; providing a short title; amending ss. 627.64171, 627.66121, and 641.31, F.S.; including lymph node dissections under provisions prescribing the length of hospital stay relating to a mastectomy and the outpatient postsurgical followup care which specified health insurers and health maintenance organizations must cover; limiting application; providing an effective date.

—was read the second time by title.

MOTION

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

Senators Peaden and Joyner offered the following amendment which was moved by Senator Peaden and adopted:

Amendment 1 (363448)(with title amendment)—On page 1, delete line 15 and insert:

Section 1. Section 627.42395, Florida Statutes, is amended to read:

627.42395 Coverage for certain prescription and nonprescription enteral or amino acid formulas.—

(1) Notwithstanding any other provision of law, any health insurance policy delivered or issued for delivery, to any person in this state or any group, blanket, or franchise health insurance policy delivered or issued for delivery in this state shall make available to the policyholder as part of the application, for an appropriate additional premium, coverage for:

(a) Prescription and nonprescription enteral formulas for home use which are physician prescribed as medically necessary for the treatment of inherited diseases of amino acid, organic acid, carbohydrate, or fat metabolism as well as malabsorption originating from congenital defects present at birth or acquired during the neonatal period. *Such* coverage

for inherited diseases of amino acids and organic acids shall include food products modified to be low protein, in an amount not to exceed \$2,500 annually for any insured individual, through the age of 24.

(b) *Amino-acid-based elemental formulas, regardless of the method of intake, for the medically necessary treatment of medically diagnosed conditions such as severe multiple allergies, gastroesophageal reflux, and eosinophilic disorders when ordered by a licensed physician.*

(2) This section applies to any person or family notwithstanding the existence of any preexisting condition.

Section 2. *Sections 2 through 4 of this act may be cited as the "Mary B. Hooks*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to health insurance coverage; amending s. 627.42395, F.S.; including certain amino-acid-based formulas within requirements concerning optional coverage for formulas;

Pursuant to Rule 4.19, **SB 1172** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Baker, the Senate resumed consideration of—

