



Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President Pruitt at 10:00 a.m. A quorum present—39:

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

Excused: Senator Lawson until 10:45 a.m.

PRAYER

The following prayer was offered by the Rev. Don Roberts, President, Goodwill Industries Manasota, Sarasota:

Lord, it's us, the Senate of the great State of Florida. If you look real close, Lord, you may remember seeing some of us before.

We wanted to "Ring you up, as it were, Lord" to simply thank you for the job of being consensus builders. For at the heart of our work as legislators is the task of building consensus on behalf of the people of Florida.

Now, we don't need to tell you, Lord, but consensus building ain't easy. Ask any married man or woman on this floor!!! Consensus building is the most difficult task known to man or woman. But, consensus building, Lord, is the task to which you have called us, the task which we have sought, and the task for which we were elected.

And, Lord, we must confess that the consensus building strategy that we usually choose is . . . to be adversarial . . . to insist on being "Right", rather than in relationship. I guess, Lord, it's because the people of

Florida elect more lawyers than lovers. But, we are reminded that we have a choice about the strategies we use for consensus building.

All of the great religions represented in these chambers teach us that our choice is simple; either we *do* the loving thing; or *the alternative*; which ain't pretty, Lord, which simply ain't pretty.

So our prayer today is simple, Lord. Just this one day, just this one day, as soon as we all say Amen, empower us by your holy indwelling, to choose to live, just this one day by treating every person we talk to like we love them.

The scripture says, "Choose this day *whom* you will serve." This preacher says, "Choose this day *how* you will serve." For love is a behavior. Let us love one another. And all the children of God in the Florida Senate say, Amen.

PLEDGE

Senate Pages Michael Huggins of South Miami; Jeffrey "Scott" Hagan II of Marianna; Taylor Anne Cain and Stenza Daniels of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized former Representative, Dr. Robert Brooks of Tallahassee, sponsored by Senator Posey, as doctor of the day. Dr. Brooks specializes in Infectious Diseases.

ADOPTION OF RESOLUTIONS

At the request of Senator Lawson—

By Senator Lawson—

SR 3046—A resolution recognizing November 2007 as "Lung Cancer Awareness Month."

WHEREAS, lung cancer is the leading cause of cancer death in the state of Florida, and

WHEREAS, nearly 12,360 Floridians will die from lung cancer in 2007 and more than 17,490 Floridians will be diagnosed with the disease, and

WHEREAS, cigarette smoking and other tobacco use is the leading cause of lung cancer, with more than 87 percent of all lung cancer attributed to smoking tobacco products, and

WHEREAS, early detection of lung cancer is very difficult, costly, and has not yet been proven to improve survival rates, and

WHEREAS, the 5-year survival rate for lung cancer is only 16 percent, and

WHEREAS, smoking-related diseases, such as lung cancer, cost Florida nearly \$6.32 billion in directly related health costs and another \$6.47 billion in smoking-caused productivity losses, and

WHEREAS, the best-known way to prevent lung cancer, the premature deaths associated with lung cancer, and the costs related to this disease is to prevent youth from starting to use tobacco and helping current smokers to quit, and

WHEREAS, the American Cancer Society, in partnership with the Florida Department of Health, helps adult and youth smokers to stop

smoking through the proven cessation support of the toll-free Quit-For-Life-Line, 1-877-U-CAN-NOW, and

WHEREAS, the Florida Division of the American Cancer Society is committed to preventing youth use of and addiction to tobacco through all scientifically proven methods, including the measures detailed in the Centers for Disease Control and Prevention's recommendations for a fully comprehensive statewide youth tobacco-prevention and cessation program, NOW, THEREFORE,

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

That the Florida Senate recognizes the month of November 2007 as "Lung Cancer Awareness Month" in Florida and urges all Floridians to understand the risks associated with lung cancer, to take preventive steps to minimize those risks, and to join the American Cancer Society in promoting better health and lung-cancer prevention through the cessation of current smoking and prevention of future tobacco use.

—**SR 3046** was introduced, read and adopted by publication.

At the request of Senator Crist—

By Senator Crist—

SR 3072—A resolution recognizing the Florida Orchestra on the occasion of its 40th Anniversary.

WHEREAS, the Florida Orchestra has been serving the communities of Tampa, Clearwater, and St. Petersburg since its founding on November 3, 1967, as the Florida Gulf Coast Symphony, with the merger of the Saint Petersburg Symphony Orchestra and the Tampa Philharmonic, and

WHEREAS, the Florida Orchestra, a state-designated major cultural institution, is one of the premier regional orchestras in the United States and is a major cultural asset to the Tampa Bay community and this state, and

WHEREAS, the Florida Orchestra was named "Best Orchestra in the Southeast" by American Record Guide in 1997, and was described as being "on the level of the San Francisco Symphony under Michael Tilson Thomas," and

WHEREAS, widespread community support has fostered the Florida Orchestra's continued success, and world-class musical leadership and experienced professional management, coupled with conscientious board oversight and strong financial support, have enabled the Florida Orchestra to maintain high artistic achievement in a wide range of performances, and

WHEREAS, today, as the Florida Orchestra celebrates its 40th Anniversary, the organization and its outstanding musicians are stronger and more accomplished than ever, NOW, THEREFORE,

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

That the Florida Senate recognizes and celebrates the 40th Anniversary of the Florida Orchestra.

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

—**SR 3072** was introduced, read and adopted by publication.

BILLS ON THIRD READING

SENATOR CARLTON PRESIDING

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

CS for CS for SB 1864—A bill to be entitled An act relating to hurricane damage mitigation; amending s. 215.5586, F.S.; redesignating the Florida Comprehensive Hurricane Damage Mitigation Program as the "My Safe Florida Home Program"; providing additional duties of the

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

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

Senator Lawson offered the following amendment which was moved by Senator Posey and adopted by two-thirds vote:

Amendment 1 (962662)(with title amendment)—On page 22, between lines 11 and 12, insert:

Section 6. *From the funds appropriated to the My Safe Florida Home Program by section 42 of Chapter 2006-12, Laws of Florida, the Department of Financial Services shall transfer \$1 million from the Insurance Regulatory Trust Fund to the Energy Consumption Trust Fund within the Department of Community Affairs for the purpose of funding the Low-income Emergency Home Repair Program under s. 420.36, Florida Statutes. Notwithstanding section 420.36(3)(b), Florida Statutes, administrative expenses of the program may not exceed 5 percent of the total funds appropriated by this section.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 24, after the semicolon (;) insert: providing an appropriation;

MOTION

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

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

Amendment 2 (164088)—On page 22, between lines 11 and 12, insert:

(c) Any activity requiring a building permit that is applied for on or after July 1, 2008, and for which the estimated cost is \$50,000 or more, must include provision of opening protections as required within the Florida Building Code for new construction for a building that is located in the wind-borne debris region as defined in s. 1609.2 of the International Building Code (2006) and that has an insured value of \$750,000 or more, or, if the building is uninsured or for which documentation of insured value is not presented, has a just valuation for the structure for purposes of ad valorem taxation of \$750,000 or more.

Amendment 3 (660140)(with title amendment)—On page 22, between lines 11 and 12, insert:

Section 6. Paragraph (a) of subsection (6) of section 627.351, Florida Statutes, as amended by section 21 of chapter 2007-1, Laws of Florida, is amended to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(a)1. The Legislature finds that actual and threatened catastrophic losses to property in this state from hurricanes have caused insurers to be unwilling or unable to provide property insurance coverage to the extent sought and needed. It is in the public interest and a public purpose to assist in assuring that property in the state is insured so as to facilitate the remediation, reconstruction, and replacement of damaged or destroyed property in order to reduce or avoid the negative effects otherwise resulting to the public health, safety, and welfare; to the economy of the state; and to the revenues of the state and local governments needed to provide for the public welfare. It is necessary, therefore, to provide property insurance to applicants who are in good faith entitled to procure insurance through the voluntary market but are unable to do so. The Legislature intends by this subsection that property insurance be provided and that it continues, as long as necessary, through an entity organized to achieve efficiencies and economies, while providing service to policyholders, applicants, and agents that is no less than the quality generally provided in the voluntary market, all toward the achievement of the foregoing public purposes. Because it is essential for the corporation to have the maximum financial resources to pay claims following a catastrophic hurricane, it is the intent of the Legislature that the income of the corporation be exempt from federal income taxation and that interest on the debt obligations issued by the corporation be exempt from federal income taxation.

2. The Residential Property and Casualty Joint Underwriting Association originally created by this statute shall be known, as of July 1, 2002, as the Citizens Property Insurance Corporation. The corporation shall provide insurance for residential and commercial property, for applicants who are in good faith entitled, but are unable, to procure insurance through the voluntary market. The corporation shall operate pursuant to a plan of operation approved by order of the Financial Services Commission. The plan is subject to continuous review by the commission. The commission may, by order, withdraw approval of all or part of a plan if the commission determines that conditions have changed since approval was granted and that the purposes of the plan require changes in the plan. The corporation shall continue to operate pursuant to the plan of operation approved by the Office of Insurance Regulation until October 1, 2006. For the purposes of this subsection, residential coverage includes both personal lines residential coverage, which consists of the type of coverage provided by homeowner's, mobile home owner's, dwelling, tenant's, condominium unit owner's, and similar policies, and commercial lines residential coverage, which consists of the type of coverage provided by condominium association, apartment building, and similar policies.

3. For the purposes of this subsection, the term "homestead property" means:

a. Property that has been granted a homestead exemption under chapter 196;

b. Property for which the owner has a current, written lease with a renter for a term of at least 7 months and for which the dwelling is insured by the corporation for \$200,000 or less;

c. An owner-occupied mobile home or manufactured home, as defined in s. 320.01, which is permanently affixed to real property, is owned by a Florida resident, and has been granted a homestead exemption under chapter 196 or, if the owner does not own the real property, the owner certifies that the mobile home or manufactured home is his or her principal place of residence;

d. Tenant's coverage;

e. Commercial lines residential property; or

f. Any county, district, or municipal hospital; a hospital licensed by any not-for-profit corporation qualified under s. 501(c)(3) of the United States Internal Revenue Code; or a continuing care retirement community that is certified under chapter 651 and that receives an exemption from ad valorem taxes under chapter 196.

4. For the purposes of this subsection, the term "nonhomestead property" means property that is not homestead property.

5. Effective 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 June 30, 2008, may continue to be covered by the corporation until the end of the policy term. However, such dwellings that are insured by the corporation and become ineligible for coverage due to the provisions of this subparagraph may reapply and obtain coverage in the high-risk account and be considered "nonhomestead property" if the property owner provides the corporation with a sworn affidavit from one or more insurance agents, on a form provided by the corporation, stating that the agents have made their best efforts to obtain coverage and that the property has been rejected for coverage by at least one authorized insurer and at least three surplus lines insurers. If such conditions are met, the dwelling may be insured by the corporation for up to 3 years, after which time the dwelling is ineligible for coverage. The office shall approve the method used by the corporation for valuing the dwelling replacement cost for the purposes of this subparagraph. If a policyholder is insured by the corporation prior to being determined to be ineligible pursuant to this subparagraph and such policyholder files a lawsuit challenging the determination, the policyholder may remain insured by the corporation until the conclusion of the litigation.

