



# Journal of the Senate

Number 19—Regular Session

Tuesday, May 1, 2007

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## CALL TO ORDER

The Senate was called to order by President Pruitt at 10:00 a.m. A quorum present—37:

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

## PRAYER

The following prayer was offered by Pastor Malcolm K. Barrington, Metropolitan Cathedral of Truth, Havana:

Good morning, ladies and gentlemen. We want to remember Assistant Sergeant at Arms, Josh Stephens, this morning in our prayer time. I understand that he lost his sister, and we certainly want to remember him.

Good morning, Father. We bless you and we praise you. We magnify you and we thank you for a wonderful night of rest. Lord, today we invite the rule of your kingdom amongst us.

Thank you, Lord, for directing the men and women of this Senate as they represent the people of the State of Florida before you today. Father, we ask that you would direct them in their every decision. I pray that you would grant them courage; that you would grant them conviction; and that you would grant them wisdom in every decision that is made with the ultimate thing in mind being the way that the people of Florida will be affected by the decisions that are made. So we invite your rule today in the hearts of men and women.

Father, we pray for Governor Crist and we ask that you would crown his head with wisdom. Grant him courage and conviction and wisdom.

Lord, we remember Josh Stephens today. We remember the Stephens family, and the loved one that is lost. Father, I thank you that you are

so able to comfort us. We remember the comfort that you have promised, and we remember your promise to us that you will never leave us or forsake us, even unto the end of the age. Lord, we thank you for the comfort of the holy spirit upon that family during this time of loss. Lord, we just thank you again for all that you have done.

I remember every Senator and I remember their families. We bless their families, Lord; that spouse that has been stricken with sickness and disease, I ask today that you would stretch out your hand in signs and wonders and miracles and restore that health; that daughter, that son that has been stricken, I pray now that you would stretch out your hand and bring healing and, Lord, that you would relieve the burden.

All these things, we ask in the name of your Son, the name that is above every name. Amen and Amen.

## PLEDGE

Senate Pages Chelsea Lee of Riverview; Matthew Silbenagel of Ocoee; McKesson "Lloyd" McCorvey II of Tallahassee; and Maria "Mary Ann" Osiecka of Marianna, led the Senate in the pledge of allegiance to the flag of the United States of America.

## DOCTOR OF THE DAY

The President recognized Dr. Mark Moore of Tallahassee, sponsored by Senator Lawson, as doctor of the day. Dr. Moore specializes in Anesthesiology/Pain Medicine.

## ADOPTION OF RESOLUTIONS

At the request of Senator Bennett—

By Senator Bennett—

**SR 3060**—A resolution recognizing the month of May as "Early American History Month."

WHEREAS, descendants of patriots involved in the American Revolution formed a fraternal and civic society called the Sons of Revolutionary Sires to salute those men and women who pledged their lives, fortunes, and sacred honor in the struggle for independence from Great Britain, and

WHEREAS, out the Sires grew the National Society of the Sons of the American Revolution (SAR), organized on April 30, 1899—the 100th anniversary of the Inauguration of George Washington as our nation's first President, and

WHEREAS, nearly 165,000 descendants of the men and women patriots of the American Revolution have been admitted to SAR since its founding, and the society currently consists of 26,000 members in more than 500 chapters in the United States, Canada, France, Germany, Switzerland, and the United Kingdom, and

WHEREAS, in 2006, the SAR established the Tom and Betty Lawrence American History Teacher Award to identify, recognize, and commend outstanding social studies teachers who teach children in a middle or high school setting and who actively address the history of the American Revolutionary Era, and

WHEREAS, on February 17, 2007, the Saramana Chapter of the SAR presented this award to Mark Percy, Venice High School teacher, as the first recipient by this chapter and state, and

WHEREAS, May 2007 commemorates the establishment of the first permanent English settlement in America founded in Jamestown on May 14, 1607, NOW, THEREFORE,

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

That May 2007 is recognized as “Early American History Month” in Florida, and all residents are urged to observe the month of May as such by celebrating the contributions made by the founders and patriots of the first 250 years of our nation.

—**SR 3060** was introduced, read and adopted by publication.

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At the request of Senator Bennett—

By Senator Bennett—

**SR 3062**—A resolution recognizing the month of May as “Early American History Month.”

WHEREAS, the women descendants of patriots involved in the American Revolution formed an organization called the Daughters of the American Revolution with the objectives of Historic Preservation, Patriotism, and Education, and

WHEREAS, out of this grew the National Society of the Daughters of the American Revolution (DAR), organized on October 11, 1890 and incorporated in 1896 by an Act of Congress, and

WHEREAS, nearly 800,000 descendants of the men and women patriots of the American Revolution have been admitted to the society since its founding, and DAR currently consists of 168,000 members in more than 3,000 chapters in all 50 States, Washington, D.C., and eleven International Chapters, and

WHEREAS, the National Society recognizes and makes awards to grade school children through American History Essay Contests and the American History Scholarship award to high school seniors and encourages continued study of American History, and

WHEREAS, May 2007 commemorates the establishment of the First Permanent English settlement in America founded in Jamestown on May 14, 1607, NOW, THEREFORE,

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

That May 2007 is recognized as “Early American History Month” in Florida, and all residents are urged to observe the month of May as such by celebrating the contributions made by the founders and patriots of the first 250 years of our nation.

—**SR 3062** was introduced, read and adopted by publication.

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At the request of Senator Bennett—

By Senator Bennett—

**SR 3064**—A resolution recognizing May 8, 2007, as “Children’s Mental Health Awareness Day” in the State of Florida.

WHEREAS, May is National Mental Health Month, and

WHEREAS, addressing the complex needs of children, youth, and families for mental health services is fundamental to this state’s future, and

WHEREAS, early intervention and comprehensive and coordinated mental health services for children, youth, and families are critical, and

WHEREAS, communities must meet the challenge of providing an integrated and person-centered system of support for the families of children diagnosed with mental illness, and

WHEREAS, multiple state agencies, including the Department of Children and Family Services, the Department of Education, the Department of Health, Department of Juvenile Justice, and the Agency for Health Care Administration, work with municipalities, counties, local community agencies, and mental health professionals to serve children and adolescents by caring for the mental health needs of children, youth, and families in this state, and

WHEREAS, Children’s Mental Health Awareness Day is intended to raise awareness of the public about the fundamental necessity for effective year-round programs for children and youth with mental health needs and their families, NOW, THEREFORE,

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

That the Florida Senate, extends its best wishes and appreciation to all who work with and care for the children of Florida and recognizes May 8, 2007, as “Children’s Mental Health Awareness Day” in the State of Florida.

—**SR 3064** was introduced, read and adopted by publication.

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At the request of Senator Argenziano—

By Senator Argenziano—

**SR 3070**—A resolution congratulating the Daughters of Italy Lodge #2825 for becoming the first all-women’s lodge of the Order Sons of Italy in America and commending the organization’s charitable work in this state.

WHEREAS, the Daughters of Italy Lodge #2825 is the first all-women’s lodge of the Order Sons of Italy in America since the Order was established, and

WHEREAS, the Daughters of Italy Lodge #2825 was established in May 2005 and presented its official charter during a ceremony on June 26, 2005, which, coincidentally was held on the 100th anniversary of the establishment of the Order Sons of Italy in America, and

WHEREAS, the Daughters of Italy Lodge #2825 is a diverse group of women in this state having a common goal of promoting Italian culture and language and preserving the many wonderful traditions of the various regions of Italy, and

WHEREAS, members of the Daughters of Italy Lodge #2825 are volunteers for the charities endorsed by the Order Sons of Italy in America and the philanthropic endeavors that are dear to their own individual lodge, including Cooley’s Anemia Foundation, the Alzheimer’s Association, and breast cancer research, and

WHEREAS, the Daughters of Italy Lodge #2825 offers scholarships to qualified students of Italian descent who are in high school in this state and accepted at a community college, college, or university that is accredited by the state, and

WHEREAS, the Committee for Social Justice of the Daughters of Italy Lodge #2825, together with other lodges of the Order Sons of Italy in America, fights prejudice, bigotry, and defamation of Italians, Italian-Americans, and other groups of persons, NOW, THEREFORE,

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

That the Daughters of Italy Lodge #2825 is congratulated for becoming the first all-women’s lodge of the Order Sons of Italy in America and commended for its charitable work in this state.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Daughters of Italy Lodge #2825 as a tangible token of the sentiments of the Florida Senate.

—**SR 3070** was introduced, read and adopted by publication.

## BILLS ON THIRD READING

### SENATOR DOCKERY PRESIDING

On motion by Senator Joyner, by two-thirds vote **CS for HB 1277** was withdrawn from the Committees on Regulated Industries; and Judiciary.

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

**CS for HB 1277**—A bill to be entitled An act relating to residential tenancies; amending s. 83.43, F.S.; revising and providing definitions; amending s. 83.595, F.S.; allowing a landlord to terminate a rental

agreement and recover liquidated damages or charge the tenant an early termination fee for breach of the agreement, or both, under certain circumstances; requiring the tenant to indicate acceptance of an early termination fee or liquidated-damages provision in the rental agreement in order for the provision to take effect; providing a limit on the combined total of damages and fee; providing liability of the tenant for rent, other charges otherwise due, and rental concessions; providing an effective date.

—a companion measure, was substituted for **CS for SB's 2730 and 1596** and by two-thirds vote read the second time by title. On motion by Senator Joyner, by two-thirds vote **CS for HB 1277** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla, Hill

Yea to Nay—Rich

**CS for CS for CS for SB 1980**—A bill to be entitled An act relating to the management of wildlife and saltwater fisheries; amending s. 320.08056, F.S.; increasing the annual use fee for the Sea Turtle specialty license plate; amending s. 320.08058, F.S.; authorizing the use of certain annual fees for specialty license plates to promote and market the plates; incorporating the amendments made to s. 370.12, F.S., in a reference thereto; amending s. 370.0603, F.S.; authorizing the deposit of certain funds into the Marine Resources Conservation Trust Fund; providing purposes for which funds may be used; amending s. 370.1105, F.S.; correcting a reference; amending s. 370.12, F.S.; authorizing use of certain annual use fees for specialty license plates to promote and market the plates; authorizing the Fish and Wildlife Conservation Commission to use certain annual use fees to buy back certain specialty license plates; amending s. 370.13, F.S.; authorizing the waiver of replacement tag fees for stone crab traps under certain conditions; providing for legislative approval of commission rules establishing equitable rent; deleting the suspension of stone crab endorsements for first violations; amending s. 370.135, F.S.; establishing certain endorsement fees for the taking of blue crabs; establishing an annual trap tag fee; authorizing the commission to establish an amount of equitable rent by rule; providing for legislative approval of the rule; authorizing the commission to waive endorsement and trap tag fees for a 1-year period; authorizing the waiver of blue crab trap replacement tag fees under certain conditions; requiring the deposit of certain proceeds into the Marine Resources Conservation Trust Fund; specifying the use of such proceeds; providing for the adoption of 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; appropriating certain fee revenues to the commission for blue crab effort management program costs; amending ss. 370.14, 370.1405, and 370.142, F.S.; clarifying provisions regulating spiny lobsters; providing for legislative approval of rules establishing equitable rent; authorizing the waiver of spiny lobster trap replacement fees under certain conditions; providing administrative

penalties for certain violations concerning spiny lobsters; prohibiting transfer of spiny lobster certificates under certain conditions; amending s. 861.021, F.S.; clarifying provisions regulating spiny lobsters; amending s. 370.143, F.S.; revising provisions for certain trap retrieval programs and fees; authorizing the waiver of trap retrieval fees under certain conditions; amending s. 372.09, F.S.; authorizing the use of certain annual use fees for specialty license plates to promote and market the plates; amending s. 372.672, F.S.; authorizing use of certain annual use fees for specialty license plates to promote and market the plates; amending s. 372.83, F.S.; correcting cross-references; reenacting s. 380.511(1)(c), F.S., relating to deposit of proceeds from sale of certain specialty license plates, to incorporate the amendments made to s. 320.08058, F.S., in a reference thereto; amending s. 20.331, F.S.; requiring the Fish and Wildlife Conservation Commission to adopt and publish a rule establishing due process procedures; providing an effective date.

—was read the third time by title.

Amendments were considered and adopted to conform **CS for CS for CS for SB 1980** to **CS for HB 7173**.

Pending further consideration of **CS for CS for CS for SB 1980** as amended, on motion by Senator Saunders, by two-thirds vote **CS for HB 7173** was withdrawn from the Committees on Environmental Preservation and Conservation; Governmental Operations; and General Government Appropriations.

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

**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.

—a companion measure, was substituted for **CS for CS for CS for SB 1980** as amended and read the second time by title. On motion by Senator Saunders, by two-thirds vote **CS for HB 7173** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—1

Haridopolos

Vote after roll call:

Yea—Diaz de la Portilla

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Consideration of **CS for CS for SB 1982** was deferred.

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**CS for SB 574 and CS for SB 1228**—A bill to be entitled An act relating to school districts; creating s. 1003.621, F.S.; providing criteria for designating academically high-performing school districts; providing exceptions for such districts to be exempt from certain statutes and

rules; providing compliance requirements; providing for district governing boards; providing for reports; providing for a review by the State Board of Education of certain reporting requirements; amending s. 200.065, F.S.; providing for notice concerning property and casualty insurance costs; amending s. 1011.71, F.S., relating to the district school tax; providing criteria for using funds; authorizing the use of funds for specified purposes; eliminating restrictions on the use of funds; providing an effective date.

—was read the third time by title.

An amendment was considered and adopted to conform **CS for SB 574 and CS for SB 1228** to **CS for HB 511**.

Pending further consideration of **CS for SB 574 and CS for SB 1228** as amended, on motion by Senator Bennett, by two-thirds vote **CS for HB 511** was withdrawn from the Committees on Education Pre-K - 12; Finance and Tax; and Education Pre-K - 12 Appropriations.

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

**CS for HB 511**—A bill to be entitled An act relating to school districts; creating s. 1003.621, F.S.; providing criteria for designating academically high-performing school districts; providing exceptions for such districts to be exempt from certain statutes and rules; providing compliance requirements; providing for district governing boards; providing for reports; providing for a review by the State Board of Education of certain reporting requirements; amending s. 200.065, F.S.; providing for notice concerning property and casualty insurance costs; amending s. 1011.71, F.S., relating to the district school tax; providing criteria for using funds; authorizing the use of funds for specified purposes; eliminating restrictions on the use of funds; amending s. 1011.73, F.S.; conforming a cross-reference; providing an effective date.

—a companion measure, was substituted for **CS for SB 574 and CS for SB 1228** as amended and by two-thirds vote read the second time by title. On motion by Senator Bennett, by two-thirds vote **CS for HB 511** was read the third time by title, 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 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.

—was read the third time by title.

On motion by Senator Storms, **CS for CS for HB 1309** 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 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.

—was read the third time by title.

On motion by Senator Lawson, **CS for HB 111** 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

On motion by Senator Atwater, by two-thirds vote **HB 7165** was withdrawn from the Committee on Health Regulation.

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

**HB 7165**—A bill to be entitled An act relating to hospitals; amending s. 395.003, F.S.; revising provisions designating disease classes; 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 period of validity for certain grandfathered licenses; revising criteria for 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.

—a companion measure, was substituted for **CS for SB 760** and by two-thirds vote read the second time by title. On motion by Senator Atwater, by two-thirds vote **HB 7165** was read the third time by title, 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 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.

—was read the third time by title.

On motion by Senator Jones, **CS for HB 405** 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

Consideration of **CS for CS for CS for SB 1928** was deferred.

**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 read the third time by title.

On motion by Senator Ring, **CS for CS for HB 83** 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	Geller	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—Villalobos

**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 read the third time by title.

On motion by Senator Ring, **CS for CS for HB 131** 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 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.

—was read the third time by title.

On motion by Senator Diaz de la Portilla, **CS for HB 1301** 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

**SB 1172**—A bill to be entitled 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; 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.

—as amended April 30 was read the third 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 by two-thirds vote:

**Amendment 1 (045880)(with title amendment)**—On page 1, line 18 through page 2, line 15, delete those lines and insert:

Section 1. *This act may be*

And the title is amended as follows:

On page 1, lines 2-5, delete those lines and insert: An act relating to breast cancer treatment;

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

Yeas—39

Mr. President	Bullard	Fasano
Alexander	Carlton	Gaetz
Argenziano	Constantine	Garcia
Aronberg	Crist	Geller
Atwater	Deutch	Haridopolos
Baker	Diaz de la Portilla	Hill
Bennett	Dockery	Jones

Joyner	Oelrich	Siplin
Justice	Peaden	Storms
King	Posey	Villalobos
Lawson	Rich	Webster
Lynn	Ring	Wilson
Margolis	Saunders	Wise

Nays—None

On motion by Senator Crist, by two-thirds vote **HB 25** was withdrawn from the Committees on Transportation; Criminal Justice; and Judiciary.

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

**HB 25**—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.

—a companion measure, was substituted for **SB 720** and read the second time by title. On motion by Senator Crist, by two-thirds vote **HB 25** was read the third time by title, 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

Consideration of **CS for CS for SB 1864** was deferred.

**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.

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

On motion by Senator Margolis, **SB 274** 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 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 third time by title.

On motion by Senator Rich, **CS for SB 2508** was passed and certified to the House. The vote on passage was:

## Yeas—27

Mr. President	Gaetz	Lynn
Aronberg	Geller	Margolis
Bullard	Haridopolos	Peaden
Carlton	Hill	Posey
Constantine	Jones	Rich
Crist	Joyner	Ring
Deutch	Justice	Saunders
Dockery	King	Webster
Fasano	Lawson	Wise

## Nays—12

Alexander	Bennett	Siplin
Argenziano	Diaz de la Portilla	Storms
Atwater	Garcia	Villalobos
Baker	Oelrich	Wilson

Vote after roll call:

Yea to Nay—Bullard, Constantine, Webster

On motion by Senator Crist, by two-thirds vote **CS for HB 1177** was withdrawn from the Committees on Regulated Industries; Banking and Insurance; and Community Affairs.

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

**CS for HB 1177**—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.; providing for study courses using the Internet to fulfill continuing education requirements; 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.; revising a reference to a building code in which standards for newly constructed and significantly altered or renovated mausoleums and columbaria may be included; 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 ss. 316.515 and 627.702, F.S.; conforming cross-references; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2856** as amended and by two-thirds vote read the second time by title. On motion by Senator Crist, by two-thirds vote **CS for HB 1177** was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—38

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

## Nays—1

Oelrich

On motion by Senator Bennett, by two-thirds vote **HB 7183** was withdrawn from the Committees on Governmental Operations; Judiciary; and Transportation and Economic Development Appropriations.

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

**HB 7183**—A bill to be entitled An act relating to administrative procedures; providing a short title; 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; providing that specified rulemaking responsibilities of an agency head may not be delegated or transferred; revising information to be included in notices of proposed actions; providing additional procedures for rule adoption hearings; revising requirements for filing rules; revising provisions with respect to petitions to initiate rulemaking; amending s. 120.545, F.S.; revising duties and procedures of the Administrative Procedures Committee and agencies with respect to review of agency rules; authorizing the Administrative Procedures Committee to request from agencies information to examine unadopted agency statements; deleting procedures for agency election to modify, withdraw, amend, or repeal a proposed rule; 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.; conforming a cross-reference; requiring the Department of State to prescribe by rule content requirements for rules, notices, and other materials submitted for filing; 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; expanding the required user capabilities of the Florida Administrative Weekly Internet website; 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; 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; amending s. 120.56, F.S.; revising procedures for administrative determinations of invalidity of proposed rules; requiring an agency to discontinue reliance on a statement under certain circumstances; allowing continued reliance on a statement under certain circumstances; deleting certain provisions relating to actions before a final hearing is held; amending s. 120.57, F.S.; revising procedures applicable to hearings involving disputed issues of material fact; prohibiting enforcement of unadopted agency rules under certain circumstances; amending s. 120.595, F.S.; revising guidelines for award of attorney's fees and reasonable costs in certain challenges to agency actions; 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. 120.74, F.S.; revising reporting requirements for agency heads; amending ss. 120.80, 120.81, 409.175, 420.9072, and 420.9075, F.S.; correcting cross-references; providing an appropriation; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 1592** as amended and by two-thirds vote read the second time by title. On motion by Senator Bennett, by two-thirds vote **HB 7183** was read the third time by title, 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 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.

—was read the third time by title.

On motion by Senator Posey, **CS for HB 743** 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 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 third time by title.

On motion by Senator Lynn, **CS for SB 644** 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	Geller	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—1

Villalobos

Vote after roll call:

Yea to Nay—Argenziano

**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 third time by title.

On motion by Senator Bennett, **CS for CS for SB 2346** 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

**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 third time by title.

On motion by Senator Wise, **SB 2230** 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

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

On motion by Senator Garcia, by two-thirds vote **CS for HB 1375** was withdrawn from the Committees on Community Affairs; Finance and Tax; and Transportation and Economic Development Appropriations.

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

**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 administration 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.

—a companion measure, was substituted for **CS for CS for CS for SB 780** and read the second time by title.

## MOTION

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

Senator Garcia moved the following amendment:

**Amendment 1 (790464)(with title amendment)**—Delete every-thing after the enacting clause and insert:

Section 1. Paragraph (f) of subsection (6) of section 163.3177, Florida Statutes, is amended to read:

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

(6) In addition to the requirements of subsections (1)-(5) and (12), the comprehensive plan shall include the following elements:

(f)1. A housing element consisting of standards, plans, and principles to be followed in:

- a. The provision of housing for all current and anticipated future residents of the jurisdiction.
- b. The elimination of substandard dwelling conditions.
- c. The structural and aesthetic improvement of existing housing.
- d. The provision of adequate sites for future housing, including *affordable workforce housing as defined in s. 380.0651(3)(j)*, housing for low-income, very low-income, and moderate-income families, mobile homes, and group home facilities and foster care facilities, with supporting infrastructure and public facilities.
- e. Provision for relocation housing and identification of historically significant and other housing for purposes of conservation, rehabilitation, or replacement.
- f. The formulation of housing implementation programs.

g. The creation or preservation of affordable housing to minimize the need for additional local services and avoid the concentration of affordable housing units only in specific areas of the jurisdiction.

h. *By July 1, 2008, each county in which the gap between the buying power of a family of four and the median county home sale price exceeds \$150,000, as determined by the Florida Housing Finance Corporation, and which is not designated as an area of critical state concern shall adopt a plan for ensuring affordable workforce housing, as defined in s. 380.0651(3)(j). At a minimum, the plan shall identify adequate sites for such housing. For purposes of this sub-subparagraph, the term "workforce housing" means housing that is affordable to natural persons or families whose total household income does not exceed 140 percent of the area median income, adjusted for household size.*

i. *Failure by a local government to comply with the requirement in sub-subparagraph h. will result in the local government being ineligible to receive any state housing assistance grants until the requirement of sub-subparagraph h. is met.*

The goals, objectives, and policies of the housing element must be based on the data and analysis prepared on housing needs, including the affordable housing needs assessment. State and federal housing plans prepared on behalf of the local government must be consistent with the goals, objectives, and policies of the housing element. Local governments are encouraged to utilize job training, job creation, and economic solutions to address a portion of their affordable housing concerns.

2. To assist local governments in housing data collection and analysis and assure uniform and consistent information regarding the state's housing needs, the state land planning agency shall conduct an affordable housing needs assessment for all local jurisdictions on a schedule that coordinates the implementation of the needs assessment with the evaluation and appraisal reports required by s. 163.3191. Each local government shall utilize the data and analysis from the needs assessment as one basis for the housing element of its local comprehensive plan. The agency shall allow a local government the option to perform its own needs assessment, if it uses the methodology established by the agency by rule.