CS for CS for CS for SB 1928—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.; defining the term "metropolitan planning organization" for purposes of the Florida Retirement System Act; revising definitions to include M.P.O.'s and positions in M.P.O.'s; amending s. 121.051, F.S.; providing for M.P.O.'s to participate in the Florida Retirement System; amending s. 121.055, F.S.; requiring certain M.P.O. staff positions to be in the Senior Management Service Class; 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 an M.P.O.; authorizing the governing body of an M.P.O. 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 M.P.O. officers and staff to claim credit for past service for retirement benefits; creating s. 163.3182, F.S.; providing for the creation of transportation concurrency backlog authorities; providing powers and responsibilities of such authorities; providing for transportation concurrency backlog plans; providing for the issuance of revenue bonds for certain purposes; providing for the establishment of a local trust fund within each county or municipality having an identified transportation concurrency backlog; providing exemptions from transportation concurrency requirements; providing for the satisfaction of concurrency requirements; providing for dissolution of transportation concurrency backlog authorities; amending s. 212.055, F.S.; deleting a provision prohibiting a school district, county, or municipality from issuing bonds more than once each year pledging the proceeds of certain discretionary taxes; amending s. 215.615, F.S.; revising the Department of Transportation's requirement to share certain costs of fixed-guideway system projects; revising criteria for an interlocal agreement to establish bond financing for fixed-guideway system projects; revising provisions for sources of funds for the payment of bonds; amending s. 311.22, F.S.; revising funding for certain dredging projects; amending s. 336.41, F.S.; increasing the threshold for certain road construction and maintenance by counties which is exempt from a competitive-bid requirement; amending s. 316.605, F.S.; providing height and placement requirements for vehicle license plates; prohibiting display that obscures identification of the letters and numbers on a license plate; providing penalties; 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 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; removing procedures for withholding of adjudication; providing for suspension of a driver's license under certain circumstances; amending s. 320.061, F.S.; prohibiting interfering with the legibility, angular visibility, or detectability of any feature or detail on a license plate or interfering with the ability to record any feature or detail on a license plate; amending s. 334.351, F.S.; requiring nonprofit youth organizations that contract with the Department of Transportation for the purpose of operating youth work experience programs to certify that the program participants are residents of the state and possess valid identification; specifying criteria for the department to consider in awarding contracts to such organizations; requiring that the nonprofit youth organizations submit certain reports and audits to the department and demonstrate participation in a peer assessment or review process; amending s. 336.025, F.S.; deleting a prohibition against local governments issuing certain bonds secured by revenues from local option fuel taxes more than once a year; amending s. 338.161, F.S.; providing for the Department of Transportation and certain toll agencies to enter into agreements with public or private entities for additional uses of electronic toll collection products and services; authorizing feasibility studies by the department or a toll agency of additional uses of electronic toll devices for legislative consideration; 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 for Sustainable Transportation; amending s. 339.175, F.S.; revising intent; providing the method of creation and operation of M.P.O.'s required to be designated pursuant to federal law; specifying that an M.P.O. is separate from the state or the governing body of a local government that is represented on the governing board of the M.P.O. or that is a signatory to the interlocal agreement creating the M.P.O.; providing specified powers and privileges to the M.P.O.; providing for the designation and duties of certain officials; revising requirements for voting membership; defining the term "elected officials of a general-purpose local government" to exclude certain constitutional officers for voting membership purposes; providing for the appointment of alternates and advisers; providing that members of an M.P.O. technical advisory committee shall serve at the pleasure of the M.P.O.; providing for the appointment of an executive or staff director and other personnel; authorizing an M.P.O. to enter into contracts with public or private entities to accomplish its duties and functions; providing for the training of certain persons who serve on an M.P.O. for certain purposes; requiring that certain plans, programs, and amendments that affect projects be approved by each M.P.O. on a recorded roll call vote, or hand-counted vote, of a majority of the membership present; amending s. 339.2819, F.S.; revising the share of matching funds for a public transportation project provided from the Transportation Regional Incentive Program; creating s. 339.282, F.S.; providing legislative findings; providing that property owners or developers who voluntarily contribute right-of-way and physically construct or expand a state transportation facility or segment may receive certain credits against any future transportation concurrency requirements under certain conditions; creating s. 339.285, 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; amending s. 343.81, F.S.; prohibiting elected officials from serving on the Northwest Florida Transportation Corridor Authority; providing for application of the prohibition to apply to persons appointed to serve on the authority after a certain date; amending s. 343.82, F.S.; directing the authority to plan for and study the feasibility of constructing, operating, and maintaining a bridge or bridges, and appurtenant structures, spanning Choctawhatchee Bay or Santa Rosa Sound; authorizing the authority to construct, operate, and maintain said bridges and structures; amending s. 348.0004, F.S.; authorizing certain transportation-related authorities to enter into agreements with private entities for the building, operation, ownership, or financing of transportation facilities; amending s. 348.0012, F.S.; revising provisions for certain exemptions from the Florida Expressway Authority Act; 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 ss. 163.3177, 339.176, and 341.828, F.S.; correcting cross-references; amending s. 2, ch. 89-383, Laws of Florida; providing for certain alterations to and along Red Road in Miami-Dade County for transportation safety purposes; amending s. 479.01, F.S.; defining the term "wall mural"; creating s. 479.156, F.S.; providing for the regulation of wall murals by municipalities and counties; requiring that certain wall murals be located in areas zoned for industrial or commercial use; requiring that the local regulation of wall murals be consistent with specified criteria; requiring the Department of Transportation to approve a wall mural under certain conditions; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 9 (115580)** by Senator Baker was adopted.

Pursuant to Rule 4.19, **CS for CS for CS for SB 1928** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator King, by two-thirds vote **CS for CS for SB 2816** was withdrawn from the Committee on General Government Appropriations; **CS for SB 1834** was withdrawn from the Committee on Children, Families, and Elder Affairs; and **CS for SB 2068** was withdrawn from the Committee on Criminal Justice.

On motion by Senator Dockery, by two-thirds vote **CS for SB 2544** was withdrawn from the Committee on Criminal and Civil Justice Appropriations.

On motion by Senator Constantine, by two-thirds vote **CS for SB 1728** was withdrawn from the Committee on Criminal Justice.

On motion by Senator Saunders, by two-thirds vote **CS for SB 434** was withdrawn from the Committee on Health and Human Services Appropriations; **SB 1568** was withdrawn from the Committee on Commerce; **SB 2304** was withdrawn from the Committee on Education Pre-K - 12 Appropriations; and **CS for CS for SB 254** was withdrawn from the Committee on Higher Education.

MOTIONS

On motion by Senator King, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Tuesday, May 1.

On motion by Senator King, a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Tuesday, May 1.