6. For properties constructed on or after January 1, 2009, the corporation may not insure any property located within 2,500 feet landward of the coastal construction control line created pursuant to s. 161.053 unless the property meets the requirements of the code-plus building standards developed by the Florida Building Commission.

7. It is the intent of the Legislature that policyholders, applicants, and agents of the corporation receive service and treatment of the highest possible level but never less than that generally provided in the voluntary market. It also is intended that the corporation be held to service standards no less than those applied to insurers in the voluntary market by the office with respect to responsiveness, timeliness, customer courtesy, and overall dealings with policyholders, applicants, or agents of the corporation.

8. *Effective January 1, 2009, a personal lines residential structure that is located in the "wind-borne debris region," as defined in s. 1609.2, International Building Code (2006), and that has an insured value on the structure of \$750,000 or more is not eligible for coverage by the corporation unless the structure has opening protections as required under the Florida Building Code for a newly constructed residential structure in that area.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 24, after the semicolon (;) insert: amending s. 627.351, F.S.; requiring that a residential structure located in a wind-borne debris region have certain opening protections required under the Florida Building Code in order to be eligible for coverage by the Citizens Property Insurance Corporation;

The vote was:

Yeas—27

| | | |
|---------------------|-------------|------------|
| Alexander | Gaetz | Posey |
| Aronberg | Garcia | Rich |
| Baker | Haridopolos | Ring |
| Bennett | Joyner | Saunders |
| Constantine | King | Siplin |
| Dawson | Lawson | Storms |
| Deutch | Margolis | Villalobos |
| Diaz de la Portilla | Oelrich | Wilson |
| Dockery | Peaden | Wise |

Nays—11

| | | |
|------------|--------|---------|
| Argenziano | Crist | Jones |
| Atwater | Fasano | Justice |
| Bullard | Geller | Lynn |
| Carlton | Hill | |

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

MOTION

On motion by Senator King, by two-thirds vote **CS for CS for SB 1030** was removed from the Special Order Calendar for Thursday, May 3, and by two-thirds vote placed on the Special Order Calendar this day.

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.

—as amended May 1 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Garcia, the Senate reconsidered the vote by which **Amendment 1 (790464)**, by Senator Garcia, as amended was adopted May 1.

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 by two-thirds vote:

Amendment 1H (043758)—On page 8, line 4, delete that line and insert:

(b) *On or before November 1 of each year, the tax collector shall notify each*

Amendment 1I (623972)(with title amendment)—On page 15, between lines 20-21, insert:

Section 6. Subsection (4) is added to section 253.0341, Florida Statutes, to read:

253.0341 Surplus of state-owned lands to counties or local governments.—Counties and local governments may submit surplus requests for state-owned lands directly to the board of trustees. County or local government requests for the state to surplus conservation or non-conservation lands, whether for purchase or exchange, shall be expedited throughout the surplus process. Property jointly acquired by the state and other entities shall not be surplus without the consent of all joint owners.

(4) *Notwithstanding the requirements of this section and the requirements of s. 253.034 which provides a surplus process for the disposal of state lands, the board shall convey to Miami-Dade County title to the property on which the Graham Building, which houses the offices of the Miami-Dade State Attorney, is located. By January 1, 2008, the board shall convey fee simple title to the property to Miami-Dade County for a consideration of one dollar. The deed conveying title to Miami-Dade County must contain restrictions that limit the use of the property for the purpose of providing workforce housing as defined in s. 420.5095, and to house the offices of the Miami-Dade State Attorney. Employees of the Miami-Dade State Attorney and the Miami-Dade Public Defender who apply for and meet the income qualifications for workforce housing shall receive preference over other qualified applicants.*

And the title is amended as follows:

On page 39, line 8, after “s.” insert: 253.0341, F.S., requiring the Board of Trustees of the Internal Improvement Trust Fund to convey certain property; restricting the use of property to be conveyed; providing a consideration for conveyance; amending s.

MOTION

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

Senator Saunders offered the following amendment to **Amendment 1** which was moved by Senator Garcia and adopted by two-thirds vote:

Amendment 1J (584664)(with directory amendment)—On page 16, between lines 22-23, insert:

(e)1. Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order that individually or cumulatively with any previous change is less than any numerical criterion contained in subparagraphs (b)1.-13. and does not exceed any other criterion, or that involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years is not subject to the public hearing requirements of subparagraph (f)3., and is not subject to a determination pursuant to subparagraph (f)5. Notice of the proposed change shall be made to the regional planning council and the state land planning agency. Such notice shall include a description of previous individual changes made to the development, including changes previously approved by the local government, and shall include appropriate amendments to the development order.

2. The following changes, individually or cumulatively with any previous changes, are not substantial deviations:

a. Changes in the name of the project, developer, owner, or monitoring official.

b. Changes to a setback that do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.

c. Changes to minimum lot sizes.

d. Changes in the configuration of internal roads that do not affect external access points.

e. Changes to the building design or orientation that stay approximately within the approved area designated for such building and parking lot, and which do not affect historical buildings designated as significant by the Division of Historical Resources of the Department of State.

f. Changes to increase the acreage in the development, provided that no development is proposed on the acreage to be added.

g. Changes to eliminate an approved land use, provided that there are no additional regional impacts.

h. Changes required to conform to permits approved by any federal, state, or regional permitting agency, provided that these changes do not create additional regional impacts.

i. Any renovation or redevelopment of development within a previously approved development of regional impact which does not change land use or increase density or intensity of use.

j. Changes that modify boundaries and configuration of areas described in subparagraph (b)14. due to science-based refinement of such areas by survey, by habitat evaluation, by other recognized assessment methodology, or by an environmental assessment. In order for changes to qualify under this sub-subparagraph, the survey, habitat evaluation, or assessment must occur prior to the time a conservation easement protecting such lands is recorded and must not result in any net decrease in the total acreage of the lands specifically set aside for permanent preservation in the final development order.

k. *Changes to permit the sale of an affordable housing unit to a person who earns less than 120 percent of the area median income, provided the developer actively markets the unit for a minimum period of 6 months, is unable to close a sale to a qualified buyer in a lower income qualified income class, a certificate of occupancy is issued for the unit, and the developer proposes to sell the unit to a person who earns less than 120 percent of the area median income at a purchase price that is no greater than the purchase price at which the unit was originally marketed to a lower income qualified class. This provision may not be applied to residential units approved pursuant to subparagraph (b)7. or paragraph (i), and shall expire on July 1, 2009.*

l.k. Any other change which the state land planning agency, in consultation with the regional planning council, agrees in writing is similar in nature, impact, or character to the changes enumerated in sub-subparagraphs a.-j. and which does not create the likelihood of any additional regional impact.

This subsection does not require the filing of a notice of proposed change but shall require an application to the local government to amend the development order in accordance with the local government's procedures for amendment of a development order. In accordance with the local government's procedures, including requirements for notice to the applicant and the public, the local government shall either deny the application for amendment or adopt an amendment to the development order which approves the application with or without conditions. Following adoption, the local government shall render to the state land planning agency the amendment to the development order. The state land planning agency may appeal, pursuant to s. 380.07(3), the amendment to the development order if the amendment involves sub-subparagraph g., sub-subparagraph h., sub-subparagraph j., or sub-subparagraph k., or sub-subparagraph l., and it believes the change creates a reasonable likelihood of new or additional regional impacts.

3. Except for the change authorized by sub-subparagraph 2.f., any addition of land not previously reviewed or any change not specified in

paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.

4. Any submittal of a proposed change to a previously approved development shall include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-regional-impact review.

5. The following changes to an approved development of regional impact shall be presumed to create a substantial deviation. Such presumption may be rebutted by clear and convincing evidence.

a. A change proposed for 15 percent or more of the acreage to a land use not previously approved in the development order. Changes of less than 15 percent shall be presumed not to create a substantial deviation.

b. Notwithstanding any provision of paragraph (b) to the contrary, a proposed change consisting of simultaneous increases and decreases of at least two of the uses within an authorized multiuse development of regional impact which was originally approved with three or more uses specified in s. 380.0651(3)(c), (d), (e), and (f) and residential use.

And the directory clause is amended as follows:

On page 15, lines 21-22, delete those lines and insert:

Section 6. Paragraphs (c) and (e) of subsection (19) of section 380.06, Florida Statutes, are amended to read:

MOTION

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

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

Amendment 1K (695228)(with title amendment)—On page 3, between lines 21 and 22, insert:

Section 2. Subsection (17) is added to section 163.3180, Florida Statutes, to read:

163.3180 Concurrency.—

(17) A local government and the developer of affordable workforce housing units developed in accordance with s. 380.06(19) or s. 380.0651(3) may identify an employment center or centers in close proximity to the affordable workforce housing units. If at least 50 percent of the units are occupied by an employee or employees of an identified employment center or centers, all of the affordable workforce housing units are exempt from transportation concurrency requirements and the local government may not reduce any transportation trip-generation entitlements of an approved development-of-regional-impact development order. As used in this subsection, the term "close proximity" means 5 miles from the nearest point of the development of regional impact to the nearest point of the employment center and the term "employment center" means a place of employment that employs at least 25 or more full-time employees.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 37, line 8, after the semicolon (;) insert: amending s. 163.3180, F.S.; providing an exemption from transportation concurrency for certain workforce housing units;

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

On motion by Senator Garcia, CS for HB 1375 as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President Argenziano Atwater
Alexander Aronberg Baker

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

Nays—None

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.

—as amended May 1 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Saunders, the Senate reconsidered the vote by which Amendment 3 (375068) by Senator Saunders was adopted May 1. Amendment 3 was withdrawn.

On motion by Senator Saunders, CS for CS for HB 197 as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

| | | |
|--------|------------|--------|
| Siplin | Villalobos | Wilson |
| Storms | Webster | Wise |

Nays—None

Vote after roll call:

Yea—Ring

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

—was read the third time by title.

On motion by Senator Aronberg, **CS for CS for HB 1381** was passed and certified to the House. The vote on passage was:

Yeas—40

| | | |
|---------------------|-------------|------------|
| Mr. President | Dockery | Oelrich |
| 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 |
| Dawson | Lawson | Wise |
| Deutch | Lynn | |
| Diaz de la Portilla | Margolis | |

Nays—None

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.

—was read the third time by title.

On motion by Senator Posey, **HB 7187** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—40

| | | |
|---------------------|-------------|------------|
| Mr. President | Dockery | Oelrich |
| 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 |
| Dawson | Lawson | Wise |
| Deutch | Lynn | |
| Diaz de la Portilla | Margolis | |

Nays—None

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.

—as amended May 1 was read the third time by title.