Section 2. Subsection (19) is added to section 163.3184, Florida Statutes, to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.—

*(19) Any local government that identifies in its comprehensive plan the types of housing developments and conditions for which it will consider plan amendments that are consistent with the local housing incentive strategies identified in s. 420.9076 and authorized by the local government, may expedite consideration of such plan amendments. At least 30 days prior to adopting a plan amendment pursuant to this subsection, the local government shall notify the state land planning agency of its intent to adopt such an amendment, and the notice shall include the local government's evaluation of site suitability and availability of facilities and services. A plan amendment considered under this subsection shall require only a single public hearing before the local governing body, which shall be a plan amendment adoption hearing as described in subsection (7). The public notice of the hearing required under subparagraph (15)(b)2. must include a statement that the local government intends to use the expedited adoption process authorized under this subsection. The state land planning agency shall issue its notice of intent required under subsection (8) within 30 days after determining that the amendment package is complete. Any further proceedings shall be governed by subsections (9) through (16).*

Section 3. Paragraph (p) is added to subsection (1) of section 163.3187, Florida Statutes, to read:

163.3187 Amendment of adopted comprehensive plan.—

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

*(p) Any local government comprehensive plan amendment that is consistent with the local housing incentive strategies identified in s. 420.9076 and authorized by the local government.*

Section 4. Subsection (14) is added to section 163.3191, Florida Statutes, to read:

163.3191 Evaluation and appraisal of comprehensive plan.—

(14) *The provision prohibiting a local government from adopting amendments to its comprehensive plan until the update amendments to the evaluation and appraisal report have been adopted and transmitted to the state land planning agency as set forth in subsection (10) does not apply to a proposed comprehensive plan amendment adopted by a local government in order to integrate a port master plan with the local comprehensive plan pursuant to s. 163.3178(2) if the port master plan and the proposed amendment to the comprehensive plan do not cause or contribute to the local government's failure to comply with the requirements of the evaluation or appraisal report.*

Section 5. Sections 197.307, 197.3071, 197.3072, 197.3073, 197.3074, 197.3075, 197.3076, 197.3077, 197.3078, and 197.3079, Florida Statutes, are created to read:

197.307 *Deferrals for ad valorem taxes and non-ad valorem assessments on affordable rental housing property.—*

(1) *A board of county commissioners or the governing authority of a municipality may adopt an ordinance to allow for ad valorem tax deferrals on affordable rental housing if the owners are engaging in the operation, rehabilitation, or renovation of such properties in accordance with the guidelines provided in part VI of chapter 420.*

(2) *The board of county commissioners or the governing authority of a municipality may also, by ordinance, authorize the deferral of non-ad valorem assessments, as defined in s. 197.3632, on affordable rental housing.*

(3) *The ordinance must designate the percentage or amount of the deferral and the type and location of affordable rental housing property for which a deferral may be granted. The ordinance may also require the property to be located within a particular geographic area or areas of the county or municipality.*

(4) *The ordinance must specify that the deferral applies only to taxes and assessments levied by the unit of government granting the deferral. However, a deferral may not be granted for taxes or non-ad valorem assessments levied for the payment of bonds or for taxes authorized by a vote of the electors pursuant to s. 9(b) or s. 12, Art. VII of the State Constitution.*

(5) *The ordinance must specify that any deferral granted remains in effect for the period for which it is granted regardless of any change in the authority of the county or municipality to grant the deferral. In order to retain the deferral, however, the use and ownership of the property as affordable rental housing must be maintained over the period for which the deferral is granted.*

(6) *If an application for tax deferral is granted on property that is located in a community redevelopment area as defined in s. 163.340:*

(a) *The amount of taxes eligible for deferral must be reduced, as provided for in paragraph (b), if:*

1. *The community redevelopment agency has previously issued instruments of indebtedness which are secured by increment revenues on deposit in the community redevelopment trust fund; and*

2. *The instruments of indebtedness are associated with the real property applying for the deferral.*

(b) *The tax deferral does not apply to an amount of taxes equal to the amount that must be deposited into the community redevelopment trust fund by the entity granting the deferral based upon the taxable value of the property upon which the deferral is being granted. Once all instruments of indebtedness that existed at the time the deferral was originally granted are no longer outstanding or have otherwise been defeased, this paragraph no longer applies.*

(c) *If a portion of the taxes on a property are not eligible for deferral as provided under paragraph (b), the community redevelopment agency shall notify the property owner and the tax collector 1 year before the debt instruments that prevented such taxes from being deferred are no longer outstanding or otherwise defeased.*

(d) *The tax collector shall notify a community redevelopment agency of any tax deferral that has been granted on property located within the agency's community redevelopment area.*

(e) *Issuance of debt obligation after the date a deferral has been granted does not reduce the amount of taxes eligible for deferral.*

(7) *The tax collector shall notify:*

(a) *The taxpayer of each parcel appearing on the real property assessment roll of the law allowing the deferral of taxes, non-ad valorem assessments, and interest under ss. 197.307-197.3079. Such notice shall be printed on the back of envelopes used to mail the notice of taxes as provided under s. 197.322(3). Such notice shall read:*

NOTICE TO TAXPAYERS OWNING

AFFORDABLE RENTAL HOUSING PROPERTY

*If your property meets certain conditions you may qualify for a deferred tax payment plan on your affordable rental housing property. An application to determine your eligibility is available in the county tax collector's office.*

(b) *On or before November 1 of each year, each taxpayer for whom a tax deferral has been previously granted of the accumulated sum of deferred taxes, non-ad valorem assessments, and interest outstanding.*

197.3071 *Eligibility for tax deferral.—The tax deferral authorized by this section is applicable only on a prorata basis to the ad valorem taxes levied on residential units within a property which meet the following conditions:*

(1) *Units for which the monthly rent along with taxes, insurance, and utilities does not exceed 30 percent of the median adjusted gross annual income as defined in s. 420.0004 for the households described in subsection (2).*

(2) *Units that are occupied by extremely-low-income persons, very-low-income persons, low-income persons, or moderate-income persons as these terms are defined in s. 420.0004.*

197.3072 *Deferral for affordable rental housing properties.—*

(1) *Any property owner in a jurisdiction that has adopted an ad valorem tax-deferral ordinance or a deferral of non-ad valorem assessments ordinance pursuant to s. 197.307 and who owns an eligible affordable rental housing property as described in s. 197.3071 may apply for a deferral of payment by filing an annual application for deferral with the county tax collector on or before January 31 following the year in which the taxes and non-ad valorem assessments are assessed. The property owner has the burden to affirmatively demonstrate compliance with the requirements of this section.*

(2) *Approval by the tax collector defers that portion of the combined total of ad valorem taxes and any non-ad valorem assessments plus interest that are authorized to be deferred by an ordinance enacted pursuant to s. 197.307.*

(3) *Deferral may not be granted if:*

(a) *The total amount of deferred taxes, non-ad valorem assessments, and interest plus the total amount of all other unsatisfied liens on the property exceeds 85 percent of the assessed value of the property; or*

(b) *The primary financing on the affordable rental housing property is for an amount that exceeds 70 percent of the assessed value of the property.*

(4) *The amount of taxes deferred, non-ad valorem assessments, and interest shall accrue interest at a rate equal to the annually compounded rate of 3 percent plus the Consumer Price Index for All Urban Consumers; however, the interest rate may not exceed 9.5 percent.*

(5) *The deferred taxes, non-ad valorem assessments, and interest constitute a prior lien on the affordable rental housing property and shall attach as of the date and in the same manner and be collected as other liens for taxes as provided for under this chapter, but such deferred taxes, non-ad valorem assessments, and interest are due, payable, and delinquent as provided in ss. 197.307-197.3079.*

197.3073 *Deferral application.*—

(1) The application for a deferral of ad valorem taxes and non-ad valorem assessments must be made annually upon a form prescribed by the department and furnished by the county tax collector. The application form must be signed under oath by the property owner applying for the deferral before an officer authorized by the state to administer oaths. The application form must provide notice to the property owner of the manner in which interest is computed. The application form must contain an explanation of the conditions to be met for approval of the deferral and the conditions under which deferred taxes, non-ad valorem assessments, and interest become due, payable, and delinquent. Each application must clearly state that all deferrals pursuant to this section constitute a lien on the property for which the deferral is granted. The tax collector may require the property owner to submit any other evidence and documentation considered necessary by the tax collector in reviewing the application.

(2) The tax collector shall consider and render his or her findings, determinations, and decision on each annual application for a deferral for affordable rental housing within 45 days after the date the application is filed. The tax collector shall exercise reasonable discretion based upon applicable information available under this section. The determinations and findings of the tax collector are not quasi-judicial and are subject exclusively to review by the value adjustment board as provided by this section. A tax collector who finds that a property owner is entitled to the deferral shall approve the application and file the application in the permanent records.

(a) A tax collector who finds that a property owner is not entitled to the deferral shall send a notice of disapproval within 45 days after the date the application is filed, giving reasons for the disapproval. The notice must be sent by personal delivery or registered mail to the mailing address given by the property owner in the manner in which the original notice was served upon the property owner and must be filed among the permanent records of the tax collector's office. The original notice of disapproval sent to the property owner shall advise the property owner of the right to appeal the decision of the tax collector to the value adjustment board and provide the procedures for filing an appeal.

(b) An appeal by the property owner of the decision of the tax collector to deny the deferral must be submitted to the value adjustment board on a form prescribed by the department and furnished by the tax collector. The appeal must be filed with the value adjustment board within 20 days after the applicant's receipt of the notice of disapproval, and the board must approve or disapprove the appeal within 30 days after receipt of the appeal. The value adjustment board shall review the application and the evidence presented to the tax collector upon which the property owner based a claim for deferral and, at the election of the property owner, shall hear the property owner in person, or by agent on the property owner's behalf, concerning his or her right to the deferral. The value adjustment board shall reverse the decision of the tax collector and grant a deferral to the property owner if, in its judgment, the property owner is entitled to the deferral or shall affirm the decision of the tax collector. Action by the value adjustment board is final unless the property owner or tax collector or other lienholder, within 15 days after the date of disapproval of the application by the board, files for a de novo proceeding for a declaratory judgment or other appropriate proceeding in the circuit court of the county in which the property is located.

(3) Each application for deferral must contain a list of, and the current value of, all outstanding liens on the property for which a deferral is requested.

(4) For approved applications, the date the deferral application is received by the tax collector shall be the date used in calculating taxes due and payable at the expiration of the tax deferral net of discounts for early payment.

(5) If proof has not been furnished with a prior application, each property owner shall furnish proof of fire and extended coverage insurance in an amount that is in excess of the sum of all outstanding liens including a lien for the deferred taxes, non-ad valorem assessments, and interest with a loss payable clause to the county tax collector.

(6) The tax collector shall notify the property appraiser in writing of those parcels for which taxes or assessments have been deferred.

(7) The property appraiser shall promptly notify the tax collector of changes in ownership or use of properties that have been granted a deferral.

(8) The property owner shall promptly notify the tax collector of changes in ownership or use of properties that have been granted tax deferrals.

197.3074 *Deferred payment tax certificates.*—

(1) The tax collector shall notify each local governing body of the amount of taxes and non-ad valorem assessments deferred which would otherwise have been collected for the governing body. The tax collector shall, at the time of the tax certificate sale held under s. 197.432 strike each certificate off to the county. Certificates issued under this section are exempt from the public sale of tax certificates held pursuant to s. 197.432.

(2) The certificates held by the county shall bear interest at a rate equal to the annually compounded rate of 3 percent plus the Consumer Price Index for All Urban Consumers; however, the interest rate may not exceed 9.5 percent.

197.3075 *Change in use or ownership of property.*—

(1) If there is a change in use or ownership of the property that has been granted an ad valorem tax or non-ad valorem assessment deferral such that the property owner is no longer entitled to claim the property as an affordable rental housing property, or if there is a change in the legal or beneficial ownership of the property, or if the owner fails to maintain the required fire and extended insurance coverage, the total amount of deferred taxes, non-ad valorem assessments, and interest for all previous years becomes due and payable November 1 of the year in which the change in use or ownership occurs or on the date failure to maintain insurance occurs, and is delinquent on April 1 of the year following the year in which the change in use or ownership or failure to maintain insurance occurs.

(2) Whenever the property appraiser discovers that there has been a change in the use or ownership of the property that has been granted a deferral, the property appraiser shall notify the tax collector in writing of the date such change occurs, and the tax collector shall collect any taxes, non-ad valorem assessments, and interest due or delinquent.

(3) During any year in which the total amount of deferred taxes, non-ad valorem assessments, interest, and all other unsatisfied liens on the property exceeds 85 percent of the assessed value of the property, the tax collector shall immediately notify the property owner that the portion of taxes, non-ad valorem assessments, and interest which exceeds 85 percent of the assessed value of the property is due and payable within 30 days after receipt of the notice. Failure to pay the amount due shall cause the total amount of deferred taxes, non-ad valorem assessments, and interest to become delinquent.

(4) If on or before June 1 following the date the taxes deferred under this subsection become delinquent, the tax collector shall sell a tax certificate for the delinquent taxes and interest in the manner provided by s. 197.432.

197.3076 *Prepayment of deferred taxes and non-ad valorem assessments.*—

(1) All or part of the deferred taxes, non-ad valorem assessments, and accrued interest may at any time be paid to the tax collector by:

(a) The property owner; or

(b) The property owner's next of kin, heir, child, or any person having or claiming a legal or equitable interest in the property, if an objection is not made by the owner within 30 days after the tax collector notifies the property owner of the fact that such payment has been tendered.

(2) Any partial payment made pursuant to this section shall be applied first to accrued interest.

197.3077 *Distribution of payments.*—When any deferred tax, non-ad valorem assessment, or interest is collected, the tax collector shall maintain a record of the payment, setting forth a description of the property and the amount of taxes or interest collected for the property. The tax collector shall distribute payments received in accordance with the proce-

dures for distributing ad valorem taxes, non-ad valorem assessments, or redemption moneys as prescribed in this chapter.

197.3078 Construction.—This section does not prevent the collection of personal property taxes that become a lien against tax-deferred property, or defer payment of special assessments to benefited property other than those specifically allowed to be deferred, or affect any provision of any mortgage or other instrument relating to property requiring a person to pay ad valorem taxes or non-ad valorem assessments.

197.3079 Penalties.—

(1) The following penalties shall be imposed on any person who willfully files information required under this section which is incorrect:

(a) The person shall pay the total amount of deferred taxes, non-ad valorem assessments, and interest which shall immediately become due;

(b) The person shall be disqualified from filing a tax-deferral application for the next 3 years; and

(c) The person shall pay a penalty of 25 percent of the total amount of taxes, non-ad valorem assessments, and interest deferred.

(2) Any person against whom penalties have been imposed may appeal to the value adjustment board within 30 days after the date the penalties were imposed.

Section 6. Paragraph (c) of subsection (19) of section 380.06, Florida Statutes, is amended to read:

380.06 Developments of regional impact.—

(19) SUBSTANTIAL DEVIATIONS.—

(c) An extension of the date of buildout of a development, or any phase thereof, by more than 7 years shall be presumed to create a substantial deviation subject to further development-of-regional-impact review. An extension of the date of buildout, or any phase thereof, of more than 5 years but not more than 7 years shall be presumed not to create a substantial deviation. The extension of the date of buildout of an areawide development of regional impact by more than 5 years but less than 10 years is presumed not to create a substantial deviation. These presumptions may be rebutted by clear and convincing evidence at the public hearing held by the local government. An extension of 5 years or less is not a substantial deviation. For the purpose of calculating when a buildout or phase date has been exceeded, the time shall be tolled during the pendency of administrative or judicial proceedings relating to development permits. Any extension of the buildout date of a project or a phase thereof shall automatically extend the commencement date of the project, the termination date of the development order, the expiration date of the development of regional impact, and the phases thereof if applicable by a like period of time. *In recognition of the 2007 real estate market conditions, all phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007, are extended for 3 years regardless of any prior extension. The 3-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and must not be considered when determining whether a subsequent extension is a substantial deviation under this subsection.*

Section 7. Subsection (2) of section 420.504, Florida Statutes, is amended to read:

420.504 Public corporation; creation, membership, terms, expenses.—

(2) The corporation is constituted as a public instrumentality, and the exercise by the corporation of the power conferred by this act is considered to be the performance of an essential public function. The corporation ~~is~~ shall constitute an agency for the purposes of s. 120.52 and is a state agency for purposes of s. 159.807(4). The corporation is subject to chapter 119, subject to exceptions applicable to the corporation, and to the provisions of chapter 286; however, the corporation shall be entitled to provide notice of internal review committee meetings for competitive proposals or procurement to applicants by mail, or facsimile, or publication on an Internet website, rather than by means of publication. The corporation is not governed by chapter 607 or chapter 617, but by the provisions of this part. If for any reason the establishment of the

corporation is deemed in violation of law, such provision is severable and the remainder of this act remains in full force and effect.

Section 8. Section 420.506, Florida Statutes, is amended to read:

420.506 Executive director; agents and employees.—The appointment and removal of an executive director shall be by the Secretary of Community Affairs, with the advice and consent of the corporation's board of directors. The executive director shall employ legal and technical experts and such other agents and employees, permanent and temporary, as the corporation may require, and shall communicate with and provide information to the Legislature with respect to the corporation's activities. The board is authorized, notwithstanding the provisions of s. 216.262, to develop and implement rules regarding the employment of employees of the corporation and service providers, including legal counsel. ~~The corporation is authorized to enter into a lease agreement with the Department of Management Services or the Department of Community Affairs for the lease of state employees from such entities, wherein an employee shall retain his or her status as a state employee but shall work under the direct supervision of the corporation, and shall retain the right to participate in the Florida Retirement System.~~ The board of directors of the corporation is entitled to establish travel procedures and guidelines for employees of the corporation. The executive director's office and the corporation's files and records must be located in Leon County.

Section 9. Section 420.5061, Florida Statutes, is amended to read:

420.5061 Transfer of agency assets and liabilities.—~~Effective January 1, 1998, all assets and liabilities and rights and obligations, including any outstanding contractual obligations, of the agency shall be transferred to~~ The corporation ~~is the~~ as legal successor in all respects to the agency, ~~is~~ the corporation shall thereupon become obligated to the same extent as the agency under any existing agreements existing on December 31, 1997, and ~~is~~ be entitled to any rights and remedies previously afforded the agency by law or contract, including specifically the rights of the agency under chapter 201 and part VI of chapter 159. ~~The corporation is a state agency for purposes of s. 159.807(4)(a).~~ Effective January 1, 1998, all references under Florida law to the agency are deemed to mean the corporation. The corporation shall transfer to the General Revenue Fund an amount which otherwise would have been deducted as a service charge pursuant to s. 215.20(1) if the Florida Housing Finance Corporation Fund established by s. 420.508(5), the State Apartment Incentive Loan Fund established by s. 420.5087(7), the Florida Homeownership Assistance Fund established by s. 420.5088(4), the HOME Investment Partnership Fund established by s. 420.5089(1), and the Housing Predevelopment Loan Fund established by s. 420.525(1) were each trust funds. For purposes of s. 112.313, the corporation is deemed to be a continuation of the agency, and the provisions thereof are deemed to apply as if the same entity remained in place. Any employees of the agency and agency board members covered by s. 112.313(9)(a)6, shall continue to be entitled to the exemption in that subparagraph, notwithstanding being hired by the corporation or appointed as board members of the corporation. ~~Effective January 1, 1998, all state property in use by the agency shall be transferred to and become the property of the corporation.~~

Section 10. Subsection (46) is added to section 420.507, Florida Statutes, to read:

420.507 Powers of the corporation.—The corporation shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers which are in addition to all other powers granted by other provisions of this part:

(46) To require, as a condition of financing a multifamily rental project, that an agreement be recorded in the official records of the county where the real property is located, which requires that the project be used for housing defined as affordable in s. 420.0004(3) by persons defined in 420.0004(8), (10), (11), and (15). Such an agreement is a state land use regulation that limits the highest and best use of the property within the meaning of s. 193.011(2).

Section 11. Subsection (3) of section 420.5087, Florida Statutes, is amended to read:

420.5087 State Apartment Incentive Loan Program.—There is hereby created the State Apartment Incentive Loan Program for the

purpose of providing first, second, or other subordinated mortgage loans or loan guarantees to sponsors, including for-profit, nonprofit, and public entities, to provide housing affordable to very-low-income persons.

(3) During the first 6 months of loan or loan guarantee availability, program funds shall be reserved for use by sponsors who provide the housing set-aside required in subsection (2) for the tenant groups designated in this subsection. The reservation of funds to each of these groups shall be determined using the most recent statewide very-low-income rental housing market study available at the time of publication of each notice of fund availability required by paragraph (6)(b). The reservation of funds within each notice of fund availability to the tenant groups in paragraphs (a), (b), and (d) may not be less than 10 percent of the funds available at that time. Any increase in funding required to reach the 10-percent minimum ~~must~~ shall be taken from the tenant group that has the largest reservation. The reservation of funds within each notice of fund availability to the tenant group in paragraph (c) may not be less than 5 percent of the funds available at that time. The tenant groups are:

- (a) Commercial fishing workers and farmworkers;
- (b) Families;
- (c) Persons who are homeless; and
- (d) Elderly persons. Ten percent of the amount reserved for the elderly shall be reserved to provide loans to sponsors of housing for the elderly for the purpose of making building preservation, health, or sanitation repairs or improvements which are required by federal, state, or local regulation or code, or lifesafety or security-related repairs or improvements to such housing. Such a loan may not exceed \$750,000 per housing community for the elderly. In order to receive the loan, the sponsor of the housing community must make a commitment to match at least 5 percent of the loan amount to pay the cost of such repair or improvement. The corporation shall establish the rate of interest on the loan, which may not exceed 3 percent, and the term of the loan, which may not exceed 15 years; however, if the lien of the corporation's encumbrance is subordinate to the lien of another mortgagee, then the term may be made coterminous with the longest term of the superior lien. The term of the loan shall be ~~based on established on the basis of~~ a credit analysis of the applicant. ~~The corporation may forgive indebtedness for a share of the loan attributable to the units in a project reserved for extremely-low-income elderly by nonprofit organizations, as defined in s. 420.0004(5), where the project has provided affordable housing to the elderly for 15 years or more.~~ The corporation shall establish, by rule, the procedure and criteria for receiving, evaluating, and competitively ranking all applications for loans under this paragraph. A loan application must include evidence of the first mortgagee's having reviewed and approved the sponsor's intent to apply for a loan. A nonprofit organization or sponsor may not use the proceeds of the loan to pay for administrative costs, routine maintenance, or new construction.

Section 12. Section 420.5095, Florida Statutes, is amended to read:

420.5095 Community Workforce Housing Innovation Pilot Program.—

(1) The Legislature finds and declares that recent rapid increases in the median purchase price of a home and the cost of rental housing have far outstripped the increases in median income in the state, preventing essential services personnel from living in the communities where they serve and thereby creating the need for innovative solutions for the provision of housing opportunities for essential services personnel.

(2) The Community Workforce Housing Innovation Pilot Program is created to provide affordable rental and home ownership community workforce housing for essential services personnel affected by the high cost of housing, using regulatory incentives and state and local funds to promote local public-private partnerships and leverage government and private resources.

(3) For purposes of this section, the ~~term following definitions apply:~~

(a) "Workforce housing" means housing affordable to natural persons or families whose total annual household income does not exceed 140 percent of the area median income, adjusted for household size, or 150 percent of area median income, adjusted for household size, in areas of critical state concern designated under s. 380.05, for which the Legislature has declared its intent to provide affordable housing, and areas

that were designated as areas of critical state concern for at least 20 consecutive years prior to removal of the designation.

(b) "Essential services personnel" means persons in need of affordable housing who are employed in occupations or professions in which they are considered essential services personnel, as defined by each county and eligible municipality within its respective local housing assistance plan pursuant to s. 420.9075(3)(a).

(c) "Public-private partnership" means any form of business entity that includes substantial involvement of at least one county, one municipality, or one public sector entity, such as a school district or other unit of local government in which the project is to be located, and at least one private sector for-profit or not-for-profit business or charitable entity, and may be any form of business entity, including a joint venture or contractual agreement.

(4) The Florida Housing Finance Corporation is authorized to provide Community Workforce Housing Innovation Pilot Program loans to an applicant for construction or rehabilitation of workforce housing in eligible areas. ~~The corporation shall establish a funding process and selection criteria by rule or request for proposals.~~ This funding is intended to be used with other public and private sector resources.