REPORTS OF COMMITTEES

Pursuant to Rule 4.17(2), the President Pro Tempore, the Majority Leader, and the Minority Leader submit the following bills to be placed on the Special Order Calendar for Monday, April 30, 2007: **CS for SB 636**, **CS for SB 760**, **CS for CS for CS for SB 780**, **CS for CS for SB 1374**, **CS for CS for CS for SB 1928**, **CS for CS for CS for CS for SB 2420**, **CS for CS for SB 2422**, **CS for SB 1926**, **SB 1172**, **SB 720**, **CS for CS for SB 1864**, **SB 274**, **CS for SB 2508**, **CS for CS for SB 2856**, **CS for CS for SB 1592**, **CS for CS for SB 2218**, **CS for SB 644**, **CS for CS for SB 2250**, **CS for CS for SB 2346**, **SB 2230**

Respectfully submitted,
Lisa Carlton, President Pro Tempore
Daniel Webster, Majority Leader
Steven A. Geller, Minority Leader

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of section 114.05, Florida Statutes, certificates subject to confirmation by the Senate have been prepared for the following:

Office and Appointment

For Term
 Ending

Florida Public Service Commission

Appointees: Argenziano, Nancy, Dunnellon 01/01/2011
 Skop, Nathan A., Gainesville 01/01/2011

[Referred to the Committee on Ethics and Elections.]

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for HB 83, CS for CS for HB 197, CS for CS for HB 593, CS for HB 7173; has passed as amended CS for HB 461, CS for HB 517, CS for HB 1375, CS for CS for HB 1381, CS for HB 7057; has passed by the required constitutional two-thirds vote of the membership CS for CS for HB 131, CS for HB 463 and requests the concurrence of the Senate.

William S. Pittman III, Chief Clerk

By the Policy and Budget Council; Economic Expansion and Infrastructure Council; and Representative Grant and others—

CS for CS for HB 83—A bill to be entitled An act relating to venture capital investments; creating s. 288.9621, F.S.; providing a short title; creating s. 288.9622, F.S.; providing legislative findings and intent; creating s. 288.9623, F.S.; providing definitions; creating s. 288.9624, F.S.; requiring Enterprise Florida, Inc., to facilitate creation of the Florida Opportunity Fund; specifying criteria of the fund; providing for appointment of an appointment committee; providing for selection of a board of directors of the fund by Enterprise Florida, Inc.; specifying criteria; providing for terms and requirements of the directors; providing purposes of the fund; providing duties and responsibilities of the fund; authorizing the fund to negotiate all contract terms; providing for reimbursement for travel and other direct expenses; providing for powers of the fund; providing investment requirements for the fund; requiring the board of directors to issue an annual report on the activities of the fund; providing report requirements; creating s. 288.9625, F.S.; creating the Institute for the Commercialization of Public Research; providing that the institute is a not-for-profit corporation; providing that the purpose of the institute is to commercialize the products of public research; providing for membership of the board of directors; requiring the institute to provide data to certain entities; providing responsibilities of the institute; prohibiting the institute from having any interest in any product supported by the institute; prohibiting the institute from charging fees for services rendered to certain entities; requiring an annual report to the Governor and Legislature; providing report requirements; amending s. 1004.226, F.S.; providing that the 21st Century Technology, Research, and Scholarship Enhancement Act includes the commercialization of products and services developed from the research and development conducted at state universities; establishing the State University Research Commercialization Assistance Grants Program; requiring the Florida Technology, Research, and Scholarship Board to review and approve State University Research Commercialization Assistance Grants; requiring board members to refrain from having any direct interest or derive any benefit from a project receiving a grant under the program; providing guidelines for a state university to receive funding; providing for use of funds; requiring private match; requiring the board to periodically solicit proposals from state universities; providing criteria for application evaluation; providing for contracts with state universities; specifying content; requiring that the board's annual report to the Governor and Legislature include information on grants awarded and repaid; requiring the Office of Program Policy Analysis and Government Accountability to conduct an interim review and evaluation of the Florida Capital Formation Act; providing appropriations; providing an effective date.

—was referred to the Committees on Commerce; Governmental Operations; Finance and Tax; and Transportation and Economic Development Appropriations.