On motion by Senator Posey, **HB 1549** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

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.

—was read the third time by title.

On motion by Senator Diaz de la Portilla, **HB 7201** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—40

| | | |
|---------------------|-------------|------------|
| Mr. President | Dockery | Oelrich |
| 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 |
| Dawson | Lawson | Wise |
| Deutch | Lynn | |
| Diaz de la Portilla | Margolis | |

Nays—None

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.

—as amended May 1 was read the third time by title.

On motion by Senator Haridopolos, **CS for SB 2484** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

| | | |
|---------------------|-------------|------------|
| Mr. President | Dockery | Oelrich |
| 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 |
| Dawson | Lawson | Wise |
| Deutch | Lynn | |
| Diaz de la Portilla | Margolis | |

Nays—None

Consideration of **CS for SB 2498** was deferred.

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.

—was read the third time by title.

On motion by Senator Rich, **HB 409** was passed and certified to the House. The vote on passage was:

Yeas—40

| | | |
|---------------------|-------------|------------|
| Mr. President | Dockery | Oelrich |
| 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 |
| Dawson | Lawson | Wise |
| Deutch | Lynn | |
| Diaz de la Portilla | Margolis | |

Nays—None

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

—was read the third time by title.

On motion by Senator Baker, **CS for HB 517** was passed and certified to the House. The vote on passage was:

Yeas—40

| | | |
|---------------------|-------------|------------|
| Mr. President | Dockery | Oelrich |
| 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 |
| Dawson | Lawson | Wise |
| Deutch | Lynn | |
| Diaz de la Portilla | Margolis | |

Nays—None

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.

—was read the third time by title.

On motion by Senator Lawson, **HB 7197** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—40

| | | |
|---------------------|-------------|------------|
| Mr. President | Dockery | Oelrich |
| Alexander | Fasano | Peadar |
| 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 |
| Dawson | Lawson | Wise |
| Deutch | Lynn | |
| Diaz de la Portilla | Margolis | |

Nays—None

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 third time by title.

On motion by Senator Fasano, **CS for SB 1736** was passed and certified to the House. The vote on passage was:

Yeas—40

| | | |
|---------------------|-------------|------------|
| Mr. President | Dockery | Oelrich |
| Alexander | Fasano | Peadar |
| 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 |
| Dawson | Lawson | Wise |
| Deutch | Lynn | |
| Diaz de la Portilla | Margolis | |

Nays—None

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 read the third time by title.

On motion by Senator Haridopolos, **CS for HB 1491** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—1

Storms

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.

—was read the third time by title.

On motion by Senator Haridopolos, **CS for HB 1427** was passed and certified to the House. The vote on passage was:

Yeas—40

| | | |
|---------------------|-------------|------------|
| Mr. President | Dockery | Oelrich |
| 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 |
| Dawson | Lawson | Wise |
| Deutch | Lynn | |
| Diaz de la Portilla | Margolis | |

Nays—None

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 read the third time by title.

On motion by Senator Margolis, **CS for CS for HB 1477** was passed and certified to the House. The vote on passage was:

Yeas—40

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

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

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.

—was read the third time by title.

On motion by Senator Argenziano, **HB 7159** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—40

| | | |
|---------------------|-------------|------------|
| Mr. President | Dockery | Oelrich |
| 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 |
| Dawson | Lawson | Wise |
| Deutch | Lynn | |
| Diaz de la Portilla | Margolis | |

Nays—None

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; requiring a report by each participating school district; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Constantine, **CS for CS for SB 2136** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

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

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

Nays—None

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.

—was read the third time by title.

On motion by Senator Lawson, **HB 7193** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—40

| | | |
|---------------------|-------------|------------|
| Mr. President | Dockery | Oelrich |
| 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 |
| Dawson | Lawson | Wise |
| Deutch | Lynn | |
| Diaz de la Portilla | Margolis | |

Nays—None

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 third time by title.

On motion by Senator Bennett, further consideration of **CS for SB 2078** was deferred.

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.

—as amended May 1 was read the third time by title.

On motion by Senator Saunders, **CS for HB 1489** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

| | | |
|---------------------|-------------|------------|
| Mr. President | Dockery | Oelrich |
| 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 |
| Dawson | Lawson | Wise |
| Deutch | Lynn | |
| Diaz de la Portilla | Margolis | |

Nays—None

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.

—as amended May 1 was read the third time by title.

On motion by Senator Fasano, **CS for SB 1140** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

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|---------------------|-------------|------------|
| Mr. President | Dockery | Oelrich |
| 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 |
| Dawson | Lawson | Wise |
| Deutch | Lynn | |
| Diaz de la Portilla | Margolis | |

Nays—None

Consideration of **CS for SB 1020**, **CS for SJR 3034**, **CS for SB 1022**, **CS for CS for SB 560** and **CS for CS for SB 1982** was deferred.

CS for SB 2498—A bill to be entitled An act relating to insurance; 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; amending s. 626.914, F.S.; revising the definition of the term “diligent effort”; amending s. 215.555, F.S.; revising the dates regarding an exemption from emergency assessments for medical malpractice insurance premiums; 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; 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; amending s. 626.9541, F.S.; providing additional unfair claim settlement practices; 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; extending the date for increasing rates; prohibiting issuance of new certificates of authority to certain insurers; requiring rate filings of certain insurers to include certain parent company profits information; establishing a pilot program to offer optional sinkhole coverage; 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.

—as amended May 1 was read the third time by title.

MOTION

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

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

Amendment 1 (593192)—On page 30, line 26, delete “627.428; or” and insert: 627.428.

MOTION

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

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

Amendment 2 (724806)(with title amendment)—On page 2, between lines 19 and 20, insert:

Section 1. Paragraphs (b) and (c) of subsection (2) of section 215.5595, Florida Statutes, as amended by section 5 of chapter 2007-1, Laws of Florida, are amended to read:

215.5595 Insurance Capital Build-Up Incentive Program.—

(2) The purpose of this section is to provide surplus notes to new or existing authorized residential property insurers under the Insurance Capital Build-Up Incentive Program administered by the State Board of Administration, under the following conditions:

(b) The insurer must contribute an amount of new capital to its surplus which is at least equal to the amount of the surplus note and must apply to the board by July 1, 2006. If an insurer applies after July 1, 2006, but before June 1, 2007, the amount of the surplus note is limited to one-half of the new capital that the insurer contributes to its surplus, *except that an insurer writing only manufactured housing policies is eligible to receive a surplus note in the amount of \$7 million and a domestic mutual insurer is eligible to receive a surplus note in the amount of \$12.5 million.* For purposes of this section, new capital must be in the form of cash or cash equivalents as specified in s. 625.012(1).

(c) The insurer’s surplus, new capital, and the surplus note must total at least \$50 million, except for insurers writing residential property insurance covering only manufactured housing *or for a domestic mutual insurer.* The insurer’s surplus, new capital, and the surplus note must total at least \$14 million for insurers writing only residential property insurance covering manufactured housing policies as provided in paragraph (a). *The surplus, new capital, and surplus note for a domestic mutual insurer must total at least \$25 million.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: amending s. 215.5595, F.S.; providing that domestic and other insurers writing only manufactured housing policies are eligible to receive a surplus note in a specified amount;

MOTION

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

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

Amendment 3 (915530)(with title amendment)—On page 36, between lines 8 and 9, insert:

Section 10. *Notwithstanding section 9 of chapter 2007-1, Laws of Florida, the internal design option provided in Section 1609.1.4.1, Florida Building Code, Building Volume, and Section R301.2.1.2, Florida Building Code, Residential Volume, shall remain in effect until June 1, 2007, for a building permit application made before that date.*

Section 11. *Section 22 of this act shall take effect upon becoming a law and applies retroactively to January 25, 2007, the effective date of chapter 2007-1, Laws of Florida. Section 22 of this act applies to any action taken with respect to a building permit affected by section 9 of chapter 2007-1, Laws of Florida, including any actions, legal or ministerial, pertaining to the issuance, revocation, or modifications of any building permit initiated or issued before, on, or after January 25, 2007, or pending as of January 25, 2007. If the retroactivity of any provision of Section 22 of this act or its retroactive application to any person or circumstance is held invalid, the invalidity does not affect the retroactivity or retroactive application of other provisions of Section 22 of this act.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 15, after the semicolon (;) insert: providing that the internal design option of the Florida Building Code remains in effect until a specified date for a building permit application made before that date, notwithstanding provisions of ch. 2007-1, Laws of Florida; providing an effective date and for retroactive application; applying the act to any actions taken with respect to a building permit affected by such prior act;

On motion by Senator Garcia, **CS for SB 2498** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

| | | |
|---------------------|-------------|------------|
| Mr. President | Dockery | Oelrich |
| Alexander | Fasano | Peadar |
| 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 |
| Dawson | Lawson | Wise |
| Deutch | Lynn | |
| Diaz de la Portilla | Margolis | |

Nays—None

SPECIAL ORDER CALENDAR

By Senator Deutch—

CS for CS for SB 2250—A bill to be entitled An act relating to divestment of public funds related to Iran; providing definitions; requiring the State Board of Administration to identify all companies doing certain types of business in or with Iran in which public moneys are invested; requiring the board to create and maintain a Scrutinized Company List that names all such companies; requiring the board to periodically contact all scrutinized companies and encourage them to refrain

from engaging in certain types of business in or with Iran; requiring the board to inform scrutinized companies of their status as a scrutinized company and to ask for clarification as to the nature of each company's business activities; providing that a company may be removed from the list under certain conditions; providing for reintroduction of a company onto the list; requiring the board to divest the company of all publicly traded securities of a scrutinized company under certain conditions; providing exceptions to the divestment requirement; prohibiting the board from acquiring securities of scrutinized companies that have active business operations; providing exceptions to the investment prohibition; providing an additional exception from the divestment requirement and the investment prohibition concerning certain indirect holdings in actively managed investment funds; requiring the board to request that the managers of such investment funds consider removing scrutinized companies from the fund or create a similar fund that excludes such companies; requiring the board to file a report to the Board of Trustees of the State Board of Administration and the Legislature within a specified period after creation of the Scrutinized Company List; requiring the annual filing of an updated report; requiring that all such reports be made available to the public; requiring that the report include certain information; providing for the expiration of the act; exempting the board from certain statutory or common law obligations; authorizing the board to cease divesting or to reinvest in certain scrutinized companies if the value of all assets under management by the board becomes equal to or less than a specified amount; requiring the board to file a written report to the Board of Trustees of the State Board of Administration and the Legislature before such reinvestment; requiring that the report contain certain information; requiring semiannual updates to such reports when applicable; providing for severability; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Deutch moved the following amendment which was adopted:

Amendment 1 (482748)(with title amendment)—On page 12, lines 7-13, delete those lines and insert:

(6) *INVESTMENT POLICY STATEMENT OBLIGATIONS.*—*The public fund's actions taken in compliance with this act, including all good faith determinations regarding companies as required by this act, shall be adopted and incorporated into the public fund's investment policy statement (the IPS) as set forth in s. 215.475.*