(5) ~~The corporation shall establish a loan application process by rule which includes selection criteria, an application review process, and a funding process. The corporation shall also establish an application review committee that may include up to three private citizens representing the areas of housing or real estate development, banking, community planning, or other areas related to the development or financing of workforce and affordable housing.~~

(a) ~~The selection criteria and application review process must include a procedure for curing errors in the loan applications which do not make a substantial change to the proposed project.~~

(b) ~~To achieve the goals of the pilot program, the application review committee may approve or reject loan applications or responses to questions raised during the review of an application due to the insufficiency of information provided.~~

(c) ~~The application review committee shall make recommendations concerning program participation and funding to the corporation's board of directors.~~

(d) ~~The board of directors shall approve or reject loan applications, determine the tentative loan amount available to each applicant, and rank all approved applications.~~

(e) ~~The board of directors shall decide which approved applicants will become program participants and determine the maximum loan amount for each program participant.~~

(6)(5) The corporation shall provide incentives for local governments in eligible areas to use local affordable housing funds, such as those from the State Housing Initiatives Partnership Program, to assist in meeting the affordable housing needs of persons eligible under this program. ~~Local governments are authorized to use State Housing Initiative Partnership Program funds for persons or families whose total annual household income does not exceed:~~

(a) ~~One hundred and forty percent of the area median income, adjusted for household size; or~~

(b) ~~One hundred and fifty percent of the area median income, adjusted for household size, in areas that were designated as areas of critical state concern for at least 20 consecutive years prior to the removal of the designation and in areas of critical state concern, designated under s. 380.05, for which the Legislature has declared its intent to provide affordable housing.~~

(7)(6) Funding shall be targeted to ~~innovative~~ projects in areas where the disparity between the area median income and the median sales price for a single-family home is greatest, and ~~for projects in areas where population growth as a percentage rate of increase is greatest.~~ The corporation may also fund projects in areas where innovative regulatory and financial incentives are made available. The corporation shall fund at least one eligible project in as many counties ~~and regions of the state as is practicable, consistent with program goals as possible.~~

(8)(7) Projects shall receive priority consideration for funding where:

(a) The local jurisdiction *has adopted, or is committed to adopting, adopts* appropriate regulatory incentives, local contributions or financial strategies, or other funding sources to promote the development and ongoing financial viability of such projects. Local incentives include such actions as expediting review of development orders and permits, supporting development near transportation hubs and major employment centers, and adopting land development regulations designed to allow flexibility in densities, use of accessory units, mixed-use developments, and flexible lot configurations. Financial strategies include such actions as promoting employer-assisted housing programs, providing tax increment financing, and providing land.

(b) Projects are innovative and include new construction or rehabilitation; mixed-income housing; ~~or~~ commercial and housing mixed-use elements; *innovative design, green building principles; storm-resistant construction; or other elements that reduce long-term costs relating to maintenance, utilities, or insurance* and ~~those that~~ promote homeownership. The program funding *may* ~~shall~~ not exceed the costs attributable to the portion of the project that is set aside to provide housing for the targeted population.

(c) Projects that set aside at least 80 percent of units for workforce housing and at least 50 percent for essential services personnel and for projects that require the least amount of program funding compared to the overall housing costs for the project.

(9)(8) Notwithstanding the provisions of s. 163.3184(3)-(6), any local government comprehensive plan amendment to implement a Community Workforce Housing Innovation Pilot Program project found consistent with the provisions of this section shall be expedited as provided in this subsection. At least 30 days prior to adopting a plan amendment ~~under pursuant to~~ this subsection, the local government shall notify the state land planning agency of its intent to adopt such an amendment, and the notice shall include its evaluation related to site suitability and availability of facilities and services. The public notice of the hearing required by s. 163.3184(15)(b)2. ~~s. 163.3184(15)(e)~~ shall include a statement that the local government intends to ~~use~~ *utilize* the expedited adoption process authorized by this subsection. Such amendments shall require only a single public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(7). ~~and~~ The state land planning agency shall issue its notice of intent pursuant to s. 163.3184(8) within 30 days after determining that the amendment package is complete. *Any further proceedings shall be governed by ss. 163.3184(9)-(16). Amendments proposed under this section are not subject to s. 163.3187(1), which limits the adoption of a comprehensive plan amendment to no more than two times during any calendar year.*

(10) *The processing of approvals of development orders or development permits, as defined in s. 163.3164(7) and (8), for innovative community workforce housing projects shall be expedited.*

(11)(9) The corporation shall award loans with interest rates set at 1 to 3 percent, which may be made forgivable when long-term affordability is provided and when at least 80 percent of the units are set aside for workforce housing and at least 50 percent of the units are set aside for essential services personnel.

(12)(10) All eligible applications shall:

(a) For home ownership, limit the sales price of a detached unit, townhome, or condominium unit to not more than ~~90~~ 80 percent of the median sales price for that type of unit in that county, or the statewide median sales price for that type of unit, whichever is higher, and require that all eligible purchasers of home ownership units occupy the homes as their primary residence.

(b) For rental units, restrict rents for all workforce housing serving those with incomes at or below 120 percent of area median income at the appropriate income level using the restricted rents for the federal low-income housing tax credit program and, for workforce housing units serving those with incomes above 120 percent of area median income, restrict rents to those established by the corporation, not to exceed 30 percent of the maximum household income adjusted to unit size.

(c) Demonstrate that the applicant is a public-private partnership *in an agreement, contract, partnership agreement, memorandum of understanding, or other written instrument signed by all the project partners.*

(d) Have grants, donations of land, or contributions from the public-private partnership or other sources collectively totaling at least 15 percent of the total development cost. Such grants, donations of land, or contributions must be evidenced by a letter of commitment, *an agreement, contract, deed, memorandum of understanding, or other written instrument* ~~only~~ at the time of application. Grants, donations of land, or contributions in excess of 15 percent of the development cost shall increase the application score.

(e) Demonstrate how the applicant will use the regulatory incentives and financial strategies outlined in *subsection (8) paragraph (7)(a)* from the local jurisdiction in which the proposed project is to be located. The corporation may consult with the Department of Community Affairs in evaluating the use of regulatory incentives by applicants.

(f) Demonstrate that the applicant possesses title to or site control of land and evidences availability of required infrastructure.

(g) Demonstrate the applicant's affordable housing development and management experience.

(h) Provide any research or facts available supporting the demand and need for rental or home ownership workforce housing for eligible persons in the market in which the project is proposed.

(13)(11) Projects may include manufactured housing constructed after June 1994 and installed in accordance with mobile home installation standards of the Department of Highway Safety and Motor Vehicles.

(14)(12) The corporation may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement ~~the provisions of~~ this section.

(15)(13) The corporation may use a maximum of 2 percent of the annual *program* appropriation for administration and compliance monitoring.

(16)(14) The corporation shall review the success of the Community Workforce Housing Innovation Pilot Program to ascertain whether the projects financed by the program are useful in meeting the housing needs of eligible areas *and shall include its findings in the annual report required under s. 420.511(3). The corporation shall submit its report and any recommendations regarding the program to the Governor, the Speaker of the House of Representatives, and the President of the Senate not later than 2 months after the end of the corporation's fiscal year.*

Section 13. Subsection (3) of section 420.511, Florida Statutes, is amended to read:

420.511 Business plan; strategic plan; annual report.—

(3)(a) The corporation shall submit to the Governor and the presiding officers of each house of the Legislature, within 2 months after the end of its fiscal year, a complete and detailed report setting forth:

1.(a) Its operations and accomplishments;

2.(b) Its receipts and expenditures during its fiscal year in accordance with the categories or classifications established by the corporation for its operating and capital outlay purposes;

3.(c) Its assets and liabilities at the end of its fiscal year and the status of reserve, special, or other funds;

4.(d) A schedule of its bonds outstanding at the end of its fiscal year, together with a statement of the principal amounts of bonds issued and redeemed during the fiscal year; and

5.(e) Information relating to the corporation's activities in implementing the provisions of ss. 420.5087, ~~and~~ 420.5088, *and* 420.5095.

(b) The report ~~required by this subsection~~ shall include, but not be limited to:

1. The number of people served, delineated by income, age, family size, and racial characteristics.

2. The number of units produced under each program.

3. The average cost of producing units under each program.
4. The average sales price of single-family units financed under s. 420.5088.
5. The average amount of rent charged based on unit size on units financed under s. 420.5087.
6. The number of persons in rural communities served under each program.
7. The number of farmworkers served under each program.
8. The number of homeless persons served under each program.
9. The number of elderly persons served under each program.
10. The extent to which geographic distribution has been achieved in accordance with the provisions of s. 420.5087.
11. *The success of the Community Workforce Housing Innovation Pilot Program in meeting the housing needs of eligible areas.*
12. ~~11.~~ Any other information the corporation deems appropriate.

Section 14. Subsection (1) of section 420.513, Florida Statutes, is amended to read:

420.513 Exemption from taxes and eligibility as investment.—

(1) The property of the corporation, the transactions and operations thereof, the income therefrom, and the bonds of the corporation issued under this act, together with all notes, mortgages, security agreements, letters of credit, or other instruments that arise out of or are given to secure the repayment of bonds issued in connection with the financing of any housing development under this part, and all notes, mortgages, security agreements, letters of credit, or other instruments that arise out of or are given to secure the repayment of loans issued in connection with the financing of any housing under this part, as well as the interest thereon and income therefrom, regardless of the status of any party thereto as a private party, shall be exempt from taxation by the state and its political subdivisions. The exemption granted by this subsection shall not apply to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

Section 15. Subsection (7) of section 420.526, Florida Statutes, is amended to read:

420.526 Predevelopment Loan Program; loans and grants authorized; activities eligible for support.—

- (7) No predevelopment loan made under this section shall exceed the lesser of:
  - (a) The development and acquisition costs for the project, as determined by rule of the corporation; or
  - (b) ~~Seven hundred and fifty~~ ~~Five hundred~~ thousand dollars.

Section 16. Subsections (2), (4), (5), and (6) of section 420.9076, Florida Statutes, are amended, and subsections (8) and (9) are added to that section, to read:

420.9076 Adoption of affordable housing incentive strategies; committees.—

- (2) The governing board of a county or municipality shall appoint the members of the affordable housing advisory committee by resolution. Pursuant to the terms of any interlocal agreement, a county and municipality may create and jointly appoint an advisory committee to prepare a joint plan. The ordinance adopted pursuant to s. 420.9072 which creates the advisory committee or the resolution appointing the advisory committee members must provide for ~~eleven~~ ~~nine~~ committee members and their terms. The committee must include:
  - (a) One citizen who is actively engaged in the residential home building industry in connection with affordable housing.
  - (b) One citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.

- (c) One citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.
- (d) One citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.
- (e) One citizen who is actively engaged as a for-profit provider of affordable housing.
- (f) One citizen who is actively engaged as a not-for-profit provider of affordable housing.
- (g) One citizen who is actively engaged as a real estate professional in connection with affordable housing.
- (h) One citizen who actively serves on the local planning agency pursuant to s. 163.3174.
- (i) One citizen who resides within the jurisdiction of the local governing body making the appointments.
- (j) *One citizen who represents employers within the jurisdiction.*
- (k) *One citizen who represents essential services personnel, as defined in the local housing assistance plan.*

If a county or eligible municipality whether due to its small size, the presence of a conflict of interest by prospective appointees, or other reasonable factor, is unable to appoint a citizen actively engaged in these activities in connection with affordable housing, a citizen engaged in the activity without regard to affordable housing may be appointed. *Local governments that receive the minimum allocation under the State Housing Initiatives Partnership Program may elect to appoint an affordable housing advisory committee with fewer than eleven representatives if they are unable to find representatives that meet the criteria of paragraphs (a)-(k).*

(4) *Triennially*, the advisory committee shall review the established policies and procedures, ordinances, land development regulations, and adopted local government comprehensive plan of the appointing local government and shall recommend specific *actions or initiatives* to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value. *The Such* recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions; the creation of exceptions applicable to affordable housing; or the adoption of new policies, procedures, regulations, ordinances, or plan provisions, *including recommendations to amend the local government comprehensive plan and corresponding regulations, ordinances, and other policies.* At a minimum, each advisory committee shall *submit a report to the local governing body that includes* ~~make~~ recommendations on, and *triennially thereafter evaluates the implementation of,* affordable housing incentives in the following areas:

- (a) The processing of approvals of development orders or permits, as defined in s. 163.3164(7) and (8), for affordable housing projects is expedited to a greater degree than other projects.
- (b) The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.
- (c) The allowance of *flexibility in densities* ~~increased density levels~~ for affordable housing.
- (d) The reservation of infrastructure capacity for housing for very-low-income persons, ~~and~~ low-income persons, *and moderate-income persons.*
- (e) The allowance of affordable accessory residential units in residential zoning districts.
- (f) The reduction of parking and setback requirements for affordable housing.
- (g) The allowance of *flexible lot configurations, including zero-lot-line configurations* for affordable housing.
- (h) The modification of street requirements for affordable housing.
- (i) The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.

(j) The preparation of a printed inventory of locally owned public lands suitable for affordable housing.

(k) *The support of development near transportation hubs and major employment centers and mixed-use developments.*

The advisory committee recommendations ~~may~~ **must** also include other affordable housing incentives identified by the advisory committee. *Local governments that receive the minimum allocation under the State Housing Initiatives Partnership Program shall perform the initial review, but may elect to not perform the triennial review.*

(5) The approval by the advisory committee of its local housing incentive strategies recommendations *and its review of local government implementation of previously recommended strategies* must be made by affirmative vote of a majority of the membership of the advisory committee taken at a public hearing. Notice of the time, date, and place of the public hearing of the advisory committee to adopt final local housing incentive strategies recommendations must be published in a newspaper of general paid circulation in the county. ~~The Such~~ notice must contain a short and concise summary of the local housing incentives strategies recommendations to be considered by the advisory committee. The notice must state the public place where a copy of the tentative advisory committee recommendations can be obtained by interested persons.

(6) Within 90 days after the date of receipt of the local housing incentive strategies recommendations from the advisory committee, the governing body of the appointing local government shall adopt an amendment to its local housing assistance plan to incorporate the local housing incentive strategies it will implement within its jurisdiction. The amendment must include, at a minimum, the local housing incentive strategies *required under s. 420.9071(16). The local government must consider the strategies specified in paragraphs (4)(a)-(k) as recommended by the advisory committee* ~~(4)(a)-(j)~~.

(8) *The advisory committee may perform other duties at the request of the local government, including:*

(a) *The provision of mentoring services to affordable housing partners including developers, banking institutions, employers, and others to identify available incentives, assist with applications for funding requests, and develop partnerships between various parties.*

(b) *The creation of best practices for the development of affordable housing in the community.*

(9) *The advisory committee shall be cooperatively staffed by the local government department or division having authority to administer local planning or housing programs to ensure an integrated approach to the work of the advisory committee.*

Section 17. This act shall take effect July 1, 2007.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to affordable housing; amending s. 163.3177, F.S., relating to the housing element of a local government comprehensive plan; requiring certain counties to adopt a plan for ensuring affordable workforce housing; providing that a local government that fails to comply with such requirement is ineligible to receive state housing assistance grants; 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 made more than twice a year; amending s. 163.3191, F.S.; authorizing a local government to adopt amendments to the local comprehensive plan in order to integrate a port master plan with the local comprehensive plan; providing a limitation; 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 deferral; 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 deferral; 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 all phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on a specified date are extended for 3 years; providing an exemption from further development-of-regional-impact review; 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; 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 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.; requiring that an agreement financing affordable housing be recorded in the official records of the county where the real property is located; providing that such agreement is a state land use regulation; amending s. 420.5087, F.S.; authorizing the Florida Housing Finance Corporation to provide partially forgivable loans to nonprofit organizations that serve extremely-low-income elderly tenants; providing criteria; amending s. 420.5095, F.S.; specifying the content of rules for reviewing loan applications for workforce housing projects; requiring the corporation to establish a committee for reviewing loan applications; providing for membership; providing powers and duties of the committee; requiring the corporation's board of directors to make the final decisions concerning ranking and program participants; specifying areas where local governments may use program funds; expanding the types of projects that may receive priority funding; requiring that the processing of certain approvals of development orders or development permits be expedited; providing loan applicant requirements; revising reporting requirements; amending s. 420.511, F.S.; requiring that the corporation's annual report include information on the Community Workforce Housing Innovation Pilot Program; amending s. 420.513, F.S.; providing exemption from taxes for certain instruments issued in connection with the financing of certain housing; amending s. 420.526, F.S.; revising the cap on predevelopment loans; amending s. 420.9076, F.S.; increasing affordable housing advisory committee membership; revising membership criteria; authorizing the use of fewer members under certain circumstances; revising and providing duties of the advisory committee; providing an effective date.

#### MOTION

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

Senator Garcia moved the following amendments to **Amendment 1** which were adopted:

**Amendment 1A (571462)**—On page 27, line 31 through page 28, line 9, delete those lines and insert:

(d) Have grants, donations of land, or contributions from the public-private partnership or other sources collectively totaling at least 10 ~~15~~ percent of the total development cost or \$2 million, whichever is less.

Such grants, donations of land, or contributions must be evidenced by a letter of commitment, an agreement, contract, deed, memorandum of understanding, or other written instrument ~~only~~ at the time of application. Grants, donations of land, or contributions in excess of 10 ~~15~~ percent of the development cost shall increase the application score.

**Amendment 1B (175344)**—On page 2, line 16, delete “\$150,000” and insert: \$170,000

**Amendment 1C (961376)**—On page 2, lines 19 and 20, delete those lines and insert: *plan for ensuring affordable workforce housing. At a minimum, the plan shall identify*

**Amendment 1D (344370)**—On page 5, lines 1-12, delete those lines and insert:

*(14) The requirement of subsection (10) prohibiting a local government from adopting amendments to the local comprehensive plan until the evaluation and appraisal report update amendments have been adopted and transmitted to the state land planning agency does not apply to a plan amendment proposed for adoption by the appropriate local government as defined in s. 163.3178(2)(k) in order to integrate a port comprehensive master plan with the coastal management element of the local comprehensive plan as required by s. 163.3178(2)(k) if the port comprehensive master plan or the proposed plan amendment does not cause or contribute to the failure of the local government to comply with the requirements of the evaluation and appraisal report.*

#### MOTION

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

Senator Constantine moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1E (963212)(with title amendment)**—On page 36, between lines 22 and 23, insert:

Section 17. Section 624.46226, Florida Statutes, is created to read:

*624.46226 Public housing authorities self-insurance funds; exemption for taxation and assessments.—*

*(1) Any two or more public housing authorities in the state as defined in chapter 421 may also create a self-insurance fund for the purpose of self-insuring real or personal property of every kind and every interest in such property against loss or damage from any hazard or cause and against any loss consequential to such loss or damage, provided all the provisions of s. 624.4622 are met.*

*(2) Any public housing authority in the state as defined in chapter 421 that is a member of a self-insurance fund pursuant to this section shall be exempt from the assessments imposed under ss. 627.351, 631.57, and 215.555.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 41, line 13, after the semicolon (;) insert: 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;

#### MOTION

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

Senator Garcia moved the following amendments to **Amendment 1** which were adopted:

**Amendment 1F (342516)**—On page 25, delete line 13 and insert: *incentives, or the local jurisdiction or public-private partnership has adopted or is committed to adopting local contributions or financial strategies, or*

**Amendment 1G (234730)(with title amendment)**—On page 16, between line 22 and 23, insert:

Section 7. Paragraph (f) of subsection (3) of section 380.0651, Florida Statutes, is amended to read:

380.0651 Statewide guidelines and standards.—

(3) The following statewide guidelines and standards shall be applied in the manner described in s. 380.06(2) to determine whether the following developments shall be required to undergo development-of-regional-impact review:

(f) Hotel or motel development.—

1. Any proposed hotel or motel development that is planned to create or accommodate 350 or more units; or

2. Any proposed hotel or motel development that is planned to create or accommodate 750 or more units, in a county with a population greater than 500,000, ~~and only in a geographic area specifically designated as highly suitable for increased threshold intensity in the approved local comprehensive plan and in the strategic regional policy plan.~~

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 39, line 15, after the semicolon (;) insert: amending s. 380.0651, F.S.; revising certain developments of regional impact statewide guidelines and standards;

**Amendment 1** as amended was adopted.

Pursuant to Rule 4.19, **HB 1375** as amended was placed on the calendar of Bills on Third Reading.

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

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On motion by Senator Saunders, by two-thirds vote **CS for CS for HB 197** was withdrawn from the Committees on Environmental Preservation and Conservation; and General Government Appropriations.

On motion by Senator Saunders—

**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.

—a companion measure, was substituted for **CS for SB 594** and read the second time by title.

Senator Saunders moved the following amendment which was adopted:

**Amendment 1 (642682)(with title amendment)**—Lines 527 through 917, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

Lines 33 through 39, delete those lines and insert: beginning to mine certain substances; repealing s. 403.265, F.S.;

#### MOTION

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

Senator Saunders moved the following amendments which were adopted:

**Amendment 2 (331042)**—On Line 155, delete “403.885(5)” and insert: 403.885(3) 403.885(5)

**Amendment 3 (375068)(with title amendment)**—Between lines 44 and 45, insert:

Section 1. Subsection (1) and paragraph (d) of subsection (2) of section 373.073, Florida Statutes, are amended to read:

373.073 Governing board.—

(1)(a) The governing board of each water management district shall be composed of 9 members who shall reside within the district, except that the *South Florida Water Management District and the Southwest Florida Water Management District* shall be composed of 11 members who shall reside within *their respective districts* the district. Members of the governing boards shall be appointed by the Governor, subject to confirmation by the Senate at the next regular session of the Legislature, and the refusal or failure of the Senate to confirm an appointment creates a vacancy in the office to which the appointment was made. The term of office for a governing board member is 4 years and commences on March 2 of the year in which the appointment is made and terminates on March 1 of the fourth calendar year of the term or may continue until a successor is appointed, but not more than 180 days. Terms of office of governing board members shall be staggered to help maintain consistency and continuity in the exercise of governing board duties and to minimize disruption in district operations.

(b) Commencing January 1, 1999, the Governor shall appoint the following number of governing board members in each year of the Governor’s 4-year term of office:

1. In the first year of the Governor’s term of office, the Governor shall appoint three members to the governing board of each district.

2. In the second year of the Governor’s term of office, the Governor shall appoint three members to the governing board of the *South Florida Water Management District*, *three members to the governing board of the Southwest Florida Water Management District*, and two members to the governing board of each other district.

3. In the third year of the Governor’s term of office, the Governor shall appoint three members to the governing board of the *South Florida Water Management District*, *three members to the governing board of the Southwest Florida Water Management District*, and two members to the governing board of each other district.

4. In the fourth year of the Governor’s term of office, the Governor shall appoint two members to the governing board of each district.

For any governing board vacancy that occurs before the date scheduled for the office to be filled under this paragraph, the Governor shall appoint a person meeting residency requirements of subsection (2) for a term that will expire on the date scheduled for the term of that office to terminate under this subsection. In addition to the residency requirements for the governing boards as provided by subsection (2), the Governor shall consider appointing governing board members to represent an equitable cross section of regional interests and technical expertise.

(2) Membership on governing boards shall be selected from candidates who have significant experience in one or more of the following areas, including, but not limited to: agriculture, the development industry, local government, government-owned or privately owned water utilities, law, civil engineering, environmental science, hydrology, accounting, or financial businesses. Notwithstanding the provisions of any other general or special law to the contrary, vacancies in the governing boards of the water management districts shall be filled according to the following residency requirements, representing areas designated by the United States Water Resources Council in United States Geological Survey, River Basin and Hydrological Unit Map of Florida—1975, Map Series No. 72:

(d) South Florida Water Management District:

1. Two members shall reside in Dade County.

2. One member shall reside in Broward County.

3. One member shall reside in Palm Beach County.

4. *One member shall reside in Lee County.*

5. *One member shall reside in St. Lucie County or Martin County.*

6.4. One member shall reside in Collier County, ~~Lee County~~, Hendry County, or Charlotte County.

7.5. One member shall reside in Glades County, Okeechobee County, Highlands County, Polk County, Orange County, or Osceola County.

8.6. Two members, appointed at large, shall reside in an area consisting of St. Lucie, Martin, Palm Beach, Broward, Dade, and Monroe Counties.

9.7. One member, appointed at large, shall reside in an area consisting of Collier, Lee, Charlotte, Hendry, Glades, Osceola, Okeechobee, Polk, Highlands, and Orange Counties.

10.8. ~~A No county may not shall~~ have more than three members on the governing board.

(Redesignate subsequent sections.)

And the title is amended as follows:

Line 2, after the semicolon (;) insert: amending s. 373.073, F.S.; providing for two additional members to be appointed to the governing board of the South Florida Water Management District; revising the residence requirements for the members of the governing board;

Pursuant to Rule 4.19, **CS for CS for HB 197** as amended was placed on the calendar of Bills on Third Reading.

**CS for SB 2702**—A bill to be entitled An act relating to insurance representatives; 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. 626.9611, F.S.; requiring that the department 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 read the second time by title.

## MOTION

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

Senator Aronberg moved the following amendment which was adopted:

**Amendment 1 (021182)(with title amendment)**—On page 8, between lines 12 and 13, insert:

Section 9. Section 626.9531, Florida Statutes, is amended to read:

626.9531 Identification of insurers, agents, and insurance contracts.—

(1) Advertising materials and other communications developed by insurers, or other risk bearing entities authorized under this code and approved by the office to do business in this state, regarding insurance products shall clearly indicate that the communication relates to insurance products. When soliciting or selling insurance products, agents shall clearly indicate to prospective insureds that they are acting as insurance agents with regard to insurance products and identified insurers, or other risk bearing entities authorized under this code and approved by the office to do business in this state.