By the Policy and Budget Council; Environment and Natural Resources Council; and Representative Machek and others—

CS for CS for HB 197—A bill to be entitled An act relating to surface water protection programs; amending s. 373.414, F.S.; providing for the regulation of peat mines in certain wetlands; providing legislative intent; providing definitions; providing specific rule authority to the Department of Environmental Protection; providing applicability of variance provisions for activities in surface waters and wetlands in the Northwest Florida Water Management District; amending s. 373.4142, F.S.; providing an exemption for certain water quality standards in the Northwest Florida Water Management District; amending s. 373.459, F.S.; exempting the Suwannee River Water Management District, the Northwest Florida Water Management District, and specified local governments from certain funding requirements for the implementation of surface water improvement and management projects; eliminating provisions subject to expiration for the deposit, expenditure, release, and transfer of funds relating to the Ecosystem Restoration and Management Trust Fund and the Water Protection and Sustainability Trust Fund; amending s. 373.4595, F.S.; authorizing the Department of Environmental Protection and the South Florida Water Management District to adopt basin-specific criteria under the Lake Okeechobee Watershed Phosphorus Control Program; eliminating certain requirements for the authorization of discharges related to proposed changes in land use; amending s. 378.403, F.S.; revising definitions relating to the regulation of surface waters; defining the term “peat”; amending s. 378.503, F.S.; conforming provisions; amending s. 378.804, F.S.; revising the exemption provided to certain mine operators from the requirement to notify the secretary of the department when beginning to mine certain substances; amending s. 403.067, F.S.; providing for the trading of water quality credits in the total maximum daily load program in areas that have adopted a basin action plan; providing for rules and specifying what the rules must address; amending s. 403.088, F.S.; providing for the revision of water pollution operation permits; repealing s. 403.265, F.S., relating to the permitting of peat mining; providing an effective date.

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

By the Policy and Budget Council; Healthcare Council; and Representative Thurston and others—

CS for CS for HB 593—A bill to be entitled An act for the relief of Minouche Noel, and Jean and Flora Noel, parents of Minouche Noel; providing an appropriation to compensate Minouche Noel, and Jean and Flora Noel, parents of Minouche Noel, individually, for injuries and damages sustained due to the negligence of Children’s Medical Services of the former Department of Health and Rehabilitative Services; providing for the use of funds; providing for reversion of funds to the state; providing for payment of professional services and costs incurred by attorneys and lobbyists; providing an effective date.

—was referred to the Committee on Health and Human Services Appropriations.

By the Policy and Budget Council; Environment and Natural Resources Council; and Representative Mayfield and others—

CS for HB 7173—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 20.331, F.S.; clarifying the commission’s constitutional authority over marine life; requiring the commission to adopt and publish a rule establishing due process procedures; revising the commission’s statutory duties and responsibilities; amending s. 320.08056, F.S.; increasing the fee for Sea Turtle license plates; amending s. 320.08058, F.S.; specifying a percentage of annual use fees collected from the sale of manatee license plates that may be used to promote and market the license plate; authorizing the commission to use proceeds of the annual use fee for fiscal year 2007-2008 to buy back certain plates; providing for future repeal; specifying a percentage of annual use fees collected from the sale of Florida panther and Largemouth Bass license plates that may be used to promote and market the license plates; amending s. 370.025, F.S.; deleting provisions relating to the extent of the commission’s authority over marine life;