And the title is amended as follows:

On page 2, lines 13-15, delete those lines and insert: for the expiration of the act; requiring certain information to be included in the investment policy statement; authorizing the board to cease

Pursuant to Rule 4.19, **CS for CS for SB 2250** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for SB 96—A bill to be entitled An act relating to the entertainment industry; amending s. 212.08, F.S., providing for inclusion of the tax credits granted to certain productions under s. 288.1254, F.S., in exemptions to the sales tax; providing requirements and procedures concerning electronic funds transfer and deduction of the credit; amending s. 288.1254, F.S.; revising the entertainment industry financial incentive program to allow a credit against corporate income taxes and sales and use taxes to qualified entertainment entities rather than reimbursements from appropriations; providing definitions; creating the program within the Office of Film and Entertainment; providing purpose of the program; providing for submittal and approval of an application under the program; providing for review by the Office of Film and Entertainment, the Office of Tourism, Trade, and Economic Development, and the Department of Revenue; providing standards for review; providing for verification of which expenditures concerning an entertainment production qualify for a tax credit under the program; requiring various determinations by the Office of Film and Entertainment, the Office of Tourism, Trade, and Economic Development, and the Department of Revenue concerning the verification or award of the tax credit; requiring

inclusion of marketing materials promoting this state as a condition of receiving a tax credit; providing criteria concerning eligibility for the tax credit; providing for the total aggregate amount available for tax credits; providing for use or transfer of the tax credit; providing for carryover of the tax credit in certain circumstances; providing for use of the tax credit in a consolidated return; providing for distribution of the tax credit to partners in certain circumstances; providing for succession of tax credits; providing requirements concerning transfer of tax credits; requiring certain recipients of transferred tax credits to pay a fee; providing for deposit of such fees to the Grants and Donations Trust Fund; providing for use of funds so deposited for grants concerning film education; providing priorities for allocation of tax credits; providing for withdrawal of tax credit eligibility; establishing queues; specifying requirements concerning each queue; authorizing the Office of Tourism, Trade, and Economic Development to adopt rules, policies, and procedures; authorizing the Department of Revenue to adopt rules and conduct audits; providing for revocation and forfeiture of tax credits; providing liability for reimbursement of certain costs and fees associated with a fraudulent claim concerning a tax credit; requiring an annual report to the Governor and the Legislature; providing for future repeal; creating s. 288.1256, F.S.; requiring the Office of Film and Entertainment to use specified funds to award a grant or loan guarantee for films meeting specified criteria; amending s. 213.053, F.S.; providing for disclosure by the Department of Revenue of certain information concerning the tax credits granted under s. 288.1254, F.S., under certain conditions; amending s. 220.02, F.S.; including the corporate income tax credits enumerated in s. 288.1254, F.S., in the order of application of credits against certain taxes; amending s. 288.1252, F.S.; providing additional duties of the Florida Film and Entertainment Advisory Council; repealing s. 288.1255, F.S., relating to funding for the entertainment industry financial incentive program; providing an effective date.

—was read the second time by title.

An amendment was considered and failed and amendments were considered and adopted to conform **CS for SB 96** to **CS for CS for HB 1325**.

Pending further consideration of **CS for SB 96** as amended, on motion by Senator Saunders, by two-thirds vote **CS for CS for HB 1325** was withdrawn from the Committees on Commerce; and Finance and Tax.

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

CS for CS for HB 1325—A bill to be entitled An act relating to entertainment industry economic development; providing a short title; amending s. 288.1254, F.S.; revising the entertainment industry financial incentive program to provide corporate income tax and sales and use tax credits to qualified entertainment entities rather than reimbursements from appropriations; revising provisions relating to definitions, creation and scope, application procedures, approval process, eligibility, required documents, qualified and certified productions, and annual reports; providing duties and responsibilities of the Office of Film and Entertainment, the Office of Tourism, Trade, and Economic Development, and the Department of Revenue relating to the tax credits; providing criteria and limitations for awards of tax credits; providing a total amount available for tax credits; providing for uses, allocations, election, distributions, and carryforward of the tax credits; providing for use of consolidated returns; providing for partnership and noncorporate distributions of tax credits; providing for succession of tax credits; providing requirements for transfer of tax credits; requiring a purchaser of transferred tax credits to pay a percentage of the amount paid to fund specified film education grants; providing priority allocation of tax credits; providing for withdrawal of tax credit eligibility; establishing queues; authorizing the Office of Tourism, Trade, and Economic Development to adopt rules, policies, and procedures; authorizing the Department of Revenue to adopt rules and conduct audits; providing for revocation and forfeiture of tax credits; providing liability for reimbursement of certain costs and fees associated with a fraudulent claim; requiring an annual report to the Governor and the Legislature; providing for future repeal; creating s. 288.1256, F.S.; establishing the Florida Graduate Film Investment Fund; requiring administration by the Office of Film and Entertainment; providing for deposit of funds; requiring that funds be used for certain family-friendly films; amending s. 288.1252, F.S.; requiring the Florida Film and Entertainment Advisory Council to advise on films produced under the Florida Graduate Film Investment Fund; amending s. 220.02, F.S.; including tax credits enumerated in s. 288.1254, F.S., in the order of application of credits against certain taxes; amending s.

213.053, F.S.; authorizing the Department of Revenue to provide tax credit information to the Office of Film and Entertainment and the Office of Tourism, Trade, and Economic Development; amending s. 212.08, F.S.; requiring electronic funds transfer for the entertainment industry tax credit; providing procedures; repealing s. 288.1255, F.S., to remove the requirement that annual funding for the entertainment industry financial incentive program be subject to legislative appropriation; providing severability; providing an effective date.

—a companion measure, was substituted for **CS for SB 96** as amended and by two-thirds vote read the second time by title.

Senator Saunders moved the following amendments which were adopted:

Amendment 1 (245728)(with title amendment)—Line 59 through line 597, delete those lines and insert:

Section 1. *This act may be cited as the “Don Davis Entertainment Industry Economic Development Act.”*

Section 2. Section 288.1254, Florida Statutes, is amended to read:
(Substantial rewording of section. See s. 288.1254, F.S., for present text.)

288.1254 *Entertainment industry financial incentive program.*—

(1) **DEFINITIONS.**—As used in this section, the term:

(a) “Certified production” means a qualified production that has incentive funds allocated to it by the Office of Tourism, Trade, and Economic Development based on its estimated qualified expenditures. The term excludes a production if its first day of principal photography in this state occurred before the production is certified by the Office of Tourism, Trade, and Economic Development, unless the production spans more than 1 fiscal year, was a certified production on the first day of such photography, and is required to submit an application for continuing the same production in the subsequent year.

(b) “Digital media project” means a production of interactive entertainment which is produced for distribution in commercial or educational markets, including a video game, simulation, or animation, or a production intended for Internet or wireless distribution. The term excludes a production deemed by the Office of Film and Entertainment to contain obscene content as defined in s. 847.001(10).

(c) “High-impact television series” means a production created to run multiple production seasons having an estimated order of at least seven episodes per season and qualified expenditures of at least \$625,000 per episode.

(d) “Off-season certified production” means a production, other than a digital media project or an animated production, which films 75 percent or more of its principal photography days from June 1 through November 30.

(e) “Production” means a theatrical or direct-to-video motion picture, a made-for-television motion picture, a commercial, a music video, an industrial or educational film, an infomercial, a documentary film, a television pilot program, a presentation for a television pilot program, a television series, including, but not limited to, a drama, a reality show, a comedy, a soap opera, a telenovela, a game show, a miniseries production, or a digital media project by the entertainment industry. One season of a television series is considered one production. The term excludes a weather or market program, a sporting event, a sports show, a gala, a production that solicits funds, a home shopping program, a political program, a political documentary, political advertising, a gambling-related project or production, a concert production, or a local, regional, or Internet-distributed-only news show, current-events show, or a current-affairs show. A production may be produced on or by film, tape, or otherwise by means of a motion picture camera, electronic camera or device, tape device, computer, any combination of the foregoing, or any other means, method, or device now used or later adopted.

(f) “Production expenditures” means the costs of tangible and intangible property used and services performed primarily and customarily in the production, including preproduction and postproduction, excluding costs for development, marketing, and distribution. Production expenditures include, but are not limited to:

1. *Wages, salaries, or other compensation, including amounts paid through payroll service companies, for technical and production crews, directors, producers, and performers.*

2. *Expenditures for sound stages, backlots, production editing, digital effects, sound recordings, sets, and set construction.*

3. *Expenditures for rental equipment, including, but not limited to, cameras and grip or electrical equipment.*

4. *Expenditures for meals, travel, and accommodations.*

(g) “Qualified expenditures” means production expenditures incurred in this state by a qualified production for:

1. *Goods purchased or leased from, or services provided by, a vendor or supplier in this state which is registered with the Department of State or the Department of Revenue and doing business in this state.*

2. *Payments to residents of this state in the form of salary, wages, or other compensation up to a maximum of \$400,000 per resident for the general production queue and the independent Florida filmmaker queue and up to a maximum of \$200,000 for the digital media queue.*

For a qualified production involving an event, such as an awards show, the term excludes expenditures solely associated with the event itself and not directly required by the production. The term excludes expenditures prior to certification, with the exception of those incurred for a commercial, a music video, or the pickup of additional episodes of a television series within a single season.

(h) “Qualified production” means a production in this state meeting the requirements of this section and the minimum qualified expenditures and requirements of its appropriate queue. The term excludes a production:

1. *In which less than 50 percent of the positions that make up its production cast and below-the-line production crew are filled by residents of this state, whose residency is demonstrated by a valid Florida driver’s license or other state-issued identification confirming residency, or students enrolled full-time in a film-and-entertainment-related course of study at an institution of higher education in this state; or*

2. *That is deemed by the Office of Film and Entertainment to contain obscene content as defined in s. 847.001(10).*

(i) “Qualified production company” means a corporation, limited liability company, partnership, or other legal entity engaged in producing a qualified production.

(2) **CREATION AND PURPOSE OF PROGRAM.**—*The entertainment industry financial incentive program is created within the Office of Film and Entertainment. The purpose of this program is to encourage the use of this state as a site for filming and to develop and sustain the workforce and infrastructure for film and entertainment production.*

(3) **APPLICATION PROCEDURE; APPROVAL PROCESS.**—

(a) *A qualified production company in this state producing a qualified production may submit a program application to the Office of Film and Entertainment for the purpose of determining certification. The applicant shall provide the office with information required to determine whether the production is a qualified production and to determine the qualified expenditures and other information necessary for the office to determine certification.*

(b) *The Office of Film and Entertainment shall develop an application form for use in qualifying an applicant as a qualified production. The form must include, but need not be limited to, production-related information concerning employment of residents in this state, a detailed budget of planned qualified expenditures, and the applicant’s signed affirmation that the information on the form has been verified and is correct. The Office of Film and Entertainment and local film commissions shall distribute the form.*

(c) *The Office of Film and Entertainment shall establish a process by which an application is accepted and reviewed for certification. The office may request assistance from a duly appointed local film commission in determining compliance with this section.*

(d) The Office of Film and Entertainment shall review the application within 10 business days after receipt. Upon its determination that the application contains all the information required by this subsection and meets the criteria set out in this section, the office shall qualify the applicant and recommend to the Office of Tourism, Trade, and Economic Development that the applicant be certified for a maximum amount of available funds. Within 5 business days after receipt of the recommendation, the Office of Tourism, Trade, and Economic Development shall reject the recommendation or certify the applicant.