(2) There shall be no liability to the insured on the part of, and no cause of action of any nature shall arise against, any licensed and appointed insurance agent for the insolvency of any risk bearing entity when such entity has been duly authorized or approved by the office to do business in this state. However if the licensed and appointed agent was a controlling producer, as defined in s. 626.7491(2), of the risk bearing entity within 2 years preceding the insolvency, the agent is subject to penalty as provided in s. 626.7491(8).

(3) For the purposes of this section, the term “risk bearing entity” means a reciprocal insurer as defined in s. 629.021, a commercial self-insurance fund as defined in s. 624.462, a group self-insurance fund as defined in s. 624.4621, a local government self-insurance fund as defined in s. 624.4622, a self-insured public utility as defined in s. 624.46225, or an independent educational institution self-insurance fund as defined in s. 624.4623. For the purposes of this section, the term “risk bearing entity” does not include an authorized insurer as defined in s. 624.09.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 27, after the semicolon (;) insert: 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;

## MOTION

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

Senator Aronberg moved the following amendment:

**Amendment 2 (611848)**—On page 2, line 17, after the comma (,) insert: *Certified Adjuster (CA) from All-Lines Training*,

On motion by Senator Aronberg, further consideration of **CS for SB 2702** with pending **Amendment 2 (611848)** was deferred.

**CS for CS for SB 1850**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 624.319, F.S.; revising an exemption from the public-records law which is provided for work papers held by the Department of Financial Services or the Office of Insurance Regulation of the Financial Services Commission; defining the term “work papers”; saving the exemption from repeal under the Open Government Sunset Review Act; deleting provisions providing for repeal of the exemption; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1850** to **HB 7187**.

Pending further consideration of **CS for CS for SB 1850** as amended, on motion by Senator Posey, by two-thirds vote **HB 7187** was withdrawn from the Committees on Banking and Insurance; and Governmental Operations.

On motion by Senator Posey—

**HB 7187**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding examination and investigation reports under the Florida Insurance Code; amending s. 624.319, F.S., which provides an exemption from public records requirements for specified examination and investigation reports under the Florida Insurance Code and related work papers, information, and lists of insurers or regulated companies; reorganizing the exemption; defining “work papers” to narrow the exemption for work papers and other information held by the Department of Financial Services or the Office of Insurance Regulation pursuant to an examination or investigation; providing for limited duration of the exemption for work papers; making editorial changes; deleting unnecessary language; removing the scheduled repeal of the exemption under the Open Government Sunset Review Act; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1850** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 7187** was placed on the calendar of Bills on Third Reading.

On motion by Senator Posey, by two-thirds vote **HB 1549** was withdrawn from the Committees on Banking and Insurance; and Regulated Industries.

On motion by Senator Posey—

**HB 1549**—A bill to be entitled An act relating to examination of insurers; amending s. 624.316, F.S.; extending the interval at which insurers must be examined by the Office of Insurance Regulation; deleting provisions allowing the office to accept an audit report from a certified public accountant in lieu of conducting its own examination; revising guidelines for conducting such examinations; providing an effective date.

—a companion measure, was substituted for **SB 2782** and read the second time by title.

## MOTION

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

Senator Posey moved the following amendment which was adopted:

**Amendment 1 (695666)**—Lines 78 and 79, delete those lines and insert: the examination pursuant to s. 624.320(2) ~~directly to the firm performing the examination~~ in accordance with the rates and terms established ~~agreed to by~~

Pursuant to Rule 4.19, **HB 1549** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz de la Portilla, by two-thirds vote **HB 7201** was withdrawn from the Committees on Commerce; and Governmental Operations.

On motion by Senator Diaz de la Portilla—

**HB 7201**—A bill to be entitled An act relating to public records exemptions for economic development agencies; amending s. 288.075, F.S., which provides an exemption from public records requirements for information related to business activities and trade secrets held by an economic development agency; defining the terms “proprietary confidential business information” and “trade secret”; reorganizing the exemption; extending the period of confidentiality for trade secrets; providing a

specific exemption for proprietary confidential business information; providing for expiration of the exemption; providing a specific exemption for federal employer identification numbers, unemployment compensation account numbers, and Florida sales tax registration numbers held by an economic development agency; providing a specific exemption for specified information held by an economic development agency pursuant to the administration of an economic incentive program for qualified businesses; providing for limited duration of the exemption; providing penalties; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; repealing s. 288.1067, F.S., relating to the confidentiality of records held by the Office of Tourism, Trade, and Economic Development, Enterprise Florida, Inc., or county or municipal governmental entities pursuant to specified incentive programs; providing an effective date.

—a companion measure, was substituted for **CS for SB 1182** and read the second time by title.

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

**CS for SB 2200**—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 implement 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 are maintained separately from a student's educational record; requiring students and their parents to consent to the testing program as a prerequisite for eligibility to participate in specified sports; requiring the school to meet with a student who tests positive and his or her parent to review the test findings, penalties, and procedures for challenge and appeal; providing penalties for positive findings; providing procedures for challenging and appealing the test findings and penalties; 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; authorizing athletic organization to reduce the scope of the program in order to remain within the legislative appropriation; providing for repeal of the program; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 2200** to **CS for HB 461**.

Pending further consideration of **CS for SB 2200** as amended, on motion by Senator Villalobos, by two-thirds vote **CS for HB 461** was withdrawn from the Committees on Education Pre-K - 12; Judiciary; and Education Pre-K - 12 Appropriations.

On motion by Senator Villalobos—

**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.

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

#### MOTION

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

Senator Webster moved the following amendment which was adopted:

**Amendment 1 (935344)(with title amendment)**—Lines 34 through 37, delete those lines and insert:

Section 1. Section 1006.20, Florida Statutes, is amended to read:

1006.20 Athletics in ~~public~~ K-12 schools *in this state.*—

(1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High School Athletic Association is designated as the governing nonprofit organization of athletics in Florida public schools. If the Florida High School Athletic Association fails to meet the provisions of this section, the commissioner shall designate a nonprofit organization to govern athletics with the approval of the State Board of Education. The organization is not to be a state agency as defined in s. 120.52. *The Florida Private High School Athletic Association is designated as the governing nonprofit organization of athletics in Florida private schools. The organization shall be subject to the provisions of s. 1006.19. A private school that wishes to engage in high school athletic competition with a public high school may become a member of the organization.* The bylaws of the organization are to be the rules by which high school athletic programs in its member schools, and the students who participate in them, are governed, unless otherwise specifically provided by statute. For the purposes of this section, "high school" includes grades 6 through 12.

(2) ADOPTION OF BYLAWS.—

(a) ~~Each~~ The organization shall adopt bylaws that, unless specifically provided by statute, establish eligibility requirements for all students who participate in high school athletic competition in its member schools. The bylaws governing residence and transfer shall allow the student to be eligible in the school in which he or she first enrolls each school year, or makes himself or herself a candidate for an athletic team by engaging in a practice prior to enrolling in any member school. The student shall be eligible in that school so long as he or she remains enrolled in that school. Subsequent eligibility shall be determined and enforced through the organization's bylaws.

(b) ~~Each~~ The organization shall adopt bylaws that specifically prohibit the recruiting of students for athletic purposes. The bylaws shall prescribe penalties and an appeals process for athletic recruiting violations.

(c) ~~Each~~ The organization shall adopt bylaws that require all students participating in interscholastic athletic competition or who are candidates for an interscholastic athletic team to satisfactorily pass a medical evaluation each year prior to participating in interscholastic athletic competition or engaging in any practice, tryout, workout, or other physical activity associated with the student's candidacy for an interscholastic athletic team. Such medical evaluation can only be administered by a practitioner licensed under the provisions of chapter 458, chapter 459, chapter 460, or s. 464.012, and in good standing with the practitioner's regulatory board. The bylaws shall establish requirements for eliciting a student's medical history and performing the medical evaluation required under this paragraph, which shall include a physical assessment of the student's physical capabilities to participate in interscholastic athletic competition as contained in a uniform preparation physical evaluation and history form. The evaluation form shall incorporate the recommendations of the American Heart Association for participation cardiovascular screening and shall provide a place for the signature of the practitioner performing the evaluation with an attestation that each examination procedure listed on the form was performed by the practitioner or by someone under the direct supervision of the practitioner. The form shall also contain a place for the practitioner to indicate if a referral to another practitioner was made in

lieu of completion of a certain examination procedure. The form shall provide a place for the practitioner to whom the student was referred to complete the remaining sections and attest to that portion of the examination. The preparticipation physical evaluation form shall advise students to complete a cardiovascular assessment and shall include information concerning alternative cardiovascular evaluation and diagnostic tests. Results of such medical evaluation must be provided to the school. No student shall be eligible to participate in any interscholastic athletic competition or engage in any practice, tryout, workout, or other physical activity associated with the student's candidacy for an interscholastic athletic team until the results of the medical evaluation have been received and approved by the school.

(d) Notwithstanding the provisions of paragraph (c), a student may participate in interscholastic athletic competition or be a candidate for an interscholastic athletic team if the parent of the student objects in writing to the student undergoing a medical evaluation because such evaluation is contrary to his or her religious tenets or practices. However, in such case, there shall be no liability on the part of any person or entity in a position to otherwise rely on the results of such medical evaluation for any damages resulting from the student's injury or death arising directly from the student's participation in interscholastic athletics where an undisclosed medical condition that would have been revealed in the medical evaluation is a proximate cause of the injury or death.

### (3) GOVERNING STRUCTURE OF EACH THE ORGANIZATION.—

(a) ~~Each~~ The organization shall operate as a representative democracy in which the sovereign authority is within its member schools. Except as provided in this section, ~~each~~ the organization shall govern its affairs through its bylaws.

(b) Each member school, on its annual application for membership, shall name its official representative to the organization. This representative must be either the school principal or his or her designee. That designee must either be an assistant principal or athletic director housed within that same school.

(c) ~~Each~~ The organization's membership shall be divided along existing county lines into four contiguous and compact administrative regions, each containing an equal or nearly equal number of member schools to ensure equitable representation on the organization's board of directors, representative assembly, and committee on appeals.

### (4) BOARD OF DIRECTORS; FLORIDA HIGH SCHOOL ATHLETIC ASSOCIATION.—

(a) The executive authority of the organization shall be vested in its board of directors. Any entity that appoints members to the board of directors shall examine the ethnic and demographic composition of the board when selecting candidates for appointment and shall, to the greatest extent possible, make appointments that reflect state demographic and population trends. The board of directors shall be composed of 16 persons, as follows:

1. Four public member school representatives, one elected from among its public school representative members within each of the four administrative regions.

2. Four nonpublic member school representatives, one elected from among its nonpublic school representative members within each of the four administrative regions.

3. Three representatives appointed by the commissioner, one appointed from the two northernmost administrative regions and one appointed from the two southernmost administrative regions. The third representative shall be appointed to balance the board for diversity or state population trends, or both.

4. Two district school superintendents, one elected from the two northernmost administrative regions by the members in those regions and one elected from the two southernmost administrative regions by the members in those regions.

5. Two district school board members, one elected from the two northernmost administrative regions by the members in those regions and one elected from the two southernmost administrative regions by the members in those regions.

6. The commissioner or his or her designee from the department executive staff.

(b) A quorum of the board of directors shall consist of nine members.

(c) The board of directors shall elect a president and a vice president from among its members. These officers shall also serve as officers of the organization.

(d) Members of the board of directors shall serve terms of 3 years and are eligible to succeed themselves only once. A member of the board of directors, other than the commissioner or his or her designee, may serve a maximum of 6 consecutive years. The organization's bylaws shall establish a rotation of terms to ensure that a majority of the members' terms do not expire concurrently.

(e) The authority and duties of the board of directors, acting as a body and in accordance with the organization's bylaws, are as follows:

1. To act as the incorporated organization's board of directors and to fulfill its obligations as required by the organization's charter and articles of incorporation.

2. To establish such guidelines, regulations, policies, and procedures as are authorized by the bylaws.

3. To provide an organization commissioner, who shall have the authority to waive the bylaws of the organization in order to comply with statutory changes.

4. To levy annual dues and other fees and to set the percentage of contest receipts to be collected by the organization.

5. To approve the budget of the organization.

6. To organize and conduct statewide interscholastic competitions. *The Florida High School Athletic Association may not deny interscholastic competition between its members and members of the Florida Private High School Athletic Association. The two associations shall conduct annual state interscholastic championship competitions for each sport and competition level offered at their member schools, which may or may not lead to state championships, and to establish the terms and conditions for these competitions.*

7. To act as an administrative board in the interpretation of, and final decision on, all questions and appeals arising from the directing of interscholastic athletics of member schools.

### (5) REPRESENTATIVE ASSEMBLY; FLORIDA HIGH SCHOOL ATHLETIC ASSOCIATION.—

(a) The legislative authority of the organization is vested in its representative assembly.

(b) The representative assembly shall be composed of the following:

1. An equal number of member school representatives from each of the four administrative regions.

2. Four district school superintendents, one elected from each of the four administrative regions by the district school superintendents in their respective administrative regions.

3. Four district school board members, one elected from each of the four administrative regions by the district school board members in their respective administrative regions.

4. The commissioner or his or her designee from the department executive staff.

(c) The organization's bylaws shall establish the number of member school representatives to serve in the representative assembly from each of the four administrative regions and shall establish the method for their selection.

(d) No member of the board of directors other than the commissioner or his or her designee can serve in the representative assembly.

(e) The representative assembly shall elect a chairperson and a vice chairperson from among its members.

(f) Elected members of the representative assembly shall serve terms of 2 years and are eligible to succeed themselves for two additional terms. An elected member, other than the commissioner or his or her designee, may serve a maximum of 6 consecutive years in the representative assembly.

(g) A quorum of the representative assembly consists of one more than half of its members.

(h) The authority of the representative assembly is limited to its sole duty, which is to consider, adopt, or reject any proposed amendments to the organization's bylaws.

(i) The representative assembly shall meet as a body annually. A two-thirds majority of the votes cast by members present is required for passage of any proposal.

**(6) PUBLIC LIAISON ADVISORY COMMITTEE; FLORIDA HIGH SCHOOL ATHLETIC ASSOCIATION.—**

(a) The organization shall establish, sustain, fund, and provide staff support to a public liaison advisory committee composed of the following:

1. The commissioner or his or her designee.
2. A member public school principal.
3. A member private school principal.
4. A member school principal who is a member of a racial minority.
5. An active athletic director.
6. An active coach, who is employed full time by a member school.
7. A student athlete.
8. A district school superintendent.
9. A district school board member.
10. A member of the Florida House of Representatives.
11. A member of the Florida Senate.
12. A parent of a high school student.
13. A member of a home education association.
14. A representative of the business community.
15. A representative of the news media.

(b) No member of the board of directors, committee on appeals, or representative assembly is eligible to serve on the public liaison advisory committee.

(c) The public liaison advisory committee shall elect a chairperson and vice chairperson from among its members.

(d) The authority and duties of the public liaison advisory committee are as follows:

1. To act as a conduit through which the general public may have input into the decisionmaking process of the organization and to assist the organization in the development of procedures regarding the receipt of public input and disposition of complaints related to high school athletic and competition programs.

2. To conduct public hearings annually in each of the four administrative regions during which interested parties may address issues regarding the effectiveness of the rules, operation, and management of the organization.

3. To conduct an annual evaluation of the organization as a whole and present a report of its findings, conclusion, and recommendations to the board of directors, to the commissioner, and to the respective education committees of the Florida Senate and the Florida House of Representatives. The recommendations must delineate policies and procedures that will improve the implementation and oversight of high school athletic programs by the organization.

(e) The public liaison advisory committee shall meet four times annually. Additional meetings may be called by the committee chairperson, the organization president, or the organization commissioner.

**(7) APPEALS.—**

(a) The organization shall establish a procedure of due process which ensures each student the opportunity to appeal an unfavorable ruling with regard to his or her eligibility to compete. The initial appeal shall be made to a committee on appeals within the administrative region in which the student lives. The organization's bylaws shall establish the number, size, and composition of the committee on appeals.

(b) No member of the board of directors is eligible to serve on the committee on appeals.

(c) Members of the committee on appeals shall serve terms of 3 years and are eligible to succeed themselves only once. A member of the committee on appeals may serve a maximum of 6 consecutive years. The organization's bylaws shall establish a rotation of terms to ensure that a majority of the members' terms do not expire concurrently.

(d) The authority and duties of the committee on appeals shall be to consider requests by member schools seeking exceptions to bylaws and regulations, to hear undue hardship eligibility cases filed by member schools on behalf of student athletes, and to hear appeals filed by member schools.

(e) A student athlete or member school that receives an unfavorable ruling from a committee on appeals shall be entitled to appeal that decision to the board of directors at its next regularly scheduled meeting or called meeting. The board of directors shall have the authority to uphold, reverse, or amend the decision of the committee on appeals. In all such cases, the decision of the board of directors shall be final.

**(8) AMENDMENT OF BYLAWS.—**Each member school representative, the board of directors acting as a whole or as members acting individually, any advisory committee acting as a whole to be established by the organization, and the organization's commissioner are empowered to propose amendments to the bylaws. Any other individual may propose an amendment by securing the sponsorship of any of the aforementioned individuals or bodies. All proposed amendments must be submitted directly to the representative assembly for its consideration. The representative assembly, while empowered to adopt, reject, or revise proposed amendments, may not, in and of itself, as a body be allowed to propose any amendment for its own consideration.

**(9) RULES ADOPTION.—**The bylaws of the organization shall require member schools to adopt rules for sports, which have been established by a nationally recognized sanctioning body, unless waived by at least a two-thirds vote of the board of directors.

**(10) BOARD OF DIRECTORS; FLORIDA PRIVATE HIGH SCHOOL ATHLETIC ASSOCIATION.—**

*(a) The executive authority of the organization shall be vested in its board of directors. Any entity that appoints members to the board of directors shall examine the ethnic and demographic composition of the board when selecting candidates for appointment and shall, to the greatest extent possible, make appointments that reflect state demographic and population trends. The board of directors shall be composed of 16 persons, as follows:*

*1. Four public school representatives, one elected from among its public school representative members within each of the four administrative regions for public schools.*

*2. Four nonpublic member school representatives, one elected from among its nonpublic school representative members within each of the four administrative regions for public schools.*

*3. Three representatives appointed by the commissioner, one appointed from the two northernmost administrative regions and one appointed from the two southernmost administrative regions. The third representative shall be appointed to balance the board for diversity or state population trends, or both.*

*4. Two school headmasters, one elected from the two northernmost administrative regions by the nonpublic school members in those regions*

and one elected from the two southernmost administrative regions by the nonpublic school members in those regions.

5. Two nonpublic school governing board members, one elected from the two northernmost administrative regions by the nonpublic school members in those regions and one elected from the two southernmost administrative regions by the nonpublic school members in those regions.

6. The commissioner or his or her designee from the department executive staff.

(b) A quorum of the board of directors shall consist of nine members.

(c) The board of directors shall elect a president and a vice president from among its members. These officers shall also serve as officers of the organization.

(d) Members of the board of directors shall serve terms of 3 years and are eligible to succeed themselves only once. A member of the board of directors, other than the commissioner or his or her designee, may serve a maximum of 6 consecutive years. The organization's bylaws shall establish a rotation of terms to ensure that a majority of the members' terms do not expire concurrently.

(e) The authority and duties of the board of directors, acting as a body and in accordance with the organization's bylaws, are as follows:

1. To act as the incorporated organization's board of directors and to fulfill its obligations as required by the organization's charter and articles of incorporation.

2. To establish such guidelines, regulations, policies, and procedures as are authorized by the bylaws.

3. To provide an organization commissioner, who shall have the authority to waive the bylaws of the organization in order to comply with statutory changes.

4. To levy annual dues and other fees and to set the percentage of contest receipts to be collected by the organization.

5. To approve the budget of the organization.

6. To organize and conduct statewide interscholastic competitions.

7. To act as an administrative board in the interpretation of, and final decision on, all questions and appeals arising from the directing of interscholastic athletics of member schools.

(11) RANDOM DRUG TESTING PROGRAM.—

(Redesignate subsequent sections.)

And the title is amended as follows:

Line 3, after the semicolon (;) insert: creating the Florida Private High School Athletic Association; providing for organization, powers, and duties of the association; creating a board of directors and providing powers and duties of the board; providing for annual interscholastic competition championships between public and nonpublic high schools for each sport and competition level offered in public and private high schools in this state;

On motion by Senator Villalobos, by two-thirds vote CS for HB 461 as amended was read the third time by title, passed 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
Ring	Storms	Wilson
Saunders	Villalobos	Wise

Nays—None

Vote after roll call:

Yea to Nay—Rich

SB 2202—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 the finding of a drug test administered to a student by a testing agency with which the Florida High School Athletic Association has contracted; exempting from public-meetings requirements a meeting at which a challenge or an appeal is made; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title.

Amendments were considered and adopted to conform SB 2202 to CS for HB 463.

Pending further consideration of SB 2202 as amended, on motion by Senator Villalobos, by two-thirds vote CS for HB 463 was withdrawn from the Committee on Education Pre-K - 12.

On motion by Senator Villalobos, the rules were waived—

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.

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

On motion by Senator Villalobos, by two-thirds vote CS for HB 463 was read the third time by title, passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

RECESS

On motion by Senator King, the Senate recessed at 12:58 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	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

**SPECIAL ORDER CALENDAR, continued**

By Senator Haridopolos—

**CS for SB 2484**—A bill to be entitled An act relating to lodging and food service establishments; amending s. 509.291, F.S.; revising membership provisions of the Department of Business and Professional Regulation’s Division of Hotels and Restaurants’ advisory council; amending s. 509.302, F.S.; revising the Hospitality Education Program; replacing the director of education with the division as administrator of the program; revising provisions relating to the administration of the program; revising the training and training-related activities funded by the program; deleting certain provisions relating to duties and responsibilities of the director of education; providing criteria by which grants may be awarded under the program; amending s. 509.072, F.S.; conforming cross-references; amending s. 509.261, F.S.; providing for the use of administrative fines; providing an effective date.

—was read the second time by title.

Senator Haridopolos moved the following amendments which were adopted:

**Amendment 1 (754554)**—On page 1, line 30 through page 2, line 12, delete those lines and insert: Regulation shall appoint *seven* ~~five~~ voting members to the advisory council. Each member appointed by the secretary must be an operator of an establishment licensed under this chapter and shall represent the industries regulated by the division, except that one member appointed by the secretary must be a layperson *representing and shall represent* the general public *and one member must be a hospitality education administrator from an institution of higher education of this state*. Such members of the council shall serve staggered terms of 4 years.

(b) ~~The Florida Hotel and Motel Association, the Florida Restaurant and Lodging Association shall designate one representative to serve as a voting member of the council.~~; The Florida Apartment Association;

**Amendment 2 (545056)**—On page 3, line 8 through page 4, line 15, delete those lines and insert: administration and management. The primary goal of this program is to instruct and train all individuals and businesses licensed under this chapter, in cooperation with recognized associations that represent the licensees, in the application of state and federal laws and rules. Such programs shall also include:

- (a) ~~Career training.~~
- (b) Management training.
- (b)(c) Inservice continuing education programs.
- (c)(d) Awareness of food-recovery programs, as promoted in s. 570.0725.
- (d) *Enhancement of school-to-career training and transition programs for students interested in pursuing careers in the food service or lodging industry. Training and transition programs shall be provided through the public school system using a nationally recognized curriculum approved by the division, with the enhancements funded under this section provided by grants from nonprofit statewide organizations in the hospitality services field, and the application process for the grants shall be administered by the division.*

(e) Such other programs as may be deemed appropriate by the director ~~and of the division, the advisory council, and the director of education.~~

(2)(g) All public lodging establishments and all public food service establishments licensed under this chapter shall pay an annual fee of no more than \$10, which shall be included in the annual license fee and ~~which shall be used for the sole purpose of funding the Hospitality Education Program.~~

(3) *Notwithstanding any other provision of law to the contrary, grant funding under this section for the services described in paragraph (1)(d) shall include all expenses*

**Amendment 3 (795878)**—On page 7, line 31, delete “s. 509.302(1)(a)” and insert: s. 509.302(1)

Pursuant to Rule 4.19, **CS for SB 2484** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

**SENATOR KING PRESIDING**

By Senator Garcia—

**CS for SB 2498**—A bill to be entitled An act relating to property insurance; amending s. 627.351, F.S.; revising legislative findings to provide a finding that the lack of affordable property insurance threatens the public health, safety, and welfare and threatens the economic health of the state; revising provisions for determining eligibility for coverage under Citizens Property Insurance Corporation; prohibiting issuance of new certificates of authority to certain insurers; requiring rate filings of certain insurers to include certain parent company profits information; providing effective dates.

—was read the second time by title.