amending s. 370.0603, F.S.; providing for the deposit of certain proceeds into the Marine Resources Conservation Trust Fund; authorizing the use of such funds; amending s. 370.1105, F.S.; clarifying terminology relating to the spiny lobster; amending s. 370.12, F.S.; specifying a percentage of annual use fees collected from the sale of manatee license plates that may be used to promote and market the license plate; authorizing the commission to use proceeds of the annual use fee for fiscal year 2007-2008 to buy back certain plates; amending s. 370.13, F.S.; revising provisions for replacing lost or damaged tags for stone crab traps; authorizing the commission to defer or waive replacement tag fees under certain circumstances; deleting obsolete provisions for the applicability of certain fee and surcharge amounts relating to trap certificates; providing for legislative approval of the commission rule establishing an amount of equitable rent; revising certain administrative penalties; amending s. 370.135, F.S., relating to blue crab regulation; requiring commercial harvesters to hold restricted species endorsements; requiring endorsement numbers to be affixed to traps and buoys; providing criteria for buoy markings; providing for transfer of an endorsement when a vessel is replaced; establishing certain endorsement fees for the taking of blue crabs; establishing an annual trap tag fee; authorizing the commission to defer or waive replacement tag fees under certain circumstances; authorizing the commission to establish an amount of equitable rent by rule; providing for legislative approval of the rule; requiring the deposit of certain proceeds into the Marine Resources Conservation Trust Fund; specifying the use of such proceeds; requiring the commission to adopt certain rules; 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; providing for the expiration of certain provisions unless reenacted by the Legislature during the 2009 Regular Session; amending s. 370.14, F.S.; clarifying provisions regulating spiny lobsters; amending s. 370.1405, F.S.; clarifying terminology relating to the spiny lobster; amending s. 370.142, F.S., relating to the spiny lobster trap certificate program; removing certain obsolete provisions; clarifying provisions for transferable trap certificates; providing for legislative approval of the commission rule establishing an amount of equitable rent; deleting obsolete provisions relating to the leasing of spiny lobster trap tags and certificates; authorizing the commission to defer or waive replacement tag fees under certain circumstances; providing administrative penalties for certain violations of the spiny lobster trap certificate program; revising certain administrative penalties; amending s. 370.143, F.S.; revising provisions for certain trap retrieval programs and fees; requiring the commission to waive trap retrieval fees under certain circumstances; amending s. 372.09, F.S.; providing that annual use fees collected from the sale of Largemouth Bass license plates may be used to promote and market the license plates; amending s. 372.561, F.S.; authorizing the commission, tax collectors, and certain subagents to request and collect donations during the sale of certain licenses and permits; requiring collected donations to be deposited in the State Game Trust Fund; requiring funds to be used for a specified purpose; requiring the commission to provide an annual report to the Governor and Legislature; providing report requirements; amending s. 372.562, F.S.; specifying certain fishing as exempt from fees and requirements; amending s. 372.57, F.S.; increasing the fees for certain resident and nonresident hunting and fishing licenses; creating a 3-day freshwater fishing license for nonresidents; clarifying terminology relating to the spiny lobster; amending s. 372.672, F.S.; authorizing the use of funds from the Florida Panther Research and Management Trust Fund to promote and market the Florida panther license plate; amending s. 861.021, F.S.; clarifying terminology relating to the spiny lobster; amending ss. 372.571, 372.661, and 372.83, F.S.; conforming cross-references; reenacting s. 372.573, F.S., relating to revenues from management area permits, to incorporate the amendment to s. 372.57, F.S., in references thereto; reenacting s. 380.511(1)(c), F.S., relating to the deposit of proceeds from the sale of certain specialty license plates, to incorporate the amendment to s. 320.08058, F.S., in a reference thereto; providing an appropriation to the commission for costs related to the implementation of the blue crab effort management program and the administration of the Blue Crab Advisory Board; providing effective dates.

—was referred to the Committees on Environmental Preservation and Conservation; Governmental Operations; and General Government Appropriations.

By the Schools and Learning Council; and Representative Llorente and others—

CS for HB 461—A bill to be entitled An act relating to high school athletics; amending s. 1006.20, F.S.; requiring the Florida High School Athletic Association to facilitate a 1-year drug testing program to randomly test certain students for anabolic steroid use; requiring schools to consent to the provisions of the program as a prerequisite for membership in the organization; requiring the organization to establish procedures for the conduct of the program, including contracting with a testing agency to administer the program; providing that records relating to drug tests and challenge and appeal proceedings shall be maintained separately from a student's educational record; requiring students and their parents to consent to the provisions of the program as a prerequisite for eligibility to participate in specified sports; requiring the administration of a school to meet with a student who tests positive and his or her parent to review the finding, penalties, and procedures for challenge and appeal; providing penalties for positive findings; providing due process procedures for challenge and appeal; providing that the result of a drug test is not admissible in a criminal prosecution; requiring a report to the Legislature on the results of the program; providing an exemption from civil liability resulting from implementation of the program; requiring the Department of Legal Affairs to provide defense in claims of civil liability; requiring program expenses to be paid through legislative appropriation; providing for repeal of the program; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Judiciary; and Education Pre-K - 12 Appropriations.

By the Jobs and Entrepreneurship Council; and Representative Evers—

CS for HB 517—A bill to be entitled An act relating to financial responsibility for motor vehicles; amending s. 324.021, F.S.; providing that a member of the United States Armed Forces called to or on active duty outside the state or the United States is exempt from providing required proof of financial responsibility as the owner, registrant, or operator of a motor vehicle under specified conditions; providing for eligibility; providing limitations; providing an effective date.

—was referred to the Committee on Military Affairs and Domestic Security.