(e) The Office of Film and Entertainment shall deny an application if it determines that the application is not complete or the production does not meet the requirements of this section.

(f) The Office of Film and Entertainment shall develop a process to verify the actual qualified expenditures of a certified production. The process must require:

1. A certified production to submit, in a timely manner after production ends and after making all of its qualified expenditures, data substantiating each qualified expenditure to an independent certified public accountant licensed in this state;

2. Such accountant to conduct an audit, at the certified production's expense, to substantiate each qualified expenditure and submit the results as a report, along with all substantiating data, to the Office of Film and Entertainment; and

3. The Office of Film and Entertainment to review the accountant's submittal and report to the Office of Tourism, Trade, and Economic Development the final verified amount of actual qualified expenditures made by the certified production.

4. The Office of Tourism, Trade, and Economic Development shall determine and approve the incentive amount to each certified applicant.

(g) The Office of Film and Entertainment shall ensure that, as a condition of receiving incentive funding under this section, marketing materials promoting this state as a tourist destination or film and entertainment production destination are included, when appropriate, at no cost to the state, which must, at a minimum, include placement in the end credits of a "Filmed in Florida" logo with size and placement commensurate to other logos included in the end credits or, if no logos are used, the statement "Filmed in Florida using Florida's Entertainment Industry Financial Incentive," or a similar statement approved by the Office of Film and Entertainment before such placement. The Office of Film and Entertainment shall develop a "Filmed in Florida" logo and supply it for the purposes specified in this paragraph.

(4) PRIORITY FOR INCENTIVE FUNDING; WITHDRAWAL OF ELIGIBILITY; QUEUES.—

(a) The priority of a qualified production for incentive funding must be determined on a first-come, first-served basis within its appropriate queue. Each qualified production must be placed into the appropriate queue and is subject to the requirements of that queue.

(b) **GENERAL PRODUCTION QUEUE.**—Eighty-five percent of incentive funding appropriated in any state fiscal year must be dedicated to the general production queue. A production certified under this queue is eligible for a reimbursement equal to 15 percent of its actual qualified expenditures. Within this queue:

1. A qualified production, excluding commercials, music videos, and digital media projects, which demonstrates a minimum of \$625,000 in qualified expenditures is eligible for up to a maximum of \$8 million in incentive funding. A qualified production spanning multiple state fiscal years may combine qualified expenditures from such fiscal years to satisfy the threshold.

2. A qualified production company that produces national, international, or regional commercials, or music videos may be eligible for a maximum of \$500,000 in incentive funding if it demonstrates a minimum of \$100,000 in qualified expenditures per national, international, or regional commercial or music video and exceeds a combined threshold of \$500,000 after combining actual qualified expenditures from qualified commercials and music videos during a single state fiscal year. After a qualified production company that produces commercials, music videos, or both reaches the threshold of \$500,000, it is eligible to apply for certification for incentive funding.

3. An off-season certified production is eligible for an additional 5-percent incentive funding on actual qualified expenditures. An off-season certified production that does not complete 75 percent of principal photography due to disruption caused by a hurricane or tropical storm may not be disqualified from eligibility for the additional 5-percent incentive as a result of the disruption.

4. Each qualified production shall make a good faith effort to use existing providers of infrastructure or equipment in this state, including providers of camera gear, grip and lighting equipment, vehicle providers, and postproduction services when available in-state.

5. A qualified high-impact television series shall be allowed first position in this queue for incentive funding not yet certified.

(c) **INDEPENDENT FLORIDA FILMMAKER QUEUE.**—Five percent of incentive funding appropriated in any state fiscal year must be dedicated to the independent Florida filmmaker queue. A production certified under this queue is eligible for a reimbursement equal to 15 percent of its actual qualified expenditures. An independent Florida film that meets the criteria of this queue and demonstrates a minimum of \$100,000, but not more than \$625,000, in total qualified expenditures is eligible for incentive funding. To qualify for this queue, a qualified production must:

1. Be planned as a feature film or documentary of no less than 70 minutes in length.

2. Provide evidence of 50 percent of the financing for its total budget in an escrow account or other form dedicated to the production.

3. Do all major postproduction in this state.

4. Employ Florida workers in at least six of the following key positions: writer, director, producer, director of photography, star or one of the lead actors, unit production manager, editor, or production designer. As used in this subparagraph, the term "Florida worker" means a person who has been a resident of this state for at least 1 year before a production's application under subsection (3) was submitted or a person who graduated from a film school, college, university, or community college in this state no more than 5 years before such submittal or who is enrolled full-time in such a school, college, or university.

(d) **DIGITAL MEDIA PRODUCTS QUEUE.**—Ten percent of incentive funding appropriated in any state fiscal year shall be dedicated to the digital media projects queue. A production certified under this queue is eligible for a reimbursement equal to 10 percent if its actual qualified expenditures. A qualified production that is a digital media project that demonstrates a minimum of \$300,000 in total qualified expenditures is eligible for a maximum of \$1 million in incentive funding. As used in this paragraph, the term "qualified expenditures" means the wages or salaries paid to a resident of this state for working on a single qualified digital media project, up to a maximum of \$200,000 in wages or salaries paid per resident. A qualified production company producing digital media projects may not qualify for more than three projects in any 1 fiscal year. Projects that extend beyond a fiscal year must reapply each fiscal year in order to be eligible for incentive funding for that year.

(e) Each qualified production or certified production shall continue on a reasonable schedule, which means beginning principal photography in this state no more than 45 calendar days before or after the date provided in the program's application under subsection (3). The Office of Tourism, Trade, and Economic Development shall withdraw the eligibility of a qualified production or a certified production for incentive funding if any such production does not continue on a reasonable schedule.

(f) A certified production determined by the Commissioner of Film and Entertainment, with the advice of the Florida Film and Entertainment Advisory Council, to be family friendly based on the review of the script and an interview with the director is eligible for an additional reimbursement equal to 2 percent of its actual qualified expenditures. Family friendly productions are those that have cross-generational appeal; would be considered suitable for viewing by children age 5 and older; are appropriate in theme, content, and language for a broad family audience; embody a responsible resolution of issues; and do not exhibit any act of smoking, sex, nudity, or vulgar or profane language.

(5) **RULES, POLICIES, AND PROCEDURES.**—The Office of Tourism, Trade, and Economic Development may adopt rules under ss.

120.536(1) and 120.54 and develop policies and procedures to administer this section, including, but not limited to, rules specifying requirements for the application and approval process.

(6) **ANNUAL REPORT.**—Each October 1, the Office of Film and Entertainment shall provide an annual report for the previous fiscal year to the Governor, the President of the Senate, and the Speaker of the House of Representatives which outlines the return on investment and economic benefits to the state.

(7) **FRAUD.**—Any applicant that submits information under this section that includes fraudulent information is liable for reimbursement of the reasonable costs and fees associated with the review, processing, investigation, and prosecution of the fraudulent claim. An applicant that obtains an incentive payment under this section through a claim that is fraudulent is liable for reimbursement of the incentive payment plus a penalty in an amount double the incentive payment. The penalty is in addition to any criminal penalty to which the applicant is liable for the same acts. The applicant is also liable for costs and fees incurred by the state in investigating and prosecuting the fraudulent claim.

And the title is amended as follows:

Line 2 through line 39, delete those lines and insert: An act relating to the entertainment industry; amending s. 288.1254, F.S.; revising the entertainment industry financial incentive program; providing purpose of the program; providing for submittal and approval of an application under the program; providing for review by the Office of Film and Entertainment and the Office of Tourism, Trade, and Economic Development; providing standards for review; providing for verification of which expenditures concerning an entertainment production qualify for incentive funding under the program; requiring inclusion of marketing materials promoting this state as a condition of receiving incentive funding; establishing queues; specifying requirements concerning each queue; authorizing the Office of Tourism, Trade, and Economic Development to adopt rules, policies, and procedures; requiring an annual report to the Governor and the Legislature; creating a penalty for fraudulent applications and claims;

Amendment 2 (551654)(with title amendment)—Line 598 through line 674, delete those lines and insert:

Section 3. *For the 2007-2008 fiscal year, the sum of \$25 million is appropriated from the General Revenue Fund on a nonrecurring basis to the Office of Tourism, Trade, and Economic Development for the Office of Film and Entertainment for purposes of implementing s. 288.1254, Florida Statutes. Notwithstanding s. 216.301, Florida Statutes, to the contrary, the unexpended balance of this appropriation shall not revert until June 30, 2009.*

Section 4. *Section 288.1255, Florida Statutes, is repealed.*

Section 5. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 6. This act shall take effect July 1, 2007.

And the title is amended as follows:

Lines 40-55, delete those lines and insert: providing an appropriation; repealing s. 288.1255, F.S., relating to obsolete provisions for an annual appropriation; providing for severability; providing an effective date.

On motion by Senator Saunders, by two-thirds vote **CS for CS for HB 1325** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

| | | |
|---------------|-------------|---------------------|
| Mr. President | Bennett | Deutch |
| Alexander | Bullard | Diaz de la Portilla |
| Argenziano | Carlton | Dockery |
| Aronberg | Constantine | Fasano |
| Atwater | Crist | Gaetz |
| Baker | Dawson | Garcia |

| | | |
|-------------|----------|------------|
| Geller | Lynn | Siplin |
| Haridopolos | Margolis | Storms |
| Hill | Oelrich | Villalobos |
| Jones | Peaden | Webster |
| Joyner | Posey | Wilson |
| Justice | Rich | Wise |
| King | Ring | |
| Lawson | Saunders | |

Nays—None

SENATOR KING PRESIDING

On motion by Senator Jones—

CS for SB 434—A bill to be entitled An act relating to caregivers for adults; authorizing the Department of Elderly Affairs to create a pilot program in certain counties to train economically disadvantaged workers who are a specified age or older to act as companions and provide certain services to frail and vulnerable adults in the community; specifying additional purposes of the pilot program; requiring an evaluation and report to the Legislature; providing an appropriation; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 434** to **CS for HB 397**.

Pending further consideration of **CS for SB 434** as amended, on motion by Senator Jones, by two-thirds vote **CS for HB 397** was withdrawn from the Committee on Children, Families, and Elder Affairs.