Senator Fasano moved the following amendments which were adopted:

**Amendment 1 (875824)(with title amendment)**—On page 1, line 17, insert:

Section 1. Paragraph (e) is added to subsection (1) of section 626.916, Florida Statutes, to read:

626.916 Eligibility for export.—

(1) No insurance coverage shall be eligible for export unless it meets all of the following conditions:

(e) *For personal residential property risks, the retail or producing agent must advise the insured in writing that coverage may be available and may be less expensive from Citizens Property Insurance Corporation. The notice must include other information that states that Citizens’ assessments are higher and the coverage provided by Citizens may be less than the property’s existing coverage. If the notice is signed by the insured, it is presumed that the insured has been informed and knows that policies from Citizens Property Insurance Corporation may be less expensive, may provide less coverage, and will be accompanied by higher assessments.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 626.916, F.S.; providing requirements for insurance coverage eligible for export for residential property risks; requiring that the insured be notified that coverage may be available from Citizens Property Insurance Corporation;

**Amendment 2 (503514)(with directory and title amendments)**—On page 22, between lines 18 and 19, insert:

(ff) *The office may establish a pilot program to offer optional sinkhole coverage in one or more counties or other territories of the corporation for the purpose of implementing s. 627.706, as amended by s. 30 of chapter 2007-1, Laws of Florida. Under the pilot program, the corporation is not required to issue a notice of nonrenewal to exclude sinkhole coverage upon the renewal of existing policies, but may exclude such coverage using a notice of coverage change.*

And the directory clause is amended as follows:

On page 1, line 20, delete “is amended” and insert: are amended, and paragraph (ff) is added to that subsection,

And the title is amended as follows:

On page 1, line 14, after the semicolon (;) insert: establishing a pilot program to offer optional sinkhole coverage;

Senator Baker moved the following amendment which was adopted:

**Amendment 3 (373312)(with title amendment)**—On page 1, line 17, insert:

Section 1. Subsection (4) of section 626.914, Florida Statutes, is amended to read:

626.914 Definitions.—As used in this Surplus Lines Law, the term:

(4) “Diligent effort” means seeking coverage from and having been rejected by at least three authorized insurers currently writing this type of coverage and documenting these rejections. *However, if the residential structure has a dwelling replacement cost of \$1 million or more, the term means seeking coverage from and having been rejected by at least one authorized insurer currently writing this type of coverage and documenting this rejection.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 626.914, F.S.; revising the definition of the term “diligent effort”;

Senator Baker moved the following amendment:

**Amendment 4 (574216)(with title amendment)**—On page 22, lines 19-30, delete those lines and insert:

Section 2. Paragraph (b) of subsection (6) of section 215.555, Florida Statutes, as amended by chapter 2007-1, Laws of Florida, is amended to read:

215.555 Florida Hurricane Catastrophe Fund.—

(6) REVENUE BONDS.—

(b) Emergency assessments.—

1. If the board determines that the amount of revenue produced under subsection (5) is insufficient to fund the obligations, costs, and expenses of the fund and the corporation, including repayment of revenue bonds and that portion of the debt service coverage not met by reimbursement premiums, the board shall direct the Office of Insurance Regulation to levy, by order, an emergency assessment on direct premiums for all property and casualty lines of business in this state, including property and casualty business of surplus lines insurers regulated under part VIII of chapter 626, but not including any workers’ compensation premiums or medical malpractice premiums. As used in this subsection, the term “property and casualty business” includes all lines of business identified on Form 2, Exhibit of Premiums and Losses, in the annual statement required of authorized insurers by s. 624.424 and any rule adopted under this section, except for those lines identified as accident and health insurance and except for policies written under the National Flood Insurance Program. The assessment shall be specified as a percentage of direct written premium and is subject to annual adjustments by the board in order to meet debt obligations. The same percentage shall apply to all policies in lines of business subject to the assessment issued or renewed during the 12-month period beginning on the effective date of the assessment.

2. A premium is not subject to an annual assessment under this paragraph in excess of 6 percent of premium with respect to obligations arising out of losses attributable to any one contract year, and a premium is not subject to an aggregate annual assessment under this paragraph in excess of 10 percent of premium. An annual assessment under this paragraph shall continue as long as the revenue bonds issued with respect to which the assessment was imposed are outstanding, including any bonds the proceeds of which were used to refund the revenue bonds, unless adequate provision has been made for the payment of the bonds under the documents authorizing issuance of the bonds.

3. Emergency assessments shall be collected from policyholders. Emergency assessments shall be remitted by insurers as a percentage of direct written premium for the preceding calendar quarter as specified in the order from the Office of Insurance Regulation. The office shall verify the accurate and timely collection and remittance of emergency assessments and shall report the information to the board in a form and at a time specified by the board. Each insurer collecting assessments shall provide the information with respect to premiums and collections as may be required by the office to enable the office to monitor and verify compliance with this paragraph.

4. With respect to assessments of surplus lines premiums, each surplus lines agent shall collect the assessment at the same time as the agent collects the surplus lines tax required by s. 626.932, and the surplus lines agent shall remit the assessment to the Florida Surplus Lines Service Office created by s. 626.921 at the same time as the agent remits the surplus lines tax to the Florida Surplus Lines Service Office. The emergency assessment on each insured procuring coverage and filing under s. 626.938 shall be remitted by the insured to the Florida Surplus Lines Service Office at the time the insured pays the surplus lines tax to the Florida Surplus Lines Service Office. The Florida Surplus Lines Service Office shall remit the collected assessments to the fund or corporation as provided in the order levied by the Office of Insurance Regulation. The Florida Surplus Lines Service Office shall verify the proper application of such emergency assessments and shall assist the board in ensuring the accurate and timely collection and remittance of assessments as required by the board. The Florida Surplus Lines Service Office shall annually calculate the aggregate written premium on property and casualty business, other than workers’ compensation and medical malpractice, procured through surplus lines agents and insureds procuring coverage and filing under s. 626.938 and shall report the information to the board in a form and at a time specified by the board.

5. Any assessment authority not used for a particular contract year may be used for a subsequent contract year. If, for a subsequent contract year, the board determines that the amount of revenue produced under subsection (5) is insufficient to fund the obligations, costs, and expenses of the fund and the corporation, including repayment of revenue bonds and that portion of the debt service coverage not met by reimbursement premiums, the board shall direct the Office of Insurance Regulation to levy an emergency assessment up to an amount not exceeding the amount of unused assessment authority from a previous contract year or years, plus an additional 4 percent provided that the assessments in the aggregate do not exceed the limits specified in subparagraph 2.

6. The assessments otherwise payable to the corporation under this paragraph shall be paid to the fund unless and until the Office of Insurance Regulation and the Florida Surplus Lines Service Office have received from the corporation and the fund a notice, which shall be conclusive and upon which they may rely without further inquiry, that the corporation has issued bonds and the fund has no agreements in effect with local governments under paragraph (c). On or after the date of the notice and until the date the corporation has no bonds outstanding, the fund shall have no right, title, or interest in or to the assessments, except as provided in the fund’s agreement with the corporation.

7. Emergency assessments are not premium and are not subject to the premium tax, to the surplus lines tax, to any fees, or to any commissions. An insurer is liable for all assessments that it collects and must treat the failure of an insured to pay an assessment as a failure to pay the premium. An insurer is not liable for uncollectible assessments.

8. When an insurer is required to return an unearned premium, it shall also return any collected assessment attributable to the unearned premium. A credit adjustment to the collected assessment may be made by the insurer with regard to future remittances that are payable to the fund or corporation, but the insurer is not entitled to a refund.

9. When a surplus lines insured or an insured who has procured coverage and filed under s. 626.938 is entitled to the return of an unearned premium, the Florida Surplus Lines Service Office shall provide a credit or refund to the agent or such insured for the collected assessment attributable to the unearned premium prior to remitting the emergency assessment collected to the fund or corporation.

10. The exemption of medical malpractice insurance premiums from emergency assessments under this paragraph is repealed *May 31, 2010*

May 31, 2007, and medical malpractice insurance premiums shall be subject to emergency assessments attributable to loss events occurring in the contract years commencing on June 1, 2010 June 1, 2007.

And the title is amended as follows:

On page 1, lines 10-14, delete those lines and insert: Corporation; amending s. 215.555, F.S.; revising the dates regarding an exemption from emergency assessments for medical malpractice insurance premiums; providing effective dates.

#### MOTION

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

Senator Baker moved the following substitute amendment which failed:

**Amendment 5 (373898)(with title amendment)**—On page 22, lines 19-30, delete section 2 and renumber subsequent sections.

And the title is amended as follows:

On page 1, lines 10-14, delete those lines and insert: Corporation; providing an effective date.

The question recurred on **Amendment 4** which was withdrawn.

#### MOTION

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

Senators Atwater and Deutch offered the following amendments which were moved by Senator Atwater and adopted:

**Amendment 6 (923890)(with title amendment)**—On page 22, between lines 18 and 19, insert:

Section 2. Subsection (11) is added to section 627.062, Florida Statutes, as amended by section 18 of chapter 2007-1, Laws of Florida, to read:

627.062 Rate standards.—

(11) Any interest paid pursuant to s. 627.70131(5) may not be included in the insurer's rate base and may not be used to justify a rate or rate change.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 10, following the semicolon (;) insert: amending s. 627.062, F.S.; providing that certain interest paid by an insurer may not be included in rate base or used to justify a rate or rate change;

**Amendment 7 (140218)(with title amendment)**—On page 22, between lines 18 and 19, insert:

Section 2. Paragraph (i) of subsection (1) of section 626.9541, Florida Statutes, is amended to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(i) Unfair claim settlement practices.—

1. Attempting to settle claims on the basis of an application, when serving as a binder or intended to become a part of the policy, or any other material document which was altered without notice to, or knowledge or consent of, the insured;

2. A material misrepresentation made to an insured or any other person having an interest in the proceeds payable under such contract or policy, for the purpose and with the intent of effecting settlement of

such claims, loss, or damage under such contract or policy on less favorable terms than those provided in, and contemplated by, such contract or policy; or

3. A violation of s. 627.70131(5), if the insurer's handling of the claim is found to be dishonest or in reckless disregard for the rights of any insured;

4. Failing to pay undisputed amounts of partial or full benefits under first-party property insurance policies within 30 days after determining the amounts of partial or full benefits and agreeing to coverage; or

5. Committing or performing with such frequency as to indicate a general business practice any of the following:

a. Failing to adopt and implement standards for the proper investigation of claims;

b. Misrepresenting pertinent facts or insurance policy provisions relating to coverages at issue;

c. Failing to acknowledge and act promptly upon communications with respect to claims;

d. Denying claims without conducting reasonable investigations based upon available information;

e. Failing to affirm or deny full or partial coverage of claims, and, as to partial coverage, the dollar amount or extent of coverage, or failing to provide a written statement that the claim is being investigated, upon the written request of the insured within 30 days after proof-of-loss statements have been completed;

f. Failing to promptly provide a reasonable explanation in writing to the insured of the basis in the insurance policy, in relation to the facts or applicable law, for denial of a claim or for the offer of a compromise settlement;

g. Failing to promptly notify the insured of any additional information necessary for the processing of a claim; or

h. Failing to clearly explain the nature of the requested information and the reasons why such information is necessary.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 10, following the semicolon (;) insert: amending s. 626.9541, F.S.; providing additional unfair claim settlement practices;

**Amendment 8 (664634)(with title amendment)**—On page 22, between lines 18 and 19, insert:

Section 2. Subsections (4) and (5) of section 627.70131, Florida Statutes, as amended by section 27 of chapter 2007-1, Laws of Florida, are amended to read:

627.70131 Insurer's duty to acknowledge communications regarding claims; investigation.—

(4) For purposes of this section, the term "claim" means any of the following:

(a) A claim under an insurance policy providing residential coverage as defined in s. 627.4025(1);

(b) A claim for structural or contents coverage under a commercial property insurance policy if the insured structure is 10,000 square feet or less; or

(c) A claim for contents coverage under a commercial tenants policy if the insured premises is 10,000 square feet or less. "insurer" means any residential property insurer.

(5) Within 90 days after an insurer receives notice of a property insurance claim from a policyholder under a policy providing residential coverage as defined in s. 627.4025, the insurer shall pay or deny such claim or a portion of the claim unless the failure to pay such claim or a portion of the claim is caused by factors beyond the control of the insurer which reasonably prevent such payment. Any payment of a claim or

portion of a claim paid 90 days after the insurer receives notice of the claim, or paid more than 15 days after there are no longer factors beyond the control of the insurer which reasonably prevented such payment, whichever is later, shall bear interest at the rate set forth in s. 55.03. Interest begins to accrue from the date the insurer receives notice of the claim. The provisions of this subsection may not be waived, voided, or nullified by the terms of the insurance policy. If there is a right to prejudgment interest, the insured shall select whether to receive prejudgment interest or interest under this subsection. Interest is payable when the claim or portion of the claim is paid. Failure to comply with this subsection constitutes a violation of this code.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 10, following the semicolon (;) insert: amending s. 627.70131, F.S.; deleting the definition of the term "insurer"; defining the term "claim"; revising provisions relating to when an insurer must pay a claim; providing conditions under which interest must be paid;

#### MOTION

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

Senator Deutch moved the following amendment:

**Amendment 9 (534590)(with title amendment)**—On page 1, between lines 17 and 18, insert:

Section 1. Paragraph (b) of subsection (6) of section 215.555, Florida Statutes, as amended by chapter 2007-1, Laws of Florida, is amended to read:

215.555 Florida Hurricane Catastrophe Fund.—

(6) REVENUE BONDS.—

(b) Emergency assessments.—

1. If the board determines that the amount of revenue produced under subsection (5) is insufficient to fund the obligations, costs, and expenses of the fund and the corporation, including repayment of revenue bonds and that portion of the debt service coverage not met by reimbursement premiums, the board shall direct the Office of Insurance Regulation to levy, by order, an emergency assessment on direct premiums for all property and casualty lines of business in this state, including property and casualty business of surplus lines insurers regulated under part VIII of chapter 626, but not including any workers' compensation premiums or medical malpractice premiums. As used in this subsection, the term "property and casualty business" includes all lines of business identified on Form 2, Exhibit of Premiums and Losses, in the annual statement required of authorized insurers by s. 624.424 and any rule adopted under this section, except for those lines identified as accident and health insurance and except for policies written under the National Flood Insurance Program. The assessment shall be specified as a percentage of direct written premium and is subject to annual adjustments by the board in order to meet debt obligations. The same percentage shall apply to all policies in lines of business subject to the assessment issued or renewed during the 12-month period beginning on the effective date of the assessment.

2. A premium is not subject to an annual assessment under this paragraph in excess of 6 percent of premium with respect to obligations arising out of losses attributable to any one contract year, and a premium is not subject to an aggregate annual assessment under this paragraph in excess of 10 percent of premium. An annual assessment under this paragraph shall continue as long as the revenue bonds issued with respect to which the assessment was imposed are outstanding, including any bonds the proceeds of which were used to refund the revenue bonds, unless adequate provision has been made for the payment of the bonds under the documents authorizing issuance of the bonds.

3. Emergency assessments shall be collected from policyholders. Emergency assessments shall be remitted by insurers as a percentage of direct written premium for the preceding calendar quarter as specified in the order from the Office of Insurance Regulation. The office shall verify the accurate and timely collection and remittance of emergency assessments and shall report the information to the board in a form and

at a time specified by the board. Each insurer collecting assessments shall provide the information with respect to premiums and collections as may be required by the office to enable the office to monitor and verify compliance with this paragraph.

4. With respect to assessments of surplus lines premiums, each surplus lines agent shall collect the assessment at the same time as the agent collects the surplus lines tax required by s. 626.932, and the surplus lines agent shall remit the assessment to the Florida Surplus Lines Service Office created by s. 626.921 at the same time as the agent remits the surplus lines tax to the Florida Surplus Lines Service Office. The emergency assessment on each insured procuring coverage and filing under s. 626.938 shall be remitted by the insured to the Florida Surplus Lines Service Office at the time the insured pays the surplus lines tax to the Florida Surplus Lines Service Office. The Florida Surplus Lines Service Office shall remit the collected assessments to the fund or corporation as provided in the order levied by the Office of Insurance Regulation. The Florida Surplus Lines Service Office shall verify the proper application of such emergency assessments and shall assist the board in ensuring the accurate and timely collection and remittance of assessments as required by the board. The Florida Surplus Lines Service Office shall annually calculate the aggregate written premium on property and casualty business, other than workers' compensation and medical malpractice, procured through surplus lines agents and insureds procuring coverage and filing under s. 626.938 and shall report the information to the board in a form and at a time specified by the board.

5. Any assessment authority not used for a particular contract year may be used for a subsequent contract year. If, for a subsequent contract year, the board determines that the amount of revenue produced under subsection (5) is insufficient to fund the obligations, costs, and expenses of the fund and the corporation, including repayment of revenue bonds and that portion of the debt service coverage not met by reimbursement premiums, the board shall direct the Office of Insurance Regulation to levy an emergency assessment up to an amount not exceeding the amount of unused assessment authority from a previous contract year or years, plus an additional 4 percent provided that the assessments in the aggregate do not exceed the limits specified in subparagraph 2.

6. The assessments otherwise payable to the corporation under this paragraph shall be paid to the fund unless and until the Office of Insurance Regulation and the Florida Surplus Lines Service Office have received from the corporation and the fund a notice, which shall be conclusive and upon which they may rely without further inquiry, that the corporation has issued bonds and the fund has no agreements in effect with local governments under paragraph (c). On or after the date of the notice and until the date the corporation has no bonds outstanding, the fund shall have no right, title, or interest in or to the assessments, except as provided in the fund's agreement with the corporation.

7. Emergency assessments are not premium and are not subject to the premium tax, to the surplus lines tax, to any fees, or to any commissions. An insurer is liable for all assessments that it collects and must treat the failure of an insured to pay an assessment as a failure to pay the premium. An insurer is not liable for uncollectible assessments.

8. When an insurer is required to return an unearned premium, it shall also return any collected assessment attributable to the unearned premium. A credit adjustment to the collected assessment may be made by the insurer with regard to future remittances that are payable to the fund or corporation, but the insurer is not entitled to a refund.

9. When a surplus lines insured or an insured who has procured coverage and filed under s. 626.938 is entitled to the return of an unearned premium, the Florida Surplus Lines Service Office shall provide a credit or refund to the agent or such insured for the collected assessment attributable to the unearned premium prior to remitting the emergency assessment collected to the fund or corporation.

10. The exemption of medical malpractice insurance premiums from emergency assessments under this paragraph is repealed ~~May 31, 2010~~ ~~May 31, 2007~~, and medical malpractice insurance premiums shall be subject to emergency assessments attributable to loss events occurring in the contract years commencing on ~~June 1, 2010~~ ~~June 1, 2007~~.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 215.555, F.S.; revising the dates regarding an exemption from emergency assessments for medical malpractice insurance premiums;

### POINT OF ORDER

Senator Villalobos raised a point of order that pursuant to Rule 7.1 **Amendment 9** was not germane to the bill.

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

### 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:

**Amendment 10 (253852)**—On page 5, lines 15-20, delete those lines and insert:

5. Effective *January 1, 2009* ~~July 1, 2008~~, a personal lines residential structure that has a dwelling replacement cost of \$1 million or more, or a single condominium unit that has a combined dwelling and content replacement cost of \$1 million or more is not eligible for coverage by the corporation. Such dwellings insured by the corporation on *December 31, 2008* ~~June 30, 2008~~, may

### MOTION

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

Senators Atwater and Garcia offered the following amendment which was moved by Senator Atwater and adopted:

**Amendment 11 (491638)(with directory and title amendments)**—On page 22, between lines 18 and 19, insert:

(m)1. Rates for coverage provided by the corporation shall be actuarially sound and subject to the requirements of s. 627.062, except as otherwise provided in this paragraph. The corporation shall file its recommended rates with the office at least annually. The corporation shall provide any additional information regarding the rates which the office requires. The office shall consider the recommendations of the board and issue a final order establishing the rates for the corporation within 45 days after the recommended rates are filed. The corporation may not pursue an administrative challenge or judicial review of the final order of the office.

2. In addition to the rates otherwise determined pursuant to this paragraph, the corporation shall impose and collect an amount equal to the premium tax provided for in s. 624.509 to augment the financial resources of the corporation.

3. After the public hurricane loss-projection model under s. 627.06281 has been found to be accurate and reliable by the Florida Commission on Hurricane Loss Projection Methodology, that model shall serve as the minimum benchmark for determining the windstorm portion of the corporation's rates. This subparagraph does not require or allow the corporation to adopt rates lower than the rates otherwise required or allowed by this paragraph.

4. The rate filings for the corporation which were approved by the office and which took effect January 1, 2007, are rescinded, except for those rates that were lowered. As soon as possible, the corporation shall begin using the lower rates that were in effect on December 31, 2006, and shall provide refunds to policyholders who have paid higher rates as a result of that rate filing. The rates in effect on December 31, 2006, shall remain in effect for the 2007 and 2008 calendar years ~~year~~ except for any rate change that results in a lower rate. The next rate change that may increase rates shall take effect January 1, 2009 ~~2008~~, pursuant to a new rate filing recommended by the corporation and established by the office, subject to the requirements of this paragraph.

And the directory clause is amended as follows:

On page 1, lines 18 -20, delete those lines and insert:

Section 1. Paragraphs (a), (c), and (m) of subsection (6) of section 627.351, Florida Statutes, as amended by section 21 of chapter 2007-1, Laws of Florida, are amended to read:

And the title is amended as follows:

On page 1, line 10, after the semicolon (;) insert: extending the date for increasing rates;

### MOTION

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

Senator Posey moved the following amendment which was adopted:

**Amendment 12 (763164)(with title amendment)**—On page 22, after line 31, insert:

Section 3. Subsection (2) of section 626.9201, Florida Statutes, is amended to read:

626.9201 Notice of cancellation or nonrenewal.—

(2) An insurer issuing a policy providing coverage for property, casualty, surety, or marine insurance shall give the named insured written notice of cancellation or termination other than nonrenewal at least 45 days prior to the effective date of the cancellation or termination, including in the written notice the reason or reasons for the cancellation or termination, except that:

(a) When cancellation is for nonpayment of premium, at least 10 days' written notice of cancellation accompanied by the reason therefor shall be given. *As used in this paragraph, the term "nonpayment of premium" means the failure of the named insured to discharge when due any of his or her obligations in connection with the payment of premiums on a policy or an installment of such a premium, whether the premium or installment is payable directly to the insurer or its agent or indirectly under any plan for financing premiums or extension of credit or the failure of the named insured to maintain membership in an organization if such membership is a condition precedent to insurance coverage. The term also includes the failure of a financial institution to honor the check of an applicant for insurance which was delivered to a licensed agent for payment of a premium, even if the agent previously delivered or transferred the premium to the insurer. If a dishonored check represents payment of the initial premium, the contract, and all contractual obligations are void ab initio unless the nonpayment is cured within the earlier of 5 days after actual notice by certified mail is received by the applicant or 15 days after notice is sent to the applicant by certified mail or registered mail, and, if the contract is void, any premium received by the insurer from a third party shall be refunded to that party in full; and*

(b) When such cancellation or termination occurs during the first 90 days during which the insurance is in force and the insurance is canceled or terminated for reasons other than nonpayment, at least 20 days' written notice of cancellation or termination accompanied by the reason therefor shall be given except where there has been a material misstatement or misrepresentation or failure to comply with the underwriting requirements established by the insurer.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2-14, delete those lines and insert: An act relating to insurance; amending s. 627.351, F.S.; revising legislative findings to provide a finding that the lack of affordable property insurance threatens the public health, safety, and welfare and threatens the economic health of the state; revising provisions for determining eligibility for coverage under Citizens Property Insurance Corporation; prohibiting issuance of new certificates of authority to certain insurers; requiring rate filings of certain insurers to include certain parent company profits information; amending s. 626.9201, F.S.; revising requirements concerning cancellation for nonpayment of premium of policies providing coverage for property, casualty, surety, or marine insurance; defining the term "nonpayment of premium"; providing that certain contracts or contractual obligations concerning such coverage are void under specified conditions; requiring the refund of certain premiums received by an insurer; providing effective dates.