By the Economic Expansion and Infrastructure Council; and Representative M. Davis and others—

CS for HB 1375—A bill to be entitled An act relating to affordable housing; amending s. 163.3177, F.S.; revising elements of local government comprehensive plans relating to future land use and housing; requiring certain counties to adopt a plan for ensuring workforce housing by a specified date; providing a definition; providing a penalty; amending s. 163.31771, F.S.; authorizing local governments to elect not to apply transportation concurrency and impact fee requirements on accessory units on certain accessory dwelling units; amending s. 163.3180, F.S.; authorizing local governments to grant an exception from the concurrency requirement for transportation facilities; authorizing local governments to exempt certain trips from the concurrency requirement; amending s. 163.3184, F.S.; authorizing certain local government comprehensive plan amendments to be expedited; providing requirements for amendment notices; requiring a public hearing; amending s. 163.3187, F.S.; authorizing certain local government comprehensive plan amendments to be adopted more than twice a year; amending s. 163.3202, F.S.; requiring a local government's land development regulations to maintain density for certain types of parcels zoned for residential use; creating s. 193.018, F.S.; creating the Affordable Housing Property Tax Relief Initiative; providing criteria to be used in assessing just valuation of certain affordable housing properties; providing assessment guidelines; authorizing certain agreements to be considered a land use regulation and a limitation on the highest and best use of the property; creating s. 193.0185, F.S.; providing a definition; providing assessment criteria for improvements used for permanently affordable housing subject to a 99-year ground lease; amending s. 196.1978, F.S.; revising an affordable housing property exemption to require that

the owner be a corporation not for profit or a Florida limited partnership the sole general partner of which is such a corporation; expanding the scope of the exemption; creating ss. 197.307, 197.3071, 197.3072, 197.3073, 197.3074, 197.3075, 197.3076, 197.3077, 197.3078, and 197.3079, F.S.; authorizing a county commission or municipality to adopt an ordinance providing for the deferral of ad valorem taxes and non-ad valorem assessments for affordable rental housing property under certain conditions; requiring the tax collector to provide certain notices to taxpayers about deferrals; providing specifications for such ordinances; providing eligibility requirements; authorizing a property owner to defer payment of ad valorem taxes and certain assessments; providing circumstances in which taxes and assessments may not be deferred; specifying the rate for deferment; providing that the taxes, assessments, and interest deferred constitute a prior lien on the property; providing an application process; providing notice requirements for applications that are not approved for deferment; providing an appeals process; requiring applications for deferral to contain a list of outstanding liens; providing the date for calculating taxes due and payable; requiring that a property owner furnish proof of certain insurance coverage under certain conditions; requiring the tax collector and the property owner to notify the property appraiser of parcels for which taxes and assessments have been deferred; requiring the property appraiser to notify the tax collector of changes in ownership or use of tax-deferred properties; providing requirements for tax certificates for deferred payment; providing the rate of interest; providing circumstances in which deferrals cease; requiring the property appraiser to notify the tax collector of deferrals that have ceased; requiring the tax collector to collect taxes, assessments and interest due; requiring the tax collector to notify the property owner of due taxes on tax-deferred property under certain conditions; requiring the tax collector to sell a tax certificate under certain circumstances; specifying persons who may pay deferred taxes, assessments and accrued interest; requiring the tax collector to maintain a record of payment and to distribute payments; providing for construction of provisions authorizing the deferrals; providing penalties; amending s. 380.06, F.S.; providing that certain changes to permit the sale of owner-occupied affordable housing units do not constitute a substantial deviation; providing exemptions from transportation concurrency regulations for certain affordable workforce housing units; providing that certain additional trips do not reduce development of regional impact development order entitlements; amending s. 380.0651, F.S.; changing certain developments of regional impact statewide guidelines and standards; amending s. 420.504, F.S.; providing that the corporation is a state agency for purposes of the state allocation pool; authorizing the corporation to provide notice of internal review committee meetings by publication on an Internet website; providing that the corporation is not governed by certain provisions relating to corporations not for profit; providing that a designee may represent the Secretary of Community Affairs on the board of directors; amending s. 420.506, F.S.; deleting a provision relating to lease of certain state employees; amending s. 420.5061, F.S.; deleting obsolete provisions; removing a provision requiring all assets and liabilities and rights and obligations of the Florida Housing Finance Agency to be transferred to the corporation; providing that the corporation is the legal successor to the agency; removing a provision requiring the corporation to make transfers to certain trust funds; removing a provision requiring all state property in use by the agency to be transferred to and become the property of the corporation; amending s. 420.507, F.S.; removing a requirement that the corporation prepare and submit a budget request to the secretary of the department; providing the corporation the power to require that an agreement be recorded in the official records of the county where the real property is located; amending s. 420.5087, F.S.; authorizing the corporation to forgive indebtedness for a share of certain loans to nonprofit organizations that serve extremely-low-income elderly tenants; amending s. 420.5095, F.S.; requiring the corporation to establish a review committee for the Community Workforce Housing Innovation Pilot Program; providing for membership; requiring the corporation to establish a scoring system for evaluation and competitive ranking of applications; providing powers and duties of the committee; requiring the corporation's board of directors to make the final ranking and program participant decision; revising which projects may receive priority consideration for funding; requiring the processing of certain approvals of development orders or development permits to be expedited; providing applicant requirements; authorizing certain incentives to be offered by local governments for program participants; creating s. 420.5096, F.S.; creating the Florida Housing Preservation Bridge Loan Program; providing legislative findings; providing purpose; providing definitions; providing eligibility criteria; providing agreement requirements; providing reporting requirements; providing rulemaking authority; authorizing use of funds for administra-