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

CS for HB 397—A bill to be entitled An act relating to caregivers for adults; authorizing the Department of Elderly Affairs to create a pilot program in specified counties to train persons to act as companions and provide certain services to frail adults in the community; specifying additional purposes of the pilot program; requiring an evaluation and report to the Legislature; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for SB 434** as amended and by two-thirds vote read the second time by title.

Senators Rich and Carlton offered the following amendment which was moved by Senator Rich and adopted:

Amendment 1 (781848)(with title amendment)—Between lines 39 and 40, insert: Section 3. *The sum of \$1,350,000 in recurring funds from the General Revenue Fund and \$1,650,000 in recurring funds from the Operations and Maintenance Trust Fund are appropriated to the Department of Elderly Affairs for the purpose of completing statewide implementation of Aging Resource Centers as provided in s. 430.2053, Florida Statutes.*

(Redesignate subsequent sections.)

And the title is amended as follows:

Delete line 8 and insert: Legislature; providing appropriations; providing an

Pursuant to Rule 4.19, **CS for HB 397** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 606** was deferred.

CS for SB 2084—A bill to be entitled An act relating to financial services; amending s. 520.02, F.S.; defining the term “guaranteed asset protection products”; amending s. 520.07, F.S.; setting forth requirements and prohibitions for selling guaranteed asset protection products; amending s. 520.35, F.S.; revising the fee for a delinquency charge; amending s. 624.605, F.S.; including debt-cancellation products under

casualty insurance; providing a definition; authorizing certain entities to offer debt-cancellation products under certain circumstances; specifying that such products are not insurance; amending ss. 627.553 and 627.679, F.S.; revising limitations on the amount of authorized insurance for debtors; amending s. 627.681, F.S.; revising a limitation on the term of credit disability insurance; amending s. 655.005, F.S.; redefining the terms “federal financial institution” and “financial institution”; defining the term “debt-cancellation products”; amending s. 655.79, F.S.; providing that a deposit account by a husband and wife is a tenancy by the entirety; creating s. 655.947, F.S.; providing a definition; authorizing financial institutions to offer debt-cancellation products; authorizing a fee; requiring the Financial Services Commission to adopt rules; providing that a periodic payment option is not required for certain debt-cancellation products; amending s. 655.954, F.S.; authorizing a financial institution to offer a debt-cancellation product but not as a requirement of receiving a loan; amending s. 658.21, F.S.; revising an ownership of capital criterion for capital accounts at financial institutions and one-bank holding companies; amending s. 658.34, F.S.; prohibiting certain stock issuance practices for banks; amending s. 658.36, F.S.; requiring a state bank or trust company to file a written notice before increasing its capital stock; amending s. 658.44, F.S.; revising criteria for determining the value of dissenting shares of certain entities; providing an effective date.

—was read the second time by title.

Senator Bennett moved the following amendments which were adopted:

Amendment 1 (942400)—On page 3, line 2, after “*subsection*” insert: *also*

Amendment 2 (950168)—On page 6, line 9, after the period (.) insert: *The term does not include title insurance as defined in s. 624.608.*

Amendment 3 (653224)—On page 8, line 19, after the period (.) insert: *The term does not include title insurance as defined in s. 624.608.*

Senator Bennett moved the following amendment:

Amendment 4 (073966)(with title amendment)—On page 11, between lines 18 and 19, insert:

Section 12. Section 655.967, Florida Statutes, is created to read:

655.967 State-funded endowments.—Notwithstanding any other provision of law, state-mandated endowments funded through a general appropriations act may be maintained in trust accounts in financial institutions.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 5, after the semicolon (;) insert: creating s. 655.967, F.S.; providing that certain state-mandated endowments may be maintained in trust accounts in financial institutions;

On motion by Senator Bennett, further consideration of **CS for SB 2084** with pending **Amendment 4 (073966)** was deferred.

Consideration of **CS for CS for SB 1822** was deferred.

On motion by Senator Joyner—

SB 2120—A bill to be entitled An act relating to infant mortality; providing legislative intent relating to the black infant health practice initiative; providing definitions; providing objectives; providing for administration of the initiative; requiring a local community to develop a team to serve as a part of a statewide practice collaborative; requiring healthy start coalitions to conduct case reviews; requiring certain public universities or colleges to provide technical assistance and to assist in determining certain criteria and to present findings and make recommendations; requiring the Department of Health to distribute funding to the coalitions; providing duties of each participating coalition; requiring the department to award grants; requiring the department to conduct an annual evaluation of the initiative; requiring each coalition to

submit a report to the Governor and the Legislature; providing immunity to participating coalitions; requiring the department to adopt rules; providing a timeframe for reviewing cases; providing an appropriation; providing an effective date.

—was read the second time by title.

An amendment was considered and failed and an amendment was considered and adopted to conform **SB 2120** to **CS for HB 1269**.

Pending further consideration of **SB 2120** as amended, on motion by Senator Joyner, by two-thirds vote **CS for HB 1269** was withdrawn from the Committee on Health Policy.

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

CS for HB 1269—A bill to be entitled An act relating to infant mortality; providing legislative intent relating to the black infant health practice initiative; providing definitions; providing objectives; providing for administration of the initiative; requiring a local community to develop a team to serve as a part of a statewide practice collaborative; requiring healthy start coalitions to conduct case reviews; requiring certain public universities or colleges to provide technical assistance, to assist in determining certain criteria, and to present findings and make recommendations; requiring the Department of Health to distribute funding to the coalitions; providing duties of each participating coalition; requiring the department to award grants; requiring the department to conduct an annual evaluation of the initiative; requiring each coalition to submit a report to the Governor, the Legislature, and the department; providing immunity from liability to participating coalitions; requiring the department to adopt rules; providing a timeframe for reviewing cases; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **SB 2120** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1269** was placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Bullard, by two-thirds vote **CS for HB 1405** was withdrawn from the Committee on Community Affairs.

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

CS for HB 1405—A bill to be entitled An act relating to public records; creating s. 267.076, F.S.; creating an exemption from public records requirements for information that identifies a donor or prospective donor to a publicly owned house museum designated by the United States Department of the Interior as a National Historic Landmark who desires to remain anonymous; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 2772** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1405** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 94** was deferred.

On motion by Senator Posey—

CS for SB 628—A bill to be entitled An act relating to public records and meetings; creating s. 627.3121, F.S.; providing an exemption from public-records requirements for certain records of the Florida Workers' Compensation Joint Underwriting Association, Inc.; authorizing the release of records that are confidential and exempt from disclosure to another agency in the performance of that agency's official duties; requiring the receiving agency to maintain the confidentiality of the records; providing an exemption from public-meetings requirements for portions of a meeting of the association's board of governors or a subcommittee during which confidential records are discussed; requiring that

exempt portions of meetings be recorded, transcribed, and maintained for a specified period; providing for future legislative review and repeal of the exemptions under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 628** to **HB 7169**.

Pending further consideration of **CS for SB 628** as amended, on motion by Senator Posey, by two-thirds vote **HB 7169** was withdrawn from the Committee on Governmental Operations.

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

HB 7169—A bill to be entitled An act relating to public records and public meetings exemptions; creating s. 627.3121, F.S.; providing an exemption from public records requirements for certain records of the Florida Workers' Compensation Joint Underwriting Association, Inc.; authorizing the release of confidential and exempt records under certain circumstances; providing an exemption from public meetings requirements for portions of a meeting of the association's board of governors or a subcommittee thereof during which confidential and exempt records are discussed; requiring that exempt portions of meetings be recorded, transcribed, and maintained for a specified period; providing an exemption from public records requirements for minutes and transcripts of exempt portions of meetings; providing for future legislative review and repeal of the exemptions under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 628** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 7169** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 800** was deferred.

RECONSIDERATION OF BILL

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

CS for CS for HB 1325—A bill to be entitled An act relating to entertainment industry economic development; providing a short title; amending s. 288.1254, F.S.; revising the entertainment industry financial incentive program to provide corporate income tax and sales and use tax credits to qualified entertainment entities rather than reimbursements from appropriations; revising provisions relating to definitions, creation and scope, application procedures, approval process, eligibility, required documents, qualified and certified productions, and annual reports; providing duties and responsibilities of the Office of Film and Entertainment, the Office of Tourism, Trade, and Economic Development, and the Department of Revenue relating to the tax credits; providing criteria and limitations for awards of tax credits; providing a total amount available for tax credits; providing for uses, allocations, election, distributions, and carryforward of the tax credits; providing for use of consolidated returns; providing for partnership and noncorporate distributions of tax credits; providing for succession of tax credits; providing requirements for transfer of tax credits; requiring a purchaser of transferred tax credits to pay a percentage of the amount paid to fund specified film education grants; providing priority allocation of tax credits; providing for withdrawal of tax credit eligibility; establishing queues; authorizing the Office of Tourism, Trade, and Economic Development to adopt rules, policies, and procedures; authorizing the Department of Revenue to adopt rules and conduct audits; providing for revocation and forfeiture of tax credits; providing liability for reimbursement of certain costs and fees associated with a fraudulent claim; requiring an annual report to the Governor and the Legislature; providing for future repeal; creating s. 288.1256, F.S.; establishing the Florida Graduate Film Investment Fund; requiring administration by the Office of Film and Entertainment; providing for deposit of funds; requiring that funds be used for certain family-friendly films; amending s. 288.1252, F.S.; requiring the Florida Film and Entertainment Advisory Council to advise on films

produced under the Florida Graduate Film Investment Fund; amending s. 220.02, F.S.; including tax credits enumerated in s. 288.1254, F.S., in the order of application of credits against certain taxes; amending s. 213.053, F.S.; authorizing the Department of Revenue to provide tax credit information to the Office of Film and Entertainment and the Office of Tourism, Trade, and Economic Development; amending s. 212.08, F.S.; requiring electronic funds transfer for the entertainment industry tax credit; providing procedures; repealing s. 288.1255, F.S., to remove the requirement that annual funding for the entertainment industry financial incentive program be subject to legislative appropriation; providing severability; providing an effective date.

—as amended passed this day.

On motion by Senator Alexander, the Senate reconsidered the vote by which **Amendment 1** was adopted.

MOTION

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

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

Amendment 1A (864564)—On page 3, lines 4 and 5, delete those lines and insert: *concert production, a pornographic production, or a local, regional, or Internet-distributed-only news show, current-events show, a pornographic production, or a*

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

On motion by Senator Alexander, **CS for CS for HB 1325** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

| | | |
|---------------------|-------------|------------|
| Mr. President | Dockery | Oelrich |
| 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 |
| Dawson | Lawson | Wise |
| Deutch | Lynn | |
| Diaz de la Portilla | Margolis | |

Nays—None

On motion by Senator Garcia, by two-thirds vote **HB 7203** was withdrawn from the Committee on Community Affairs.