## 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:

**Amendment 13 (302598)**—On page 21, line 20 through page 22, line 16, delete those lines and insert:

~~18. Must provide, effective June 1, 2007, that the corporation contract with each insurer providing the non wind coverage for risks insured by the corporation in the high risk account, requiring that the insurer provide claims adjusting services for the wind coverage provided by the corporation for such risks. An insurer is required to enter into this contract as a condition of providing non-wind coverage for a risk that is insured by the corporation in the high risk account unless the board finds, after a hearing, that the insurer is not capable of providing adjusting services at an acceptable level of quality to corporation policyholders. The terms and conditions of such contracts must be substantially the same as the contracts that the corporation executed with insurers under the "adjust-your-own" program in 2006, except as may be mutually agreed to by the parties and except for such changes that the board determines are necessary to ensure that claims are adjusted appropriately. The corporation shall provide a process for neutral arbitration of any dispute between the corporation and the insurer regarding the terms of the contract. The corporation shall review and monitor the performance of insurers under these contracts.~~

~~18.19. Must limit coverage on mobile homes or manufactured homes built prior to 1994 to actual cash value of the dwelling rather than replacement costs of the dwelling.~~

~~19.20. May provide such limits of coverage as the board determines, consistent with the requirements of this subsection.~~

~~20.21. May require commercial property to meet specified~~

## MOTION

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

Senators Atwater and Deutch offered the following amendment which was moved by Senator Atwater:

**Amendment 14 (594090)**—On page 2, line 17, following the period (.) insert: *Citizens Property Insurance Corporation shall remain subject to all remedies available against an insurer.*

## MOTION

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

Senator Atwater moved the following substitute amendment which was adopted:

**Amendment 15 (691698)(with directory amendment)**—On page 22, between lines 18 and 19, insert:

(r)1. There shall be no liability on the part of, and no cause of action of any nature shall arise against, any assessable insurer or its agents or employees, the corporation or its agents or employees, members of the board of governors or their respective designees at a board meeting, corporation committee members, or the office or its representatives, for any action taken by them in the performance of their duties or responsibilities under this subsection. Such immunity does not apply to:

- a.1. Any of the foregoing persons or entities for any willful tort;
- b.2. The corporation or its producing agents for breach of any contract or agreement pertaining to insurance coverage;
- c.3. The corporation with respect to issuance or payment of debt; or
- d.4. Any assessable insurer with respect to any action to enforce an assessable insurer's obligations to the corporation under this subsection; or:

e. *The corporation in any pending or future action for breach of contract or for benefits under a policy issued by the corporation; in any such action, the corporation shall be liable to the policyholders and beneficiaries for attorney's fees under s. 627.428; or*

2. *The corporation shall manage its claim employees, independent adjusters, and others who handle claims to ensure they carry out the corporation's duty to its policyholders to handle claims carefully, timely, diligently, and in good faith, balanced against the corporation's duty to the state to manage its assets responsibly to minimize its assessment potential.*

And the directory clause is amended as follows:

On page 1, delete line 18 and insert:

Section 1. Paragraphs (a), (c), and (r) of subsection (6) of

## RULING ON POINT OF ORDER

The Senate resumed consideration of **Amendment 9 (534590)** by Senator Deutch, which was previously considered and deferred with pending point of order. The pending point of order was withdrawn. The question recurred on **Amendment 9** which was adopted.

Pursuant to Rule 4.19, **CS for SB 2498** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Rich, by two-thirds vote **HB 409** was withdrawn from the Committees on Criminal Justice; and Judiciary.

On motion by Senator Rich—

**HB 409**—A bill to be entitled An act relating to criminal sentencing; amending s. 775.0823, F.S.; providing that adjudication of guilt or imposition of sentence may not be suspended, deferred, or withheld for an attempted felony murder committed against a law enforcement officer, correctional officer, state attorney, assistant state attorney, justice, or judge; amending s. 921.0024, F.S., relating to the worksheet for the Criminal Punishment Code; providing for computing sentence points if the primary offense is a violation of s. 775.0823, F.S.; amending s. 947.146, F.S., relating to inmates who are ineligible for control release; conforming cross-references to changes made by the act; providing an effective date.

—a companion measure, was substituted for **SB 566** and read the second time by title.

Pursuant to Rule 4.19, **HB 409** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker—

**SB 854**—A bill to be entitled An act relating to personal injury protection insurance; amending s. 627.733, F.S.; expanding an exemption to the requirement to maintain personal injury protection security on a motor vehicle for members of the United States Armed Forces on active duty to include the dependent spouses of such servicemembers; providing conditions for eligibility; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 854** to **CS for HB 517**.

Pending further consideration of **SB 854** as amended, on motion by Senator Baker, by two-thirds vote **CS for HB 517** was withdrawn from the Committee on Military Affairs and Domestic Security.

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

**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.

—a companion measure, was substituted for **SB 854** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 517** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lawson, by two-thirds vote **HB 7197** was withdrawn from the Committee on Governmental Operations.

On motion by Senator Lawson—

**HB 7197**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding social security numbers and financial account numbers; amending s. 119.071, F.S., which provides a general exemption from inspection or copying of public records for social security numbers and bank account, debit, charge, and credit card numbers; reorganizing the exemption for social security numbers; providing definitions; revising reporting requirements; clarifying penalty provisions; making editorial changes; removing the scheduled repeal of the exemption under the Open Government Sunset Review Act; creating s. 119.0714, F.S., and renumbering and amending s. 119.07(6), F.S.; consolidating and revising current public records exemptions applicable to court files, court records, and official records; revising the date on which automatic redaction of social security numbers and financial account numbers by court clerks is required; amending s. 215.322, F.S.; eliminating a public records exemption for credit card account numbers in the possession of a state agency, a unit of local government, or the judicial branch; amending s. 119.07, F.S., to conform; providing an effective date.

—a companion measure, was substituted for **CS for SB 1468** and read the second time by title.

Pursuant to Rule 4.19, **HB 7197** was placed on the calendar of Bills on Third Reading.

By Senator Fasano—

**CS for SB 1736**—A bill to be entitled An act relating to state aid to public libraries; amending s. 257.172, F.S.; revising grant eligibility criteria for multicounty libraries; revising determination for and amount of base grants; amending s. 257.18, F.S.; revising eligibility criteria, calculation, and determination for equalization grants; limiting grants and grant amounts under specified conditions; amending s. 257.22, F.S.; removing a requirement for issuance of warrants to political subdivisions eligible for certain funding; amending s. 257.42, F.S.; removing a limit on the amount of a library cooperative grant; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1736** was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos—

**CS for SB 2700**—A bill to be entitled An act relating to community development districts; amending s. 190.003, F.S.; revising definitions relating to community development districts; amending s. 190.005, F.S.; specifying petition and filing fee requirements for the establishment of districts; specifying requirements for the adoption of certain rules by the Florida Land and Water Adjudicatory Commission; providing requirements for the establishment of districts located in multiple municipalities; amending s. 190.006, F.S.; revising provisions for determining certain voting units for landowners within a district; requiring districts to publish notice of qualifying periods for elections; providing procedures for filling district board vacancies; authorizing the board to appoint qualified electors to the board under certain circumstances; amending s. 190.007, F.S.; specifying that certain affiliations are not a conflict of interest for district board members, managers, and employees; amending s. 190.008, F.S.; revising timeframes and requirements for the preparation of proposed district budgets; amending s. 190.009, F.S.; requiring

the district to file disclosure documents and amendments relating to the public financing and maintenance of certain property in the property records of each county in which the district is located; amending s. 190.011, F.S.; revising statutory authorization for the enforcement of district assessments; amending s. 190.012, F.S.; revising district regulatory jurisdiction and permitting authority for certain public improvements and community facilities; authorizing the district to convey certain activities to utility providers; authorizing the district to adopt rules for enforcement of deed restrictions outside the district pursuant to an interlocal agreement; revising the requirements for the adoption of such rules; amending s. 190.014, F.S.; specifying that non-ad valorem assessments levied to pay interest on bond anticipation notes do not qualify as assessment installments; amending s. 190.021, F.S.; authorizing the use of combined notice of proposed assessments under certain circumstances; providing that assessments authorized under ch. 170, F.S., constitute liens and are subject to certain collection procedures; amending s. 190.026, F.S.; providing that foreclosure proceedings authorized under ch. 170, F.S., apply to certain district proceedings; amending s. 190.033, F.S.; providing for competitive solicitation; authorizing the district to proceed with purchasing under certain circumstances; amending s. 190.046, F.S.; revising provisions for termination, contraction, or expansion of districts; specifying payment of certain fees to counties and municipalities; providing limitations for the amendment of certain district boundaries; requiring the written consent of certain landowners; amending s. 190.047, F.S.; specifying the determination of population standards by the Department of Community Affairs for the purposes of incorporation or annexation of districts; requiring unincorporated areas to meet certain criteria for incorporation; requiring certain referenda to be held at general elections; providing effective dates.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 2700** to **CS for HB 1491**.

Pending further consideration of **CS for SB 2700** as amended, on motion by Senator Haridopolos, by two-thirds vote **CS for HB 1491** was withdrawn from the Committees on Community Affairs; and Finance and Tax.

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

**CS for HB 1491**—A bill to be entitled An act relating to community development districts; amending s. 190.003, F.S.; revising definitions relating to community development districts; amending s. 190.005, F.S.; specifying petition and filing fee requirements for the establishment of districts; specifying requirements for the adoption of certain rules by the Florida Land and Water Adjudicatory Commission; providing requirements for the establishment of districts located in multiple municipalities; amending s. 190.006, F.S.; revising provisions for determining certain voting units for landowners within a district; requiring districts to publish notice of qualifying periods for elections; providing procedures for filling district board vacancies; authorizing the board to appoint qualified electors to the board under certain circumstances; amending s. 190.007, F.S.; specifying that certain affiliations are not a conflict of interest for district board members, managers, and employees; amending s. 190.008, F.S.; revising timeframes and requirements for the preparation of proposed district budgets; amending s. 190.009, F.S.; requiring the district to file disclosure documents and amendments relating to the public financing and maintenance of certain property in the property records of each county in which the district is located; amending s. 190.011, F.S.; revising statutory authorization for the enforcement of district assessments; amending s. 190.012, F.S.; revising district regulatory jurisdiction and permitting authority for certain public improvements and community facilities; authorizing districts to request certain activities by local retail utility providers and to finance such activities; authorizing the district to adopt rules for enforcement of deed restrictions outside the district pursuant to an interlocal agreement; revising the requirements for the adoption of such rules; amending s. 190.014, F.S.; specifying that non-ad valorem assessments levied to pay interest on bond anticipation notes do not qualify as assessment installments; amending s. 190.021, F.S.; authorizing the use of combined notice of proposed assessments under certain circumstances; providing that assessments authorized under ch. 170, F.S., constitute liens and are subject to certain collection procedures; amending s. 190.026, F.S.; providing that foreclosure proceedings authorized under ch. 170, F.S., apply to certain district proceedings; amending s. 190.033, F.S.; providing for

competitive solicitation; authorizing the district to proceed with purchasing under certain circumstances; amending s. 190.047, F.S.; specifying the determination of population standards by the Department of Community Affairs for the purposes of incorporation or annexation of districts; requiring unincorporated areas to meet certain criteria for incorporation; requiring certain referenda to be held at general elections; providing effective dates.

—a companion measure, was substituted for **CS for SB 2700** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1491** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Haridopolos—

**CS for CS for SB 2754**—A bill to be entitled An act relating to agriculture; creating ss. 570.96-570.962, F.S., relating to agritourism; directing the Department of Agriculture and Consumer Services to assist specified entities in agritourism promotion and marketing initiatives; providing definitions; specifying the impact of agritourism participation on certain classifications; requiring local governments and agricultural representatives to meet and discuss specific issues related to agritourism; prescribing duties of the department with respect to the purchase and sale of horses; authorizing rules; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 2754** to **CS for HB 1427**.

Pending further consideration of **CS for CS for SB 2754** as amended, on motion by Senator Haridopolos, by two-thirds vote **CS for HB 1427** was withdrawn from the Committees on Agriculture; and Community Affairs.

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

**CS for HB 1427**—A bill to be entitled An act relating to agriculture; creating ss. 570.96-570.962, F.S., relating to agritourism; authorizing the Department of Agriculture and Consumer Services to assist specified entities in agritourism promotion and marketing initiatives; providing definitions; specifying the impact of agritourism participation on certain land classifications; requiring local governments and agricultural representatives to meet to discuss agritourism; prescribing duties of the Department of Agriculture and Consumer Services with respect to purchase and sale of horses; requiring rules; providing that provision does not apply to certain sales; creating s. 810.125, F.S.; limiting liability for injury to certain trespassers on agricultural property; amending s. 810.011, F.S.; revising the definition of “posted land” to provide an alternative method of posting; amending s. 810.10, F.S.; increasing criminal penalties for certain offenses relating to notices on posted land; amending s. 810.115, F.S.; increasing criminal penalties for certain offenses relating to breaking or injuring fences; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2754** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1427** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Margolis—

**CS for CS for SB 542**—A bill to be entitled An act relating to forensic mental health; creating the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program within the Department of Children and Family Services; providing for the purpose of the grant program; requiring the Substance Abuse and Mental Health Corporation to establish a statewide justice and mental health reinvestment grant review committee; providing for membership on the review committee; authorizing counties to apply for a planning grant or an implementation grant; requiring each county applying for a grant to have a planning council committee; providing for membership on the planning council or committee; requiring that all records and meetings be open to

the public; requiring the corporation, in collaboration with others, to develop criteria to be used in reviewing submitted applications and selecting counties to be awarded a planning or implementation grant; requiring counties to include certain specified information when submitting the grant application; prohibiting a county from using grant funds to supplant existing funding; creating the Criminal Justice, Mental Health, and Substance Abuse Technical Assistance Center; providing for certain functions to be performed by the technical assistance center; requiring the technical assistance center to submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by a specified date; specifying the information to be included in the annual report; limiting the administrative costs a county may charge to the grant funds; amending s. 394.655, F.S.; creating the Criminal Justice, Mental Health, and Substance Abuse Policy Council in the Florida Substance Abuse and Mental Health Corporation; providing for membership; providing for the purpose of the council; providing that implementation of the grant program is subject to a specific appropriation; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 542** to **CS for CS for HB 1477**.

Pending further consideration of **CS for CS for SB 542** as amended, on motion by Senator Margolis, by two-thirds vote **CS for CS for HB 1477** was withdrawn from the Committees on Children, Families, and Elder Affairs; and Criminal Justice.

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

**CS for CS for HB 1477**—A bill to be entitled An act relating to forensic mental health; creating the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program within the Department of Children and Family Services; providing for the purpose of the grant program; requiring the Florida Substance Abuse and Mental Health Corporation, Inc., to establish a statewide grant review committee; providing for membership on the review committee; authorizing counties to apply for a planning grant or an implementation or expansion grant; requiring each county applying for a grant to have a planning council or committee; providing for membership on the planning council or committee; requiring that all records and meetings be open to the public; requiring the corporation, in collaboration with others, to develop criteria to be used in reviewing submitted applications and selecting counties to be awarded a planning, implementation, or expansion grant; requiring counties to include certain specified information when submitting the grant application; prohibiting a county from using grant funds to supplant existing funding; creating the Criminal Justice, Mental Health, and Substance Abuse Technical Assistance Center; providing for certain functions to be performed by the technical assistance center; requiring the technical assistance center to submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by a specified date; specifying the information to be included in the annual report; limiting the administrative costs a county may charge to the grant funds; amending s. 394.655, F.S.; expanding the ex officio membership of the Substance Abuse and Mental Health Corporation; creating the Criminal Justice, Mental Health, and Substance Abuse Policy Council within the Florida Substance Abuse and Mental Health Corporation; providing for membership; providing for the purpose of the council; amending ss. 947.005 and 948.001, F.S.; redefining the term “qualified practitioner”; providing a contingent effective date.

—a companion measure, was substituted for **CS for CS for SB 542** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1477** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Argenziano, by two-thirds vote **HB 7159** was withdrawn from the Committee on Governmental Operations.

On motion by Senator Argenziano—

**HB 7159**—A bill to be entitled An act relating to a public records exemption for personal identifying information of Lifeline Assistance Plan participants; creating s. 364.107, F.S.; creating an exemption from

public records requirements for personal identifying information of a participant in a telecommunications carrier's Lifeline Assistance Plan held by the Public Service Commission; providing an exception; providing a penalty for intentional disclosure of confidential and exempt information by an officer or employee of a telecommunications carrier; providing for review and repeal; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 630** and read the second time by title.

Pursuant to Rule 4.19, **HB 7159** was placed on the calendar of Bills on Third Reading.

By Senator Constantine—

**CS for CS for SB 2136**—A bill to be entitled An act relating to education facilities; creating s. 1013.441, F.S.; establishing the Green Schools Pilot Project to enable selected school districts to comply with certain building-certification standards; defining the term “additional costs”; providing for an application and selection process for participation in the pilot project; providing requirements for school districts to participate; providing for evaluation criteria that may be used during the selection process; providing for the distribution of funds by the Department of Education; providing for prorated distribution of funds under specified circumstances; providing authority to distribute excess funds for specified purposes; requiring the reporting of expenditures by participating school districts; authorizing inspection and evaluation of the reports by the Auditor General; providing for the return of improperly expended funds and of specified funds if a constructed or renovated school fails to achieve specified certification standards; providing that appropriated funds do not revert to the General Revenue Fund; requiring a report by each participating school district; providing an appropriation; providing an effective date.

—was read the second time by title.

## MOTION

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

Senator Wise moved the following amendment which was adopted:

**Amendment 1 (350124)(with title amendment)**—On page 5, lines 7-27, delete those lines and insert:

(6) *Each participating school district shall deliver to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education a report on the effects Green Schools have had on student performance and health, operational costs, energy consumption, and the environment in the district. This report shall be submitted by July 1 of the year after a Green School has been in full operation for 3 years.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 25-28, delete those lines and insert: standards; requiring a report by each participating school district; providing

Pursuant to Rule 4.19, **CS for CS for SB 2136** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lawson, by two-thirds vote **HB 7193** was withdrawn from the Committee on Governmental Operations.

On motion by Senator Lawson—

**HB 7193**—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; creating an exemption from public records requirements for specified United States Census Bureau address information held by an agency; providing an exception to the exemption; authorizing access to other related confidential or exempt information; providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

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

Pursuant to Rule 4.19, **HB 7193** was placed on the calendar of Bills on Third Reading.

By Senator Bennett—

**CS for SB 2078**—A bill to be entitled An act relating to agency inspectors general; amending s. 20.055, F.S.; providing definitions; requiring agency inspectors general to comply with certain principles and standards; requiring an inspector general to submit findings of an audit to specified persons or entities; requiring agencies under the Governor to notify the Chief Inspector General of inspector general appointments and terminations; prohibiting agency staff from preventing or prohibiting the inspector general or director of auditing from initiating, carrying out, or completing any audit or investigation; requiring audits to be conducted in accordance with the current International Standards for the Professional Practice of Internal Auditing; requiring the inspector general of each state agency to report certain written complaints to the Chief Inspector General; requiring the Chief Inspector General to fulfill certain duties and responsibilities; requiring a state agency to reimburse legal fees and costs that are incurred by certain individuals and entities under certain conditions; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2078** was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders, by two-thirds vote **CS for HB 1489** was withdrawn from the Committees on Regulated Industries; and Governmental Operations.

On motion by Senator Saunders—

**CS for HB 1489**—A bill to be entitled An act relating to public project construction; amending s. 255.05, F.S.; providing additional requirements for payment and performance bonds; prohibiting conditioning certain bonds on performance of or payment for certain services; creating s. 255.103, F.S.; providing a definition; authorizing local governments to select construction-management or program-management entities to be responsible for certain construction project activities; providing requirements and authority for such entities; providing construction; amending s. 287.055, F.S.; requiring firms awarded certain design-build contracts to, subsequent to competitive negotiations, establish a guaranteed maximum price and guaranteed completion date; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2376** and read the second time by title.

Senator Saunders moved the following amendment which was adopted:

**Amendment 1 (535004)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Paragraph (c) is added to subsection (1) of section 255.05, Florida Statutes, to read:

255.05 Bond of contractor constructing public buildings; form; action by materialmen.—

(1)

(c)1. *The amount of the bond shall equal the contract price, except that for a contract in excess of \$250 million, if the state, county, municipality, political subdivision, or other public entity finds that a bond in the amount of the contract price is not reasonably available, the public owner shall set the amount of the bond at the largest amount reasonably available, but not less than \$250 million.*

2. *For a construction-management or design-build contracts, if the public owner does not include in the bond amount the cost of design or other nonconstruction services, the bond may not be conditioned on performance of such services or payment to persons furnishing such services.*

Notwithstanding paragraph (a), such a bond may exclude persons furnishing such services from the classes of persons protected by the bond.

Section 2. Section 255.103, Florida Statutes, is created to read:

255.103 Construction management or program management entities.—

(1) As used in this section, the term “local government” means a county, municipality, special district as defined in chapter 189, or other political subdivision of the state.

(2) A local government may select a construction management entity, pursuant to the process provided by s. 287.055, which is to be responsible for construction project scheduling and coordination in both preconstruction and construction phases and generally responsible for the successful, timely, and economical completion of the construction project. The construction management entity must consist of or contract with licensed or registered professionals for the specific fields or areas of construction to be performed, as required by law. The construction management entity may retain necessary design professionals selected under the process provided in s. 287.055. At the option of the local government, the construction management entity, after having been selected and after competitive negotiations, may be required to offer a guaranteed maximum price and a guaranteed completion date or a lump-sum price and a guaranteed completion date, in which case, the construction management entity must secure an appropriate surety bond pursuant to s. 255.05 and must hold construction subcontracts. If a project, as defined in s. 287.055(2)(f), solicited by a local government under the process provided in s. 287.055 includes a grouping of substantially similar construction, rehabilitation, or renovation activities as permitted under s. 287.055(2)(f), the local government, after competitive negotiations, may require the construction management entity to provide for a separate guaranteed maximum price or a separate lump-sum price and a separate guaranteed completion date for each grouping of substantially similar construction, rehabilitation, or renovation activities included within the project.

(3) A local government may select a program management entity, pursuant to the process provided by s. 287.055, which is to be responsible for schedule control, cost control, and coordination in providing or procuring planning, design, and construction services. The program management entity must consist of or contract with licensed or registered professionals for the specific areas of design or construction to be performed as required by law. The program management entity may retain necessary design professionals selected under the process provided in s. 287.055. At the option of the local government, the program management entity, after having been selected and after competitive negotiations, may be required to offer a guaranteed maximum price and a guaranteed completion date or a lump-sum price and guaranteed completion date, in which case the program management entity must secure an appropriate surety bond pursuant to s. 255.05 and must hold design and construction subcontracts. If a project, as defined in s. 287.055(2)(f), solicited by a local government under the process provided in s. 287.055 includes a grouping of substantially similar construction, rehabilitation, or renovation activities as permitted under s. 287.055(2)(f), the local government, after competitive negotiations, may require the program management entity to provide for a separate guaranteed maximum price or a lump-sum price and a separate guaranteed completion date for each grouping of substantially similar construction, rehabilitation, or renovation activities included within the project.

(4) This section does not prohibit a local government from procuring construction management services, including the services of a program management entity, pursuant to the requirements of s. 255.20.

Section 3. Paragraph (c) of subsection (9) of section 287.055, Florida Statutes, is amended to read:

287.055 Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties.—

(9) APPLICABILITY TO DESIGN-BUILD CONTRACTS.—

(c) Except as otherwise provided in s. 337.11(7), the Department of Management Services shall adopt rules for the award of design-build contracts to be followed by state agencies. Each other agency must adopt

rules or ordinances for the award of design-build contracts. Municipalities, political subdivisions, school districts, and school boards shall award design-build contracts by the use of a competitive proposal selection process as described in this subsection, or by the use of a qualifications-based selection process pursuant to subsections (3), (4), and (5) for entering into a contract whereby the selected firm will, subsequent to competitive negotiations, subsequently establish a guaranteed maximum price and guaranteed completion date. If the procuring agency elects the option of qualifications-based selection, during the selection of the design-build firm the procuring agency shall employ or retain a licensed design professional appropriate to the project to serve as the agency’s representative. Procedures for the use of a competitive proposal selection process must include as a minimum the following:

1. The preparation of a design criteria package for the design and construction of the public construction project.
2. The qualification and selection of no fewer than three design-build firms as the most qualified, based on the qualifications, availability, and past work of the firms, including the partners or members thereof.
3. The criteria, procedures, and standards for the evaluation of design-build contract proposals or bids, based on price, technical, and design aspects of the public construction project, weighted for the project.
4. The solicitation of competitive proposals, pursuant to a design criteria package, from those qualified design-build firms and the evaluation of the responses or bids submitted by those firms based on the evaluation criteria and procedures established prior to the solicitation of competitive proposals.
5. For consultation with the employed or retained design criteria professional concerning the evaluation of the responses or bids submitted by the design-build firms, the supervision or approval by the agency of the detailed working drawings of the project; and for evaluation of the compliance of the project construction with the design criteria package by the design criteria professional.
6. In the case of public emergencies, for the agency head to declare an emergency and authorize negotiations with the best qualified design-build firm available at that time.