tion and monitoring; amending s. 420.526, F.S.; increasing the threshold that certain predevelopment loans may not exceed; amending s. 420.606, F.S.; revising legislative findings and purpose of the training and technical assistance program; amending s. 420.9076, F.S.; increasing affordable housing advisory committee membership; providing membership criteria; authorizing the use of fewer members under certain circumstances; revising and providing duties of the advisory committee; providing that the advisory committee shall be cooperatively staffed by the local government planning and housing departments; creating s. 624.46226, F.S.; authorizing certain public housing authorities to create a self-insurance fund; exempting such public housing authorities that create a self-insurance fund from certain assessments; amending s. 1001.64, F.S.; providing for certain properties owned by community colleges to be used for affordable housing for community college faculty or other college personnel; providing an effective date.

—was referred to the Committees on Community Affairs; Finance and Tax; and Transportation and Economic Development Appropriations.

By the Policy and Budget Council; Jobs and Entrepreneurship Council; and Representative Richter—

CS for CS for HB 1381—A bill to be entitled An act relating to insurance; amending s. 626.112, F.S.; authorizing certain agencies designated as a branch office to file an application for registration in lieu of licensure; amending s. 626.221, F.S.; providing an exemption from the required written examination to certain applicants for licensure as a claims adjuster; amending s. 626.7851, F.S.; authorizing certain programs to offer correspondence courses to applicants for licensure as a life insurance agent; amending s. 626.8311, F.S.; authorizing certain programs to offer correspondence courses to applicants for licensure as a health insurance agent; amending s. 626.747, F.S.; authorizing certain licensed agents to be the agent in charge of branch locations under certain circumstances; amending s. 626.865, F.S.; requiring public adjusters to maintain their surety bond unimpaired for a certain period; amending s. 626.869, F.S.; authorizing an extension of time to complete continuing education requirements for public adjusters; amending s. 626.8698, F.S.; designating the Department of Financial Services as the appropriate agency responsible for disciplinary action against public adjusters; amending s. 626.921, F.S.; providing that the department is responsible for approval of the surplus lines agent manual; amending s. 626.9531, F.S.; revising requirements for identification of insurers, agents, and insurance contracts; specifying absence of liability and prohibiting causes of action against certain agents for insolvency of certain entities under certain circumstances; providing definitions; amending s. 626.9611, F.S.; requiring that the department and Financial Services Commission adopt rules prohibiting the use of unfair and deceptive practices in the sale of insurance to members of the United States Armed Forces; providing limitations; providing an appropriation; providing effective dates.

—was referred to the Committee on Banking and Insurance.

By the Policy and Budget Council; Jobs and Entrepreneurship Council; and Representative Traviesa and others—

CS for HB 7057—A bill to be entitled An act relating to hurricane damage mitigation; amending s. 215.5586, F.S.; redesignating the Florida Comprehensive Hurricane Damage Mitigation Program as the My Safe Florida Home Program; providing additional duties of the Department of Financial Services; providing additional legislative intent; revising criteria and requirements for wind certification and hurricane mitigation inspections; requiring the department to maintain a list of certain inspectors; revising requirements for mitigation grants; authorizing inspectors to participate as contractors under certain circumstances; providing for priorities of grants; requiring the department to develop a grant applications verification and collection process; requiring the department to transfer certain appropriated funds to Volunteer Florida Foundation, Inc., for certain purposes; specifying duties of Volunteer Florida Foundation, Inc.; authorizing the department to undertake a statewide consumer information campaign; requiring the advisory council to advise and assist the department in administering the program; expanding the department's authorization to enhance financial resource funding of the program; revising the department's rulemaking author-

ity; deleting provisions authorizing the department to contract with not-for-profit corporations; requiring the department to develop a no-interest loan program; providing program requirements and limitations; requiring the department to pay certain creditors from funds appropriated for the program; providing loan eligibility criteria; requiring the department to set aside certain funds for program purposes; requiring the department to adopt rules; providing for public outreach for contractors and real estate brokers and licensed sales associates; authorizing the department to contract for grants management, inspection services, education outreach, and auditing services; providing additional legislative intent; requiring the department to make annual reports on the program; providing report requirements; creating s. 1004.647, F.S.; creating the Florida Catastrophic Storm Risk Management Center of Excellence at Florida State University; providing purposes; providing responsibilities of the center; amending s. 489.115, F.S.; including wind mitigation methodologies under certain continuing education requirements for contractors; amending ss. 4, 39, and 42 of ch. 2006-12, Laws of Florida; providing conforming changes to the redesignation of the Florida Comprehensive Hurricane Damage Mitigation Program; providing an appropriation; providing an effective date.