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

HB 7203—A bill to be entitled An act relating to growth management; amending s. 163.3164, F.S.; revising definitions; amending s. 163.3177, F.S.; revising certain criteria and requirements for elements of comprehensive plans; providing criteria for determining financial feasibility of comprehensive plans; amending s. 163.3180, F.S.; revising application of concurrency requirements to public transit facilities; revising certain transportation concurrency requirements relating to concurrency exception areas, developments of regional impact, and schools; providing application to Florida Quality Developments and certain areas; revising proportionate fair-share mitigation criteria; creating s. 163.3182, F.S.; providing for the creation of transportation concurrency backlog authorities; providing definitions; providing powers and responsibilities of such authorities; providing for transportation concurrency backlog plans; providing for the issuance of revenue bonds for certain purposes; providing for the establishment of a local trust fund within each county or municipality with an identified transportation concurrency backlog; providing exemptions from transportation concurrency requirements; providing

for the satisfaction of concurrency requirements; providing for dissolution of transportation concurrency backlog authorities; amending s. 163.3187, F.S.; revising a criterion for application of amendments to certain small scale developments; amending s. 163.3191, F.S.; providing for nonapplication of a prohibition against certain proposed plan amendments to allow for integration of a port master plan in the coastal management plan element under certain conditions; amending s. 163.3229, F.S.; extending a time limitation on duration of development agreements; creating s. 163.32465, F.S.; providing for a pilot program to provide a plan review process for certain densely developed areas; providing legislative findings; providing for exempting certain local governments from compliance review by the state land planning agency; authorizing certain municipalities to not participate in the program; providing procedures and requirements for adopting comprehensive plan amendments in such areas; requiring public hearings; providing hearing requirements; providing requirements for local government transmittal of proposed plan amendments; providing for intergovernmental review; providing for regional, county, and municipal review; providing requirements for local government review of certain comments; providing requirements for adoption and transmittal of plan amendments; providing procedures and requirements for challenges to compliance of adopted plan amendments; providing for administrative hearings; providing for applicability of program provisions; requiring the Office of Program Policy Analysis and Governmental Accountability to evaluate the pilot program and prepare and submit a report to the Governor and Legislature; providing report requirements; establishing four full-time equivalent planning positions; providing an appropriation; amending s. 380.06, F.S.; extending development-of-regional-impact phase and buildout dates for certain projects under construction; providing that such extensions are not substantial deviations and do not subject such projects to further review; providing an effective date.

—was substituted for **CS for SB 800** and by two-thirds vote read the second time by title.

Senator Garcia moved the following amendment:

Amendment 1 (113368)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (26) and (32) of section 163.3164, Florida Statutes, are amended to read:

163.3164 Local Government Comprehensive Planning and Land Development Regulation Act; definitions.—As used in this act:

(26) “Urban redevelopment” means demolition and reconstruction or substantial renovation of existing buildings or infrastructure within urban infill areas, ~~or~~ existing urban service areas, or community redevelopment areas created pursuant to part III.

(32) “Financial feasibility” means that sufficient revenues are currently available or will be available from committed funding sources for the first 3 years, or will be available from committed or planned funding sources for years 4 and 5, of a 5-year capital improvement schedule for financing capital improvements, such as ad valorem taxes, bonds, state and federal funds, tax revenues, impact fees, and developer contributions, which are adequate to fund the projected costs of the capital improvements identified in the comprehensive plan necessary to ensure that adopted level-of-service standards are achieved and maintained within the period covered by the 5-year schedule of capital improvements. *A comprehensive plan shall be deemed financially feasible for transportation and school facilities throughout the planning period addressed by the capital improvements schedule if it can be demonstrated that the level-of-service standards will be achieved and maintained by the end of the planning period even if in a particular year such improvements are not concurrent as required by s. 163.3180. The requirement that level-of-service standards be achieved and maintained shall not apply if the proportionate share process set forth in s. 163.3180(12) and (16) is used.*

Section 2. Subsections (2) and (3) of section 163.3177, Florida Statutes, are amended to read:

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

(2) Coordination of the several elements of the local comprehensive plan shall be a major objective of the planning process. The several

elements of the comprehensive plan shall be consistent, and the comprehensive plan shall be financially feasible. Financial feasibility shall be determined using professionally accepted methodologies and applies to the 5-year planning period, except in the case of a long-term transportation or school concurrency management system, in which case a 10-year or 15-year period applies.

(3)(a) The comprehensive plan shall contain a capital improvements element designed to consider the need for and the location of public facilities in order to encourage the efficient use ~~utilization~~ of such facilities and set forth:

1. A component ~~that which~~ outlines principles for construction, extension, or increase in capacity of public facilities, as well as a component ~~that which~~ outlines principles for correcting existing public facility deficiencies, which are necessary to implement the comprehensive plan. The components shall cover at least a 5-year period.

2. Estimated public facility costs, including a delineation of when facilities will be needed, the general location of the facilities, and projected revenue sources to fund the facilities.

3. Standards to ensure the availability of public facilities and the adequacy of those facilities including acceptable levels of service.

4. Standards for the management of debt.

5. A schedule of capital improvements which includes publicly funded projects, and which may include privately funded projects for which the local government has no fiscal responsibility, necessary to ensure that adopted level-of-service standards are achieved and maintained. For capital improvements that will be funded by the developer, financial feasibility shall be demonstrated by being guaranteed in an enforceable development agreement or interlocal agreement pursuant to paragraph (10)(h), or other enforceable agreement. These development agreements and interlocal agreements shall be reflected in the schedule of capital improvements if the capital improvement is necessary to serve development within the 5-year schedule. If the local government uses planned revenue sources that require referenda or other actions to secure the revenue source, the plan must, in the event the referenda are not passed or actions do not secure the planned revenue source, identify other existing revenue sources that will be used to fund the capital projects or otherwise amend the plan to ensure financial feasibility.

6. The schedule must include transportation improvements included in the applicable metropolitan planning organization’s transportation improvement program adopted pursuant to s. 339.175(7) to the extent that such improvements are relied upon to ensure concurrency and financial feasibility. The schedule must also be coordinated with the applicable metropolitan planning organization’s long-range transportation plan adopted pursuant to s. 339.175(6).

(b)1. The capital improvements element ~~must shall~~ be reviewed on an annual basis and modified as necessary in accordance with s. 163.3187 or s. 163.3189 in order to maintain a financially feasible 5-year schedule of capital improvements. Corrections and modifications concerning costs; revenue sources; or acceptance of facilities pursuant to dedications which are consistent with the plan may be accomplished by ordinance and shall not be deemed to be amendments to the local comprehensive plan. A copy of the ordinance shall be transmitted to the state land planning agency. An amendment to the comprehensive plan is required to update the schedule on an annual basis or to eliminate, defer, or delay the construction for any facility listed in the 5-year schedule. All public facilities ~~must shall~~ be consistent with the capital improvements element. Amendments to implement this section must be adopted and transmitted no later than December 1, 2008 2007. Thereafter, a local government may not amend its future land use map, except for plan amendments to meet new requirements under this part and emergency amendments pursuant to s. 163.3187(1)(a), after December 1, 2008 2007, and every year thereafter, unless and until the local government has adopted the annual update and it has been transmitted to the state land planning agency.

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

(c) If the local government does not adopt the required annual update to the schedule of capital improvements or the annual update is found not in compliance, the state land planning agency must notify the Administration Commission. A local government that has a demonstrated lack of commitment to meeting its obligations identified in the capital improvements element may be subject to sanctions by the Administration Commission pursuant to s. 163.3184(11).

(d) If a local government adopts a long-term concurrency management system pursuant to s. 163.3180(9), it must also adopt a long-term capital improvements schedule covering up to a 10-year or 15-year period, and must update the long-term schedule annually. The long-term schedule of capital improvements must be financially feasible.

(e) *At the discretion of the local government and notwithstanding the requirements of this subsection, a comprehensive plan, as revised by an amendment to the plan's future land use map, shall be deemed to be financially feasible and to have achieved and maintained level-of-service standards with respect to transportation facilities if the amendment to the future land use map is supported by a:*

1. *Condition in a development order for a development of regional impact or binding agreement that addresses proportionate-share mitigation consistent with s. 163.3180(12); or*

2. *Binding agreement addressing proportionate fair-share mitigation consistent with s. 163.3180(16)(f) and the property subject to the amendment to the future land use map is located within an area designated in a comprehensive plan for urban infill, urban redevelopment, downtown revitalization, urban infill and redevelopment, or an urban service area. The binding agreement must be based on the maximum amount of development identified by the future land use map amendment.*

Section 3. Subsections (5), (12), and (16) of section 163.3180, Florida Statutes, are amended to read:

163.3180 Concurrency.—

(5)(a) The Legislature finds that under limited circumstances dealing with transportation facilities, countervailing planning and public policy goals may come into conflict with the requirement that adequate public facilities and services be available concurrent with the impacts of such development. The Legislature further finds that often the unintended result of the concurrency requirement for transportation facilities is the discouragement of urban infill development and redevelopment. Such unintended results directly conflict with the goals and policies of the state comprehensive plan and the intent of this part. Therefore, exceptions from the concurrency requirement for transportation facilities may be granted as provided by this subsection.

(b) A local government may grant an exception from the concurrency requirement for transportation facilities if the proposed development is otherwise consistent with the adopted local government comprehensive plan and is a project that promotes public transportation or is located within an area designated in the comprehensive plan for:

1. Urban infill development;
2. Urban redevelopment;
3. Downtown revitalization;
4. Urban infill and redevelopment under s. 163.2517; or

5. *An urban service area specifically designated as a transportation-concurrency-exception area which includes lands appropriate for compact, contiguous urban development, which does not exceed the amount of land needed to accommodate the projected population growth at densities consistent with the adopted comprehensive plan within the 10-year planning period, and which is served or is planned to be served with public facilities and services as provided by the capital improvements element.*

(c) The Legislature also finds that developments located within urban infill, urban redevelopment, existing urban service, or downtown revitalization areas or areas designated as urban infill and redevelopment areas under s. 163.2517 which pose only special part-time demands on the transportation system should be excepted from the concurrency requirement for transportation facilities. A special part-time demand is one that does not have more than 200 scheduled events during

any calendar year and does not affect the 100 highest traffic volume hours.

(d) A local government shall establish guidelines in the comprehensive plan for granting the exceptions authorized in paragraphs (b) and (c) and subsections (7) and (15) which must be consistent with and support a comprehensive strategy adopted in the plan to promote the purpose of the exceptions.

(e) The local government shall adopt into the plan and implement long-term strategies to support and fund mobility within the designated exception area, including alternative modes of transportation. The plan amendment ~~must shall~~ also demonstrate how strategies will support the purpose of the exception and how mobility within the designated exception area will be provided. In addition, the strategies must address urban design; appropriate land use mixes, including intensity and density; and network connectivity plans needed to promote urban infill, redevelopment, or downtown revitalization. The comprehensive plan amendment designating the concurrency exception area ~~must shall~~ be accompanied by data and analysis justifying the size of the area.