Section 4. This act shall take effect July 1, 2007.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public project construction bonds; amending s. 255.05, F.S.; providing that the amount of a bond shall equal the contract price except under certain conditions; providing that a bond may not be conditioned on the performance of design or nonconstruction services if such services are not included in the bond amount; creating s. 255.103, F.S.; providing a definition; authorizing local governments to select construction-management or program-management entities to be responsible for certain construction project activities; providing requirements and authority for such entities; amending s. 287.055, F.S.; revising provisions relating to the award of design-build contracts for surveying or mapping services by certain governmental entities; providing an effective date.

Pursuant to Rule 4.19, CS for HB 1489 as amended was placed on the calendar of Bills on Third Reading.

By Senator Fasano—

CS for SB 1140—A bill to be entitled An act relating to driver improvement; amending s. 322.025, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to distribute safety awareness materials that do not include advertisements; providing that such materials include Official Florida Driver Handbooks; requiring that other governmental entities, including public schools, use the books provided by the department; providing an effective date.

—was read the second time by title.

**MOTION**

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

Senator Fasano moved the following amendment which was adopted:

**Amendment 1 (813474)**—On page 1, line 21, after “driver,” insert: *awareness*

Pursuant to Rule 4.19, **CS for SB 1140** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

**CS for SB 2702**—A bill to be entitled An act relating to insurance representatives; 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. 626.9611, F.S.; requiring that the department 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.

—which was previously considered and amended this day. Pending **Amendment 2 (611848)** by Senator Aronberg was adopted.

#### MOTION

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

Senator Aronberg moved the following amendment which was adopted:

**Amendment 3 (341594)(with title amendment)**—On page 2, between lines 5 and 6, insert:

Section 1. Paragraph (a) of subsection (7) of section 626.112, Florida Statutes, is amended to read:

626.112 License and appointment required; agents, customer representatives, adjusters, insurance agencies, service representatives, managing general agents.—

(7)(a) Effective October 1, 2006, no individual, firm, partnership, corporation, association, or any other entity shall act in its own name or under a trade name, directly or indirectly, as an insurance agency, unless it complies with s. 626.172 with respect to possessing an insurance agency license for each place of business at which it engages in any activity which may be performed only by a licensed insurance agent. Each agency engaged in business in this state before January 1, 2003, which is wholly owned by insurance agents currently licensed and appointed under this chapter, each incorporated agency whose voting shares are traded on a securities exchange, *each agency designated and subject to supervision and inspection as a branch office under the rules of the National Association of Securities Dealers*, and each agency whose primary function is offering insurance as a service or member benefit to members of a nonprofit corporation may file an application for registration in lieu of licensure in accordance with s. 626.172(3). Each agency engaged in business before October 1, 2006, shall file an application for licensure or registration on or before October 1, 2006.

1. If an agency is required to be licensed but fails to file an application for licensure in accordance with this section, the department shall impose on the agency an administrative penalty in an amount of up to \$10,000.

2. If an agency is eligible for registration but fails to file an application for registration or an application for licensure in accordance with

this section, the department shall impose on the agency an administrative penalty in an amount of up to \$5,000.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 626.112, F.S.; authorizing certain agencies designated as a branch office to file an application for registration in lieu of licensure;

Pending further consideration of **CS for SB 2702** as amended, on motion by Senator Aronberg, by two-thirds vote **CS for CS for HB 1381** was withdrawn from the Committee on Banking and Insurance.

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

**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.

—a companion measure, was substituted for **CS for SB 2702** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1381** was placed on the calendar of Bills on Third Reading.

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

### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 500, with amendment(s), and requests the concurrence of the Senate.

*William S. Pittman III*, Chief Clerk

**CS for CS for SB 500**—A bill to be entitled An act relating to bingo; providing a short title; amending s. 849.0931, F.S.; defining the terms “deal,” “flare,” and “instant bingo”; exempting instant bingo from specified prohibitions; providing requirements for the operation of instant bingo games; providing requirements for the use of proceeds and prize payout; providing requirements for the manufacture and sale of instant bingo tickets; providing penalties; reenacting ss. 718.114 and 723.079(8), F.S., relating to powers and duties of condominium and homeowners’ associations, to incorporate the amendment to s. 849.0931, F.S., in references thereto; providing an effective date.

**House Amendment 1 (876249)—**

On page 3, line 10, remove all of said line and insert: *played at the same location as bingo, using tickets by which a player wins a prize by opening*

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

**CS for CS for SB 500** passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—29

Mr. President	Dockery	Margolis
Alexander	Geller	Oelrich
Argenziano	Haridopolos	Posey
Aronberg	Hill	Rich
Atwater	Jones	Ring
Bennett	Joyner	Saunders
Bullard	Justice	Siplin
Crist	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	

Nays—6

Baker	Fasano	Peaden
Carlton	Gaetz	Storms

Vote after roll call:

Nay—Constantine, Webster

Yea to Nay—Wise

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed SB 1760, with amendment(s), and requests the concurrence of the Senate.

*William S. Pittman III*, Chief Clerk

**SB 1760**—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; authorizing a custodian of public records to designate another officer or employee of the agency to permit the inspection and copying of public records; requiring that the designee be identified; requiring custodians of public records and their designees to respond to requests to inspect and copy public records promptly and in good faith; amending ss. 497.140, 627.311, and 627.351, F.S.; conforming cross-references; providing an effective date.

**House Amendment 1 (327417)—**

On page 2, line 8 through page 3 line 22, remove all of said lines and insert:

(d)(b) A person who has custody of a public record who asserts that an exemption applies to a part of such record shall redact that portion of the record to which an exemption has been asserted and validly applies, and such person shall produce the remainder of such record for inspection and copying.

(e)(e) If the person who has custody of a public record contends that all or part of the record is exempt from inspection and copying, he or she shall state the basis of the exemption that he or she contends is applicable to the record, including the statutory citation to an exemption created or afforded by statute.

(f)(d) If requested by the person seeking to inspect or copy the record, the custodian of public records shall state in writing and with particularity the reasons for the conclusion that the record is exempt or confidential.

(g)(e) In any civil action in which an exemption to this section is asserted, if the exemption is alleged to exist under or by virtue of s. 119.071(1)(d) or (f), (2)(d),(e), or (f), or (4)(c), the public record or part

thereof in question shall be submitted to the court for an inspection in camera. If an exemption is alleged to exist under or by virtue of s. 119.071(2)(c), an inspection in camera is discretionary with the court. If the court finds that the asserted exemption is not applicable, it shall order the public record or part thereof in question to be immediately produced for inspection or copying as requested by the person seeking such access.

(h)(f) Even if an assertion is made by the custodian of public records that a requested record is not a public record subject to public inspection or copying under this subsection, the requested record shall, nevertheless, not be disposed of for a period of 30 days after the date on which a written request to inspect or copy the record was served on or otherwise made to the custodian of public records by the person seeking access to the record. If a civil action is instituted within the 30-day period to enforce the provisions of this section with respect to the requested record, the custodian of public records may not dispose of the record except by order of a court of competent jurisdiction after notice to all affected parties.

(i)(g) The absence of a civil action instituted for the purpose stated in paragraph (g)(e) does not relieve the

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

**SB 1760** passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	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	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	

Nays—None

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1824, with amendment(s), and requests the concurrence of the Senate.

*William S. Pittman III*, Chief Clerk

**CS for CS for SB 1824**—A bill to be entitled An act relating to mortgage brokering and lending; amending s. 494.001, F.S.; revising definitions; amending s. 494.0014, F.S.; authorizing the Office of Financial Regulation to impose fines; amending s. 494.0029, F.S.; authorizing the office to take certain adverse actions on permits of certain mortgage business schools; providing additional requirements for such schools; amending s. 494.00295, F.S.; providing an additional professional continuing education requirement; authorizing the office to offer professional continuing education programs; specifying requirements for electronically transmitted and distance education courses; amending s. 494.0033, F.S.; revising mortgage broker license applicant requirements; authorizing an additional fee for reviewing mortgage broker's license tests; providing for review of the testing process; amending s. 494.0038, F.S.; providing additional disclosure requirements for mortgage brokerage businesses; amending s. 494.004, F.S.; specifying an additional notification requirement for mortgage broker licensees; authorizing a borrower to waive notification under certain circumstances; providing waiver requirements; amending s. 494.0041, F.S.; specifying additional acts constituting grounds for certain disciplinary actions; providing for fines and penalties; amending s. 494.0064, F.S.; providing additional requirements for renewals of mortgage lender's licenses;

amending s. 494.0067, F.S.; providing additional requirements for mortgage lender licensees; providing disclosure and notification requirements; authorizing a borrower to waive notification under certain circumstances; providing waiver requirements; amending s. 494.0072, F.S.; specifying additional acts constituting grounds for certain disciplinary actions; providing fines and penalties; amending s. 494.0073, F.S.; providing for application of certain provisions to mortgage brokerage businesses; providing for adoption of rules by the Financial Services Commission; creating s. 817.545, F.S.; defining the term "mortgage lending process"; specifying the elements of the offense of mortgage fraud; providing for venue with respect to the committed offense; providing that a person who commits the offense of mortgage fraud commits a felony of the third degree; providing criminal penalties; providing an effective date.

**House Amendment 1 (654819)—**

And the title is amended as follows:

On page 1, lines 2 and 3, remove all of said lines and insert:

An act relating to mortgages; amending s. 494.001, F.S.; revising

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

**CS for CS for SB 1824** passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	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	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	

Nays—None

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1972, with amendment(s), and requests the concurrence of the Senate.

*William S. Pittman III*, Chief Clerk

**CS for CS for SB 1972**—A bill to be entitled An act relating to the leasing of private property by state agencies; amending s. 255.248, F.S.; defining terms; amending s. 255.249, F.S.; requiring the Department of Management Services to develop a strategic leasing plan; removing the expiration of provisions requiring that the department annually submit a master leasing report to the Governor and the Legislature concerning leases that are due to expire and amendments and supplements to and waivers of the terms and conditions of lease agreements; requiring state agencies to provide information concerning space needs to the Department of Management Services; requiring that the Department of Management Services adopt rules for soliciting and accepting competitive solicitations for certain leased space, for exempting the lease of care and living space or emergency space from competitive-solicitation requirements, for securing at least three quotes for a lease that is not required to be competitively solicited and for providing information regarding space needs to the Department of Management Services; removing the expiration of provisions requiring that specified clauses, which may not be amended, supplemented, or waived, be included in the terms and conditions of a lease; authorizing the Department of Management Services to contract for services in carrying out the strategic leasing plan; amending s. 255.25, F.S.; requiring state agencies to consult with the

Department of Management Services concerning use of space; removing the expiration of provisions requiring that the department approve the terms of a lease by a state agency; requiring an analysis if the department approves an amendment or supplement to or waiver of a term or condition of a lease agreement; prohibiting a state agency from entering into certain leases of space in a privately owned building except upon advertisement for and receipt of competitive solicitations; providing exceptions; providing requirements for the use of invitations to bid, requests for proposals, and invitations to negotiate; providing criteria for awarding contracts; providing criteria for protesting an agency decision or intended decision pertaining to a competitive solicitation for leased space; providing criteria for the Department of Management Services to use when determining the state's best interest and when approving leases of 5,000 square feet or more; authorizing state agencies to use the services of a tenant broker under specified circumstances; authorizing the Department of Management Services to procure a state term contract for real estate consulting and brokerage services; removing the expiration of provisions providing legislative intent with respect to the use of state-owned buildings; requiring that the department create a plan for fully using such buildings before leasing private buildings; requiring an annual report to the Legislature and the Governor; providing an effective date.

**Substitute House Amendment 1 (920051)(with title amendment)—**

On page 20, following line 31, insert:

Section 4. *Recognizing that a term contract consistent with the requirements of ss. 255.25(3) and 255.249(6), Florida Statutes, cannot be competitively established prior to July 1, 2007, and notwithstanding any provision of law to the contrary, between July 1, 2007 and October 15, 2007, with the prior written approval of the Department of Management Services, an agency may use the services of a tenant broker currently under contract with the department notwithstanding that such contract was procured prior to March 1, 2007. After July 1, 2007, funds generated through the payment of commissions by third-party landlords shall be deposited into a trust fund of the Department of Management Services and distributed to the tenant broker through the appropriations process provided for in s. 255.249(6), Florida Statutes, or other provision of law. This section shall not be construed to abrogate any existing contract between the department and a tenant broker, and is intended to clarify the procedure for payment to the tenant broker, for commissions earned through successfully completed transactions under a contract procured prior to March 1, 2007.*

And the title is amended as follows:

On page 3, line 4, remove all of said line and insert: to the Legislature and the Governor; providing the procedure for payment of the tenant broker for commission earned; providing

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

**CS for CS for SB 1972** passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	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	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	

Nays—None

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motion by Senator Dockery, by two-thirds vote **CS for CS for SB 1030** was withdrawn from the Committee on Criminal and Civil Justice Appropriations.

On motion by Senator Saunders, by two-thirds vote **CS for SB 1744** was withdrawn from the Committee on General Government Appropriations; **CS for CS for SB 2746** was withdrawn from the Committee on Education Pre-K - 12 Appropriations; and **SB 1568** was withdrawn from the Committee on Higher Education Appropriations.

On motion by Senator Constantine, by two-thirds vote **CS for SB 1164** was withdrawn from the Committee on Regulated Industries.

**MOTIONS**

On motion by Senator Wilson, a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Wednesday, May 2.

On motion by Senator Wilson, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Wednesday, May 2.

**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 Tuesday, May 1, 2007: CS for SB 594, CS for SB 2702, CS for CS for SB 1850, SB 2782, CS for SB 1182, CS for SB 2200, SB 2202, CS for SB 2484, CS for SB 2498, SB 566, SB 854, CS for SB 1468, CS for SB 1736, CS for SB 2700, CS for CS for SB 2754, CS for CS for SB 542, CS for SB 630, CS for CS for SB 2136, CS for SB 632, CS for SB 2078, CS for CS for SB 2376, CS for SB 1140

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

**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 HB 199, HB 775, CS for HB 777, HB 779, CS for HB 781, HB 783, HB 785, CS for HB 845, HB 913, HB 937, HB 983, CS for HB 993, CS for CS for HB 995, CS for HB 1029, CS for HB 1077, HB 1095, CS for HB 1097, HB 1133, HB 1153, HB 1157, HB 1175, HB 1249, HB 1293, CS for HB 1387, CS for HB 1391, HB 1393, CS for HB 1395, HB 1397, HB 1407, HB 1411, CS for HB 1413, CS for HB 1415, CS for CS for HB 1477, CS for HB 1515, CS for HB 1517, HB 1519, HB 1533, CS for HB 1535, CS for HB 1577, CS for CS for HB 1579, CS for HB 1585, HB 1601, CS for HB 1603, CS for HB 1605, HB 1607, HB 1609, HB 1611, HB 1613, HB 7165; has passed as amended CS for HB 511, HB 1099, HB 1137, CS for HB 1163, CS for HB 1177, CS for HB 1277, CS for HB 1427, CS for HB 1491, HB 1589, HB 1617, HB 7183 and requests the concurrence of the Senate.

*William S. Pittman III*, Chief Clerk

By Representative Bean—

**HB 199**—A bill to be entitled An act relating to Nassau County; amending chapter 81-440, Laws of Florida; revising the limit on the number of beverage licenses that may be issued in Nassau County and in municipalities in Nassau County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative Vana—

**HB 775**—A bill to be entitled An act relating to the Town of Loxahatchee Groves, Palm Beach County; amending chapter 2006-328, Laws of Florida; revising the legal description for the Town of Loxahatchee Groves; revising the applicability of Palm Beach County ordinances within the Town of Loxahatchee Groves; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By the Government Efficiency and Accountability Council; and Representative Troutman—

**CS for HB 777**—A bill to be entitled An act relating to Polk County; providing definitions; providing for creation of the Polk Transit Authority; providing purpose; providing for charter amendments; providing boundaries; providing for a board of directors; providing membership, powers, functions, and duties of the board; providing powers, functions, and duties of the authority; providing authority to levy ad valorem taxes and non-ad valorem assessments; providing for the authority's fiscal year; providing for the deposit of authority funds; authorizing the authority to borrow money; providing for bonds; providing for use of authority funds; authorizing the board to adopt policies and regulations; providing for powers, duties, rights, obligations, immunities, and addition of lands to the Lakeland Area Mass Transit District; providing for liberal construction; providing severability; requiring a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative Frishe—

**HB 779**—A bill to be entitled An act relating to the Town of Belleair Shore, Pinellas County; amending chapter 67-1107, Laws of Florida; authorizing the Town Commission of the Town of Belleair Shore to hold regular and special meetings outside the jurisdictional limits of the town as prescribed by ordinance, resolution, or interlocal agreement; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By the Government Efficiency and Accountability Council; and Representative Anderson and others—

**CS for HB 781**—A bill to be entitled An act relating to the licensing and regulating of children's centers and family day care homes in Pinellas County; amending chapter 61-2681, Laws of Florida, as amended; redefining the terms "children's center" and "family day care home"; authorizing the provision of child care for a period longer than otherwise authorized for a child whose parent or legal guardian works a shift of 24 hours or more; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative Seiler and others—

**HB 783**—A bill to be entitled An act relating to Broward County; requiring the board of county commissioners to appoint the clerk of courts to the Broward County Public Safety Coordinating Council; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative Seiler and others—

**HB 785**—A bill to be entitled An act relating to the Town of Lauderdale-By-The-Sea and the Village of Sea Ranch Lakes, Broward County; amending chapter 2004-446, Laws of Florida; clarifying and delineating the corporate limits of the Town of Lauderdale-By-The-Sea and the Village of Sea Ranch Lakes to include specified lands within said corporate limits; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

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By the Government Efficiency and Accountability Council; and Representative Reagan—

**CS for HB 845**—A bill to be entitled An act relating to the North River Fire District, Manatee County; codifying, amending, and reenacting special acts relating to the district; providing boundaries; providing for a board of fire commissioners; providing for elections; providing for filling of vacancies; providing authority to levy non-ad valorem assessments; providing for liens; providing for public hearings; providing for deposit of funds; providing for use of funds; providing borrowing power of the district; providing authority and power to acquire certain property; providing duties of the board of fire commissioners; providing authority to employ qualified personnel; providing for financial reporting; providing for existence of the district; providing definitions; providing for impact fees; providing a schedule of non-ad valorem assessments; providing severability; providing for liberal construction; repealing chapters 89-502, 91-406, and 96-452, Laws of Florida, relating to the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

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By Representative Domino—

**HB 913**—A bill to be entitled An act relating to the Loxahatchee River Environmental Control District, Palm Beach County; amending chapter 2002-358, Laws of Florida; correcting a provision for the election of a board member from area five; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

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By Representative Galvano—

**HB 937**—A bill to be entitled An act relating to the West Manatee Fire and Rescue District, Manatee County; amending chapter 2000-401, Laws of Florida; conforming the district's charter to chapter 191, Florida Statutes, relating to impact fees; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

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By the Government Efficiency and Accountability Council; and Representative Reagan—

**HB 983**—A bill to be entitled An act relating to the Cedar Hammock Fire Control District and Whitfield Fire Control District in Manatee County; amending chapter 2000-391, Laws of Florida; merging the Whitfield Fire Control District into the Cedar Hammock Fire Control District; amending the boundary of the Cedar Hammock Fire Control District to include all lands within the Whitfield Fire Control District; granting the Cedar Hammock Fire Control District authority to provide fire control and emergency medical services; granting the Cedar Hammock Fire Control District authority to levy taxes, assessments, and fees and administer fire rescue services within the district's amended boundary; providing for the terms of office of the transitional governing board

of the combined district; repealing chapters 67-914, 77-599, 84-474, 85-449, 88-547, 91-416, 95-460, and 96-453, Laws of Florida, relating to the Whitfield Fire Control District; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

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By the Government Efficiency and Accountability Council; and Representative Evers and others—

**CS for HB 993**—A bill to be entitled An act relating to Escambia County; repealing chapters 57-1291 and 2002-379, Laws of Florida, relating to the requirement to enclose clay pits and all depressions of a certain depth upon lands in the county; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

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By the Policy and Budget Council; Government Efficiency and Accountability Council; and Representative Evers—

**CS for CS for HB 995**—A bill to be entitled An act relating to the Holt Fire District, Okaloosa County; providing intent; re-creating and providing a charter for the district; providing district boundaries; providing purposes; providing definitions; providing for the election of a district board of commissioners; providing for terms of office; providing for officers and meetings of the board; providing for commissioners' compensation and expenses; requiring a bond; providing for records; providing general and special powers of the district; exempting district assets and property from taxation; providing requirements and procedures for the levy of ad valorem taxes, non-ad valorem assessments, user charges, and impact fees; providing for referenda; providing for enforcement; providing for requirements and procedures for the issuance of bonds; providing for expansion and merger of the district boundaries; providing severability; providing for conflicts; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

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By the Government Efficiency and Accountability Council; and Representative Seiler—

**CS for HB 1029**—A bill to be entitled An act relating to the North Springs Improvement District, Broward County; amending chapter 2005-341, Laws of Florida; providing a definition; providing for popular election of the board of supervisors; revising the compensation for members of the board of supervisors; increasing the minimum contract bid amount and providing additional requirements for procurement of goods or services; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

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By the Government Efficiency and Accountability Council; and Representative Saunders—

**CS for HB 1077**—A bill to be entitled An act relating to the City of Key West, Monroe County; amending chapter 69-1191, Laws of Florida; changing the name of the City Electric System to "Keys Energy Services"; revising the term for the board member representing group I; providing for selection of the chairperson; revising requirements and the time allowed for the filling of a vacancy; providing that the board does not need certain approval for the issuing of bonds; removing certain residency requirements for senior citizen and disabled veteran discounts; removing a surety requirement for contractors improving or repairing the electric system; providing that the board may accept the lowest cost or best bid for construction projects; providing the public notice requirements before a sealed bid may be opened; providing that

terms of a renewed or extended contract must be satisfactory to the board; providing that a contract or extended or renewed contract must be executed within 24 months prior to the proposed purchase of commodities or services by the board; providing for surplus property; providing for disposition of assets of the utility; providing that the board shall adopt resolutions setting certain reimbursements; revising the appraisal requirements necessary for the utility board to purchase land; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative Attkisson—

**HB 1095**—A bill to be entitled An act relating to the Tohopekaliga Water Authority, Osceola County; amending chapter 2003-368, Laws of Florida; providing for additional board members to be appointed pursuant to an interlocal agreement with the authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By the Government Efficiency and Accountability Council; and Representative Long—

**CS for HB 1097**—A bill to be entitled An act relating to the Lealman Special Fire Control District, Pinellas County; creating a task force to review provisions governing authority over district lands annexed by municipalities or other fire control districts; providing for membership and meetings of the task force; requiring the hiring of a professional facilitator; requiring a report; amending chapter 2000-426, Laws of Florida, as amended, to defer the future repeal of provisions granting the district taxing, enforcement, and service-providing authority over district lands annexed by municipalities or other fire control districts; repealing sections 3 and 4 of chapter 2002-352, Laws of Florida, to conform; providing effective dates.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative Kendrick—

**HB 1133**—A bill to be entitled An act relating to Levy County; providing for career service for members of the Levy County Sheriff's Office; providing for application of the act, career status of members, and administration; providing for a procedure with respect to complaints against members; providing for appeals; providing for certain protections during the transition of a new Sheriff; providing for a Career Service Appeal Board; providing for status as career members; providing that the board is not governed by the Administrative Procedure Act; prohibiting certain actions to circumvent the act; providing for exclusions; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative Glorioso and others—

**HB 1153**—A bill to be entitled An act relating to the Hillsborough County Aviation Authority; amending chapter 2003-370, Laws of Florida, relating to the award of contracts; increasing the minimum amount at which certain contracts are subject to competitive bidding or require sureties; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative Poppell—

**HB 1157**—A bill to be entitled An act relating to the Barefoot Bay Recreation District, Brevard County; authorizing an amendment to the district charter, subject to approval by a vote of the electors of the district, to decrease the number of members of the board of trustees of the district; authorizing an amendment to the charter, subject to approval by a vote of the electors of the district, to allow an increase in the minimum cost price or consideration of contracts involving the acquisition of real or tangible personal property that would require a two-thirds vote of district trustees and a referendum election; providing exceptions to general law; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative Saunders—

**HB 1175**—A bill to be entitled An act relating to the Upper Florida Keys Hospital District, Monroe County; repealing chapter 69-1323, Laws of Florida, which created the district; abolishing the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative Machek—