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

By the Policy and Budget Council; Economic Expansion and Infrastructure Council; and Representative Grant—

CS for CS for HB 131—A bill to be entitled An act relating to public records and meetings; creating s. 288.9626, F.S.; providing definitions; providing an exemption from public records requirements for certain information held by the Florida Opportunity Fund and for certain information held by the Institute for the Commercialization of Public Research; providing exceptions to the exemption; creating an exemption from public meetings requirements for portions of meetings of the boards of directors of the Florida Opportunity Fund and the Institute for the Commercialization of Public Research at which confidential and exempt records are discussed; providing penalties; providing for future legislative review and repeal; providing a statement of public necessity; amending s. 1004.226, F.S.; creating an exemption from public records requirements for certain information held by the Florida Technology, Research, and Scholarship Board; creating an exemption from public meetings requirements for portions of meetings of the Florida Technology, Research, and Scholarship Board at which confidential and exempt records are discussed; providing exceptions to the exemption; providing penalties; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Commerce; and Governmental Operations.

By the Schools and Learning Council; and Representative Llorente and others—

CS for HB 463—A bill to be entitled An act relating to public records and public meetings exemptions; amending s. 1006.20, F.S.; exempting from public records requirements records relating to drug tests and to challenge and appeal proceedings under the Florida High School Athletic Association's random drug testing program; exempting from public meetings requirements the portions of a meeting at which records relating to drug tests or to challenge or appeal proceedings will be discussed; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committee on Education Pre-K - 12.

RETURNING MESSAGES—FINAL ACTION

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 108, CS for SB 430, CS for CS for CS for SB 752 and CS for SB 1192, CS for CS for SB 1630, CS for SB 1920 and SB 2912;

and receded from Amendment 1 and passed CS for CS for CS for SB 1372.

William S. Pittman III, Chief Clerk

The bills contained in the foregoing messages were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 27 was corrected and approved.

CO-INTRODUCERS

Senators Aronberg—CS for CS for SB 92, SB 2628; Baker—SB 1202; Bullard—SJR 166, CS for CS for SB 186, CS for CS for SB 188, CS for CS for CS for SB 2860; Crist—SJR 166, SB 1448, CS for CS for SB 2746; Fasano—CS for CS for CS for CS for SB 2420, CS for CS for SB 2422; Gaetz—CS for SB 2512; Joyner—CS for SB 564, CS for CS for SB 642, CS for CS for CS for CS for SB 2420, CS for CS for SB 2458; Justice—CS for CS for SB 1822, CS for CS for SB 2458; Lynn—CS for SB 314, CS for CS for SB's 960 and 1010, CS for SB 1900; Margolis—SR 3068; Posey—CS for SB 628; Ring—SB 52; Saunders—CS for SB 1718; Wilson—CS for SB 1900

RECESS

On motion by Senator King, the Senate recessed at 4:13 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Tuesday, May 1 or upon call of the President.

SENATE PAGES

April 30-May 4, 2007

Lewis Albright, Altamonte Springs; Chloe R. Anderson, Tallahassee; Taylor Anne Cain, Tallahassee; Carey "Allie" Caldwell, Tallahassee; Lillian M. Caldwell, Tallahassee; Stenza Daniels, Tallahassee; Joey Doyle, Pinecrest; Andrew Ferguson, Tallahassee; Sharon R. Green, Sanford; Jeffrey "Scott" Haggan II, Marianna; Michael Huggins, South Miami; Christine Kessler, Tallahassee; Arianna Knox, Quincy; Andrianna Lee Lawrence, DeLand; Chelsea Lee, Riverview; Amanda K. Lynn, Lynn Haven; McKesson "Lloyd" McCorvey II, Tallahassee; Maria "Mary Ann" Osiecka, Marianna; James R. Paquin, Winter Park; Lindsey Sanders, Tallahassee; William Santiago, Winter Garden; Matthew Silbenagel, Ocoee; John E. Webster, Orlando