**HB 1249**—A bill to be entitled An act relating to the Hobe-St. Lucie Conservancy District, Martin County; amending chapter 2005-339, Laws of Florida; correcting the legal description of the boundaries of the district; revising requirements for membership on the board of supervisors; clarifying applicability of general law; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative Glorioso and others—

**HB 1293**—A bill to be entitled An act relating to Hillsborough County; amending chapter 2001-299, Laws of Florida; granting the Hillsborough County Public Transportation Commission rulemaking authority regarding the availability of certain public vehicles for individuals with mobility impairments; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By the Government Efficiency and Accountability Council; and Representative Poppell—

**CS for HB 1387**—A bill to be entitled An act relating to the St Johns Water Control District, Indian River County; codifying, amending, reenacting, and repealing a special act relating to St. Johns Water Control District, a special tax district; providing that the name of the district shall be the St. Johns Improvement District; providing for legislative intent; providing for applicability of chapter 298, F.S., and other general laws; providing additional authority relating to the provision of public infrastructure, services, assessment, levy, and collection of taxes, non-ad valorem assessments and fees, public finance, and district operations; providing powers of the district; providing for compliance with county plans and regulations; providing for election of a board of supervisors; providing for organization, powers, duties, terms of office, and compensation of the board; providing for levy of non-ad valorem assessments; providing for costs; providing for collection, enforcement, and penalties; providing for issuance of revenue bonds, assessment bonds, and bond anticipation notes; providing a district charter; repealing chapter 2006-342, Laws of Florida, relating to the district; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

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By the Government Efficiency and Accountability Council; and Representative Seiler—

**CS for HB 1391**—A bill to be entitled An act relating to the North Broward Hospital District, Broward County; amending chapter 2006-347, Laws of Florida; providing for a President/Chief Executive Officer and providing powers of such officer; providing legislative findings; providing for a noninterference clause; providing for malfeasance; providing for rules of procedures; providing for a code of conduct and ethics; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

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By Representative Brandenburg—

**HB 1393**—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending chapter 24981, Laws of Florida, 1947, as amended; revising provisions relating to the West Palm Beach Firefighters Pension Fund; revising definition of the term “salary”; removing provisions for lump-sum payments of small retirement income; revising provisions relating to the purchase of permissive service; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

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By the Government Efficiency and Accountability Council; and Representative Seiler—

**CS for HB 1395**—A bill to be entitled An act relating to the Coral Springs Improvement District, Broward County; amending chapter 2004-469, Laws of Florida; providing a definition; providing for popular election of the board of supervisors; increasing the amount of monthly compensation for members of the board of supervisors; increasing the minimum contract bid amount and providing additional requirements for procurement of goods or services; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

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By Representative Ambler and others—

**HB 1397**—A bill to be entitled An act relating to the Hillsborough County Civil Service Board; amending chapter 2000-445, Laws of Florida; providing a definition; adding a class of employment exempt from the classified service; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

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By Representative Kriseman and others—

**HB 1407**—A bill to be entitled An act relating to the City of St. Petersburg, Pinellas County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue up to a specified number of temporary permits to a nonprofit civic organization to sell alcoholic beverages for consumption on the premises at outdoor events on public right-of-way in the downtown area of St. Petersburg; providing that such events require a street-closure permit from the City of St. Petersburg; providing that the permits authorized by the act are in addition to certain other authorized temporary permits; requiring the nonprofit civic organization to comply

with certain statutory requirements in obtaining the permits authorized by the act; requiring the division to adopt rules; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

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By Representative Traviesa and others—

**HB 1411**—A bill to be entitled An act relating to Hillsborough County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue an alcoholic beverage license to Tampa Bay History Center, Inc., for use within the Tampa Bay History Center building and grounds; providing the license may be used for special events only; providing for payment of the license fee; providing for sale of beverages for consumption within the Tampa Bay History Center building and grounds; providing for removal from the premises of partially consumed, open containers; providing for transfer of the license; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

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By the Government Efficiency and Accountability Council; and Representative Ambler and others—

**CS for HB 1413**—A bill to be entitled An act relating to the City Pension Fund for Firefighters and Police Officers in the City of Tampa, Hillsborough County; authorizing the City of Tampa to enter into a supplemental contract with certain firefighters and police officers to revise the 13th Check Program funding; providing that the act is contingent upon execution of a contract between the city and the bargaining agents for the firefighters and police officers; providing for the execution of certain supplemental contract provisions by a date certain or forever barring the receipt of benefits therein provided; confirming in part the City of Tampa Firefighters and Police Officers Contract; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

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By the Government Efficiency and Accountability Council; and Representative Nelson—

**CS for HB 1415**—A bill to be entitled An act relating to the West Orange Airport Authority, Orange County; amending chapter 99-482, Laws of Florida; amending the boundaries of the West Orange Airport Authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

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

**CS for CS for HB 1477**—A bill to be entitled An act relating to forensic mental health; creating the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program within the Department of Children and Family Services; providing for the purpose of the grant program; requiring the Florida Substance Abuse and Mental Health Corporation, Inc., to establish a statewide grant review committee; providing for membership on the review committee; authorizing counties to apply for a planning grant or an implementation or expansion grant; requiring each county applying for a grant to have a planning council or committee; providing for membership on the planning council or committee; requiring that all records and meetings be open to the public; requiring the corporation, in collaboration with others, to develop criteria to be used in reviewing submitted applications and selecting

counties to be awarded a planning, implementation, or expansion grant; requiring counties to include certain specified information when submitting the grant application; prohibiting a county from using grant funds to supplant existing funding; creating the Criminal Justice, Mental Health, and Substance Abuse Technical Assistance Center; providing for certain functions to be performed by the technical assistance center; requiring the technical assistance center to submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by a specified date; specifying the information to be included in the annual report; limiting the administrative costs a county may charge to the grant funds; amending s. 394.655, F.S.; expanding the ex officio membership of the Substance Abuse and Mental Health Corporation; creating the Criminal Justice, Mental Health, and Substance Abuse Policy Council within the Florida Substance Abuse and Mental Health Corporation; providing for membership; providing for the purpose of the council; amending ss. 947.005 and 948.001, F.S.; redefining the term "qualified practitioner"; providing a contingent effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; and Criminal Justice.

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By the Government Efficiency and Accountability Council; and Representative Grant—

**CS for HB 1515**—A bill to be entitled An act relating to Charlotte County; creating the Babcock Ranch Community Independent Special District; providing a short title; providing legislative findings and intent; providing definitions; stating legislative policy regarding creation of the district; establishing compliance with minimum requirements in s. 189.404(3), F.S., for creation of an independent special district; providing for creation and establishment of the district; establishing the legal boundaries of the district; providing for the jurisdiction and charter of the district; providing for a governing board and establishing membership criteria and election procedures; providing for board members' terms of office; providing for board meetings; providing for administrative duties of the board; providing a method for transition of the board from landowner control to control by the resident electors of the district; providing for a district manager and district personnel; providing for a district treasurer, selection of a public depository, and district budgets and financial reports; providing for the general powers of the district; providing for the special powers of the district to plan, finance, and provide community infrastructure and services within the district; providing for bonds; providing for borrowing; providing for future ad valorem taxation; providing for special assessments; providing for issuance of certificates of indebtedness; providing for tax liens; providing for competitive procurement; providing for fees and charges; providing for amendment to charter; providing for required notices to purchasers of residential units within the district; defining district public property; providing severability; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

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By the Government Efficiency and Accountability Council; and Representative Grant—

**CS for HB 1517**—A bill to be entitled An act relating to the North Port Orange Hammock Improvement District, City of North Port, Sarasota County; providing a short title; providing an exception to general law; providing a district charter; creating an independent special district; providing district boundaries; providing for charter amendment; providing powers, functions, and duties; providing for a governing board, elections, qualifications, terms of office, removal from office, and filling of vacancies; providing for election of a chair, vice chair, and secretary-treasurer; providing a quorum; providing requirements for meetings and notice; providing requirements for reports, budgets, and audits; providing for liberal construction; authorizing the levy of non-ad valorem assessments; specifying method of collection and enforcement of non-ad valorem assessments; authorizing property appraiser's and tax collector's fees or commissions; providing for collection and enforcement of fees, costs, and expenses; providing for issuance of revenue bonds, assessment bonds, bond anticipation notes, and general obligation bonds; providing boundaries; providing for the applicability of provisions of

chapters 189 and 298, Florida Statutes, and other general laws; providing for the board's limited power of eminent domain; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

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By Representative Grant—

**HB 1519**—A bill to be entitled An act relating to the West Villages Improvement District, Sarasota County; amending chapter 2004-456, Laws of Florida, as amended; revising conditions and requirements for the exercise of the district's powers, functions, and duties relating to the acquisition of fee simple title to real property; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

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By Representative Seiler—

**HB 1533**—A bill to be entitled An act relating to the South Broward Drainage District, Broward County; amending chapter 98-524, Laws of Florida, as amended; providing for changing designation of supervisors to commissioners; deleting reference to landowner meetings; providing for notice and call of emergency meetings of the board; amending the amount for which advertisement for bids is required for the procurement by the district of contractual services and the purchase of goods, supplies, and materials to comply with general law; clarifying the terms of office for commissioners; revising the events that will result in a revision of the boundaries of the commission zones; redesignating the office of president of the board to chairperson of the board; creating the office of vice chairperson of the board; providing for a designation of who shall preside at meetings of the board; providing for election of officers of the board; clarifying the commission zones that will be up for election for 2008, 2010, and subsequent years; revising inconsistent provisions; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

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By the Government Efficiency and Accountability Council; and Representative Mayfield—

**CS for HB 1535**—A bill to be entitled An act relating to the Sebastian River Drainage District, Indian River County; codifying, amending, and reenacting special acts relating to the district; renaming the district as the Sebastian River Improvement District; providing purposes of the district; providing boundaries; providing for applicability of ch. 298, F.S.; providing powers of the district; providing for compliance with county plans and regulations; providing for the election of a board of supervisors; providing for organization, powers, duties, terms of office, and compensation of the board; providing for meetings; providing for compensation of certain county officers under certain circumstances; providing for the levy of non-ad valorem assessments; providing for costs; providing for collection, enforcement, and penalties; providing for issuance of revenue bonds, assessment bonds, and bond anticipation notes; providing severability; repealing chapters 12258 (1927), 20478 (1941), 57-1109, 59-768, 63-820, 65-809, and 70-739, Laws of Florida, relating to the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

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By the Government Efficiency and Accountability Council; and Representative Mayfield—

**CS for HB 1577**—A bill to be entitled An act relating to Brevard County; authorizing Brevard County to cap, through a provision in its

charter, the annual growth in ad valorem tax revenue; providing for exceptions to the limitation; requiring a referendum; providing a ballot statement; providing a definition; providing an effective date.

—was referred to the Committee on Rules.

By the Policy and Budget Council; Government Efficiency and Accountability Council; and Representative Brown—

**CS for CS for HB 1579**—A bill to be entitled An act relating to the North Okaloosa Fire District, Okaloosa County; chapter 2001-333, Laws of Florida, as amended; authorizing the elected board of commissioners to levy and assess ad valorem taxes and non-ad valorem assessments on all taxable property in the district; providing for procedures for the levy and collection of non-ad valorem assessments; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By the Government Efficiency and Accountability Council; and Representative Hooper—

**CS for HB 1585**—A bill to be entitled An act relating to the City of Clearwater, Pinellas County; ratifying certain uses of property granted to the city by the state which were authorized by the city; providing that certain uses of such property are consistent with a grant made by the state; providing for limited private use of certain undeveloped submerged portions of the property if the city received an application on or before December 31, 2006, and determines that the use is consistent with the laws governing the management of sovereignty submerged lands by the Board of Trustees of the Internal Improvement Trust Fund; providing for a referendum for certain changes of use; requiring the city to use revenues from any such limited private use to fund certain water-related activities; providing for a right of reverter in the Board of Trustees of the Internal Improvement Trust Fund; providing that the act does not modify or supersede the city's charter referendum requirement for use of waterfront property owned by the city; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative Ford and others—

**HB 1601**—A bill to be entitled An act relating to the General Pension and Retirement Fund of the City of Pensacola, Escambia County; repealing chapters 99-474, 2000-470, and 2003-338, Laws of Florida, the codification of the act creating the fund and subsequent amendatory acts thereto; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By the Government Efficiency and Accountability Council; and Representative Ford and others—

**CS for HB 1603**—A bill to be entitled An act relating to the City of Pensacola; repealing s. 94 of chapter 15425 (1931) and chapters 18779 (1937), 24802 (1947), 24806 (1947), 26462 (1949), 31159 (1955), 57-1717, 57-1721, 71-845, 73-590, and 73-592, Laws of Florida, to abolish obsolete city charter and related special act provisions relating to the acceptance of gifts, extraterritorial industrial plant projects, work periods for firefighters and police officers, transportation for hire, gas and petroleum tax, honorary mayor, annexed districts, transportation regulation, and employee group insurance; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By the Government Efficiency and Accountability Council; and Representative Grimsley—

**CS for HB 1605**—A bill to be entitled An act relating to the Central County Water Control District, Hendry County; amending chapter 2000-415, Laws of Florida; revising election provisions for members of the board of supervisors; providing membership requirements, qualifications, and terms; providing election procedures; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative Coley—

**HB 1607**—A bill to be entitled An act relating to the South Walton Fire District, Walton County; amending chapter 2000-491, Laws of Florida; specifying territorial boundaries for each area of the district in which a commissioner elected to the board of fire commissioners must reside; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative Seiler—

**HB 1609**—A bill to be entitled An act relating to the City of Lauderdale Lakes, Broward County; amending section 3.13 of the Charter of the City of Lauderdale Lakes, to permit persons who are not city residents to serve on city boards and committees; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative H. Gibson—

**HB 1611**—A bill to be entitled An act relating to Lake County; amending chapter 78-547, Laws of Florida; increasing the amount of certificates of indebtedness the School Board of Lake County is authorized to issue; authorizing such certificates to be in registered form and to be sold at private sale; removing a sale price limitation; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative Brown—

**HB 1613**—A bill to be entitled An act relating to the Walton County Sheriff's Office; providing the Walton County Sheriff's Office Career Service Employees' Act; providing applicability; providing for permanent status; providing for suspension, demotion, and dismissal; providing authority of the sheriff; providing for transition to new sheriff; providing authority of sheriff to adopt rules and regulations; providing beginning date of employees; providing for reimbursement of class C travel; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By the Healthcare Council; and Representative R. Garcia—

**HB 7165**—A bill to be entitled An act relating to hospitals; amending s. 395.003, F.S.; revising provisions designating disease classes; 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 period of validity for certain grandfathered licenses; revising criteria for 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 referred to the Committee on Health Regulation.

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

**CS for HB 511**—A bill to be entitled An act relating to school districts; creating s. 1003.621, F.S.; providing criteria for designating academically high-performing school districts; providing exceptions for such districts to be exempt from certain statutes and rules; providing compliance requirements; providing for district governing boards; providing for reports; providing for a review by the State Board of Education of certain reporting requirements; amending s. 200.065, F.S.; providing for notice concerning property and casualty insurance costs; amending s. 1011.71, F.S., relating to the district school tax; providing criteria for using funds; authorizing the use of funds for specified purposes; eliminating restrictions on the use of funds; amending s. 1011.73, F.S.; conforming a cross-reference; providing an effective date.

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

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By Representative Evers—

**HB 1099**—A bill to be entitled An act relating to the Blackman Fire District, Inc., Okaloosa County; re-creating and providing a charter for the district; providing district boundaries; providing purposes; providing definitions; providing for the election of a district board of commissioners; providing for terms of office; providing for officers and meetings of the board; providing for commissioners' compensation and expenses; requiring a bond; providing for records; providing general and special powers of the district; exempting district assets and property from taxation; providing requirements and procedures for the levy of ad valorem taxes, non-ad valorem assessments, user charges, and impact fees; providing for a referendum; providing for enforcement; providing for requirements and procedures for issuance of bonds; providing for expansion and merger of the district boundaries; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

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By Representative Seiler—

**HB 1137**—A bill to be entitled An act relating to Hillsboro Inlet District, Broward County; amending chapter 99-433, Laws of Florida; decreasing the number of members on the board of commissioners; revising the qualifications for appointment to the board of commissioners; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

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By the Government Efficiency and Accountability Council; and Representative Seiler—

**CS for HB 1163**—A bill to be entitled An act relating to the City of Tamarac, Broward County; providing boundaries; extending and enlarging the corporate limits of the City of Tamarac to include specified unincorporated lands within said corporate limits; providing for an election; providing for an effective date of annexation; providing for an interlocal agreement; providing for the transfer of public roads and rights-of-way; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

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By the Jobs and Entrepreneurship Council; and Representative Weatherford and others—

**CS for HB 1177**—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.; providing for study courses using the Internet to fulfill continuing education requirements; 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.; revising a reference to a building code in which standards for newly constructed and significantly altered or renovated mausoleums and columbaria may be included; 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 ss. 316.515 and 627.702, F.S.; conforming cross-references; providing an effective date.

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

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By the Safety and Security Council; and Representative Patterson and others—

**CS for HB 1277**—A bill to be entitled An act relating to residential tenancies; amending s. 83.43, F.S.; revising and providing definitions; amending s. 83.595, F.S.; allowing a landlord to terminate a rental agreement and recover liquidated damages or charge the tenant an early termination fee for breach of the agreement, or both, under certain circumstances; requiring the tenant to indicate acceptance of an early termination fee or liquidated-damages provision in the rental agreement in order for the provision to take effect; providing a limit on the combined total of damages and fee; providing liability of the tenant for rent, other charges otherwise due, and rental concessions; providing an effective date.

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

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By the Environment and Natural Resources Council; and Representative Zapata—

**CS for HB 1427**—A bill to be entitled An act relating to agriculture; creating ss. 570.96-570.962, F.S., relating to agritourism; authorizing the Department of Agriculture and Consumer Services to assist specified entities in agritourism promotion and marketing initiatives; providing definitions; specifying the impact of agritourism participation on certain land classifications; requiring local governments and agricultural representatives to meet to discuss agritourism; prescribing duties of the Department of Agriculture and Consumer Services with respect to purchase and sale of horses; requiring rules; providing that provision does not apply to certain sales; creating s. 810.125, F.S.; limiting liability for injury to certain trespassers on agricultural property; amending s. 810.011, F.S.; revising the definition of "posted land" to provide an alternative method of posting; amending s. 810.10, F.S.; increasing criminal penalties for certain offenses relating to notices on posted land; amend-

ing s. 810.115, F.S.; increasing criminal penalties for certain offenses relating to breaking or injuring fences; providing an effective date.

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

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By the Economic Expansion and Infrastructure Council; and Representative Attkisson—

**CS for HB 1491**—A bill to be entitled An act relating to community development districts; amending s. 190.003, F.S.; revising definitions relating to community development districts; amending s. 190.005, F.S.; specifying petition and filing fee requirements for the establishment of districts; specifying requirements for the adoption of certain rules by the Florida Land and Water Adjudicatory Commission; providing requirements for the establishment of districts located in multiple municipalities; amending s. 190.006, F.S.; revising provisions for determining certain voting units for landowners within a district; requiring districts to publish notice of qualifying periods for elections; providing procedures for filling district board vacancies; authorizing the board to appoint qualified electors to the board under certain circumstances; amending s. 190.007, F.S.; specifying that certain affiliations are not a conflict of interest for district board members, managers, and employees; amending s. 190.008, F.S.; revising timeframes and requirements for the preparation of proposed district budgets; amending s. 190.009, F.S.; requiring the district to file disclosure documents and amendments relating to the public financing and maintenance of certain property in the property records of each county in which the district is located; amending s. 190.011, F.S.; revising statutory authorization for the enforcement of district assessments; amending s. 190.012, F.S.; revising district regulatory jurisdiction and permitting authority for certain public improvements and community facilities; authorizing districts to request certain activities by local retail utility providers and to finance such activities; authorizing the district to adopt rules for enforcement of deed restrictions outside the district pursuant to an interlocal agreement; revising the requirements for the adoption of such rules; amending s. 190.014, F.S.; specifying that non-ad valorem assessments levied to pay interest on bond anticipation notes do not qualify as assessment installments; amending s. 190.021, F.S.; authorizing the use of combined notice of proposed assessments under certain circumstances; providing that assessments authorized under ch. 170, F.S., constitute liens and are subject to certain collection procedures; amending s. 190.026, F.S.; providing that foreclosure proceedings authorized under ch. 170, F.S., apply to certain district proceedings; amending s. 190.033, F.S.; providing for competitive solicitation; authorizing the district to proceed with purchasing under certain circumstances; amending s. 190.047, F.S.; specifying the determination of population standards by the Department of Community Affairs for the purposes of incorporation or annexation of districts; requiring unincorporated areas to meet certain criteria for incorporation; requiring certain referenda to be held at general elections; providing effective dates.

—was referred to the Committees on Community Affairs; and Finance and Tax.

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By Representative Mayfield—

**HB 1589**—A bill to be entitled An act relating to Indian River County; providing definitions; requiring voter approval of any amendment to the Indian River County Comprehensive Plan which expands the urban service boundary; requiring a referendum; providing a ballot statement; providing an effective date.

—was referred to the Committee on Rules.

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By Representative Williams—

**HB 1617**—A bill to be entitled An act relating to Lee County; amending chapter 74-522, Laws of Florida, as amended; redesignating the Lee County Sheriff's Department as the Lee County Sheriff's Office; revising qualifications for membership on the civil service board; revising the date for electing board members; deleting certain limitations for classification as members of the civil service; revising requirements for demo-

tions in rank following the election of a new sheriff; deleting provisions authorizing a specified amount of annual leave for certain employees; deleting certain restrictions on the age at which an applicant may be employed as a deputy sheriff; deleting certain restrictions on the employment of persons with a medical discharge; revising requirements for the posting of notices of employment; clarifying provisions authorizing political activities during off-duty hours; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

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By the Government Efficiency and Accountability Council; and Representative Homan—

**HB 7183**—A bill to be entitled An act relating to administrative procedures; providing a short title; 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; providing that specified rulemaking responsibilities of an agency head may not be delegated or transferred; revising information to be included in notices of proposed actions; providing additional procedures for rule adoption hearings; revising requirements for filing rules; revising provisions with respect to petitions to initiate rulemaking; amending s. 120.545, F.S.; revising duties and procedures of the Administrative Procedures Committee and agencies with respect to review of agency rules; authorizing the Administrative Procedures Committee to request from agencies information to examine unadopted agency statements; deleting procedures for agency election to modify, withdraw, amend, or repeal a proposed rule; 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.; conforming a cross-reference; requiring the Department of State to prescribe by rule content requirements for rules, notices, and other materials submitted for filing; 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; expanding the required user capabilities of the Florida Administrative Weekly Internet website; 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; 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; amending s. 120.56, F.S.; revising procedures for administrative determinations of invalidity of proposed rules; requiring an agency to discontinue reliance on a statement under certain circumstances; allowing continued reliance on a statement under certain circumstances; deleting certain provisions relating to actions before a final hearing is held; amending s. 120.57, F.S.; revising procedures applicable to hearings involving disputed issues of material fact; prohibiting enforcement of unadopted agency rules under certain circumstances; amending s. 120.595, F.S.; revising guidelines for award of attorney's fees and reasonable costs in certain challenges to agency actions; 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. 120.74, F.S.; revising reporting requirements for agency heads; amending ss. 120.80, 120.81, 409.175, 420.9072, and 420.9075, F.S.; correcting cross-references; providing an appropriation; providing effective dates.

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

**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 80; and adopted CS for SCR 2874.

*William S. Pittman III*, Chief Clerk

The bills contained in the foregoing messages were ordered enrolled.

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The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 1, 2, 3, 4, 5, 6, 7, 8 and 11 and passed CS for CS for HB 529 as amended.

*William S. Pittman III*, Chief Clerk

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of April 30 was corrected and approved.

**CO-INTRODUCERS**

Senators Crist—CS for SB 108, CS for CS for SB 224, CS for SB 412, SB 414, CS for SB 574 and CS for SB 1228, CS for SB 680, CS for CS for SB 918, CS for SB 1228, CS for SB 1234, CS for SB 1750, CS for CS for SB 1974, CS for SB 2092, CS for CS for SB 2130, CS for CS for SB 2136, CS for CS for CS for SB 2234, CS for CS for CS for CS for SB 2420, CS for CS for SB 2422, CS for SB 2484, CS for SB 2512, CS for SB 2612, CS for SB 2744; Fasano—CS for SB 2498

**RECESS**

On motion by Senator Wilson, the Senate recessed at 3:56 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Wednesday, May 2 or upon call of the President.