(f) Prior to the designation of a concurrency exception area, the state land planning agency and the Department of Transportation shall be consulted by the local government to assess the impact that the proposed exception area is expected to have on the adopted level-of-service standards established for Strategic Intermodal System facilities, as defined in s. 339.64, and roadway facilities funded in accordance with s. 339.2819. Further, the local government shall, in ~~consultation cooperation~~ with the state land planning agency and the Department of Transportation, develop a plan to mitigate any impacts to the Strategic Intermodal System, including, if appropriate, the development of a long-term concurrency management system pursuant to subsection (9) and s. 163.3177(3)(d). The exceptions may be available only within the specific geographic area of the jurisdiction designated in the plan. Pursuant to s. 163.3184, any affected person may challenge a plan amendment establishing these guidelines and the areas within which an exception could be granted.

(g) Transportation concurrency exception areas existing prior to July 1, 2005, ~~must shall meet~~, at a minimum, ~~meet~~ the provisions of this section by July 1, 2006, or at the time of the comprehensive plan update pursuant to the evaluation and appraisal report, whichever occurs last.

(12) ~~When authorized by a local comprehensive plan,~~ A multiuse development of regional impact may satisfy the transportation concurrency requirements of the local comprehensive plan, the local government's concurrency management system, and s. 380.06 by payment of a proportionate-share contribution for local and regionally significant traffic impacts, if:

(a) ~~The development of regional impact meets or exceeds the guidelines and standards of s. 380.0651(3)(h) and rule 28-24.032(2), Florida Administrative Code, and includes a residential component that contains at least 100 residential dwelling units or 15 percent of the applicable residential guideline and standard, whichever is greater;~~

(a)(b) ~~The development of regional impact which, based on its location or mix of land uses, contains an integrated mix of land uses and is designed to encourage pedestrian or other nonautomotive modes of transportation;~~

(b)(c) ~~The proportionate-share contribution for local and regionally significant traffic impacts is sufficient to pay for one or more required mobility improvements that will benefit a regionally significant transportation facility;~~

(c)(d) ~~The owner and developer of the development of regional impact pays or assures payment of the proportionate-share contribution; and~~

(d)(e) ~~If the regionally significant transportation facility to be constructed or improved is under the maintenance authority of a governmental entity, as defined by s. 334.03(12), other than the local government with jurisdiction over the development of regional impact, the developer is required to enter into a binding and legally enforceable commitment to transfer funds to the governmental entity having maintenance authority or to otherwise assure construction or improvement of the facility.~~

The proportionate-share contribution may be applied to any transportation facility to satisfy the provisions of this subsection and the local

comprehensive plan, but, for the purposes of this subsection, the amount of the proportionate-share contribution shall be calculated based upon the cumulative number of trips from the proposed development expected to reach roadways during the peak hour from the complete buildout of a stage or phase being approved, divided by the change in the peak hour maximum service volume of roadways resulting from construction of an improvement necessary to maintain the adopted level of service, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted level of service. For purposes of this subsection, "construction cost" includes all associated costs of the improvement. *Proportionate-share mitigation shall be limited to ensure that a development of regional impact meeting the requirements of this subsection mitigates its impact on the transportation system but is not responsible for the additional cost of reducing or eliminating backlogs.*

(16) It is the intent of the Legislature to provide a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors. The methodology used to calculate proportionate fair-share mitigation under this section shall be as provided for in subsection (12).

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

(b)1. In its transportation concurrency management system, a local government shall, by December 1, 2006, include methodologies that will be applied to calculate proportionate fair-share mitigation. A developer may choose to satisfy all transportation concurrency requirements by contributing or paying proportionate fair-share mitigation if transportation facilities or facility segments identified as mitigation for traffic impacts are specifically identified for funding in the 5-year schedule of capital improvements in the capital improvements element of the local plan or the long-term concurrency management system or if such contributions or payments to such facilities or segments are reflected in the 5-year schedule of capital improvements in the next regularly scheduled update of the capital improvements element. Updates to the 5-year capital improvements element which reflect proportionate fair-share contributions may not be found not in compliance based on ss. 163.3164(32) and 163.3177(3) if additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed 10 years to fully mitigate impacts on the transportation facilities.

2. Proportionate fair-share mitigation shall be applied as a credit against impact fees to the extent that all or a portion of the proportionate fair-share mitigation is used to address the same capital infrastructure improvements contemplated by the local government's impact fee ordinance.

(c) Proportionate fair-share mitigation includes, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities and may include public funds as determined by the local government. *Proportionate fair-share mitigation may be directed toward one or more specific transportation improvements reasonably related to the mobility demands created by the development and such improvements may address one or more modes of travel.* The fair market value of the proportionate fair-share mitigation shall not differ based on the form of mitigation. A local government may not require a development to pay more than its proportionate fair-share contribution regardless of the method of mitigation. *Proportionate fair-share mitigation shall be limited to ensure that a development meeting the requirements of this section mitigates its impact on the transportation system but is not responsible for the additional cost of reducing or eliminating backlogs.*

(d) ~~Nothing in~~ This subsection ~~does not shall~~ require a local government to approve a development that is not otherwise qualified for approval pursuant to the applicable local comprehensive plan and land development regulations.

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

(f) ~~If in the event~~ the funds in an adopted 5-year capital improvements element are insufficient to fully fund construction of a transportation improvement required by the local government's concurrency management system, a local government and a developer may still enter into a binding proportionate-share agreement authorizing the developer to construct that amount of development on which the proportionate share is calculated if the proportionate-share amount in such agreement is sufficient to pay for one or more improvements which will, in the opinion of the governmental entity or entities maintaining the transportation facilities, significantly benefit the impacted transportation system. ~~The improvement or improvements funded by the proportionate-share component must be adopted into the 5-year capital improvements schedule of the comprehensive plan at the next annual capital improvements element update. The funding of improvements that significantly benefit the impacted transportation system must satisfy concurrency as a mitigation of the development's impact upon the overall transportation system.~~

(g) Except as provided in subparagraph (b)1., ~~nothing in~~ this section ~~may not shall~~ prohibit the Department of Community Affairs from finding other portions of the capital improvements element amendments not in compliance as provided in this chapter.

(h) The provisions of this subsection do not apply to a ~~multiuse~~ development of regional impact satisfying the requirements of subsection (12).

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

163.3191 Evaluation and appraisal of comprehensive plan.—

(14) The prohibition on plan amendments in subsection (10) does not apply to a proposed plan amendment adopted by a local government in order to integrate a port master plan with the coastal management plan element of the local comprehensive plan required under s. 163.3178(2)(k), if the port master plan or the proposed plan amendment do not cause or contribute to the local government's failure to comply with the requirements of the evaluation and appraisal report.

Section 5. 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 ~~is 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 ~~is 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 may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection.*

Section 6. 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 comprehensive planning; amending s. 163.3164, F.S.; redefining the terms "urban redevelopment" and "financial feasibility" for purposes of the Local Government Comprehensive

Planning and Land Development Regulation Act; amending s. 163.3177, F.S.; providing for application of requirements for financial feasibility with respect to the elements of a comprehensive plan; delaying the deadline for amendments conforming public facilities with the capital improvements element; specifying circumstances under which transportation and school facilities shall be deemed to be financially feasible and to have achieved level-of-service standards; amending s. 163.3180, F.S.; providing an additional exemption from concurrency requirements for an urban service area under specified circumstances; requiring that a local government consult with the state land planning agency regarding the designation of a concurrency exception area; revising provisions providing an exception from transportation concurrency requirements for a multiuse development of regional impact; providing requirements for proportionate-share mitigation and proportionate fair-share mitigation with respect to transportation improvements; amending s. 163.3191, F.S.; exempting from a prohibition on plan amendments certain amendments to local comprehensive plans concerning the integration of port master plans; amending s. 380.06, F.S.; extending the build-out and expiration dates for certain projects that are developments of regional impact; providing an effective date.

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

Amendment 1A (305036)—On page 6, delete line 15 and insert: *use map amendment or as may be otherwise restricted through a special area plan policy or map notation in the comprehensive plan.*

Amendment 1B (575562)(with title amendment)—On page 10, lines 24-27, delete those lines and insert: *necessary to maintain the adopted or existing level of service, whichever is lower, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted or existing level of service, whichever is lower.* For purposes of this subsection, “construction cost”

And the title is amended as follows:

On page 16, line 17, after the semicolon (;) insert: *revising the formula for calculating proportionate-share contributions;*

Senator Webster moved the following amendment to **Amendment 1**:

Amendment 1C (943812)(with title amendment)—On page 15, between lines 14 and 15, insert:

Section 6. Section 163.32465, Florida Statutes, is created to read:

163.32465 *State review of local comprehensive plans in urban areas.*—

(1) **LEGISLATIVE FINDINGS.**—

(a) *The Legislature finds that local governments in this state have a wide diversity of resources, conditions, abilities, and needs. The Legislature also finds that the needs and resources of urban areas are different from those of rural areas and that different planning and growth management approaches, strategies, and techniques are required in urban areas. The state role in overseeing growth management should reflect this diversity and should vary based on local government conditions, capabilities, needs, and extent of development. Thus, the Legislature recognizes and finds that reduced state oversight of local comprehensive planning is justified for some local governments in urban areas.*

(b) *The Legislature finds and declares that this state’s urban areas require a reduced level of state oversight because of their high degree of urbanization and the planning capabilities and resources of many of their local governments. An alternative state review process that is adequate to protect issues of regional or statewide importance should be created for appropriate local governments in these areas. Further, the Legislature finds that development, including urban infill and redevelopment, should be encouraged in these urban areas. The Legislature finds that an alternative process for amending local comprehensive plans in these areas should be established with an objective of streamlining the process and recognizing local responsibility and accountability.*

(c) *The Legislature finds a pilot program will be beneficial in evaluating an alternative, expedited plan amendment adoption and review process. Pilot local governments shall represent highly developed counties and the municipalities within these counties and highly populated municipalities.*

(2) **ALTERNATIVE STATE REVIEW PROCESS PILOT PROGRAM.**—*Pinellas and Broward Counties, and the municipalities within these counties, and Jacksonville, Miami, Tampa, and Hialeah, shall follow an alternative state review process provided in this section. Municipalities within the pilot counties may elect, by super majority vote of the governing body, not to participate in the pilot program.*

(3) **PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS UNDER THE PILOT PROGRAM.**—

(a) *Plan amendments adopted by the pilot program jurisdictions shall follow the alternate, expedited process in subsections (4) and (5), except as set forth in paragraphs (b) through (e) of this subsection.*

(b) *Amendments that qualify as small-scale development amendments may continue to be adopted by the pilot program jurisdictions pursuant to ss. 163.3187(1)(c) and (3).*

(c) *Plan amendments that propose a rural land stewardship area pursuant to s. 163.3177(1)(d); propose an optional sector plan; update a comprehensive plan based on an evaluation and appraisal report; implement new statutory requirements; or new plans for newly incorporated municipalities are subject to state review as set forth in s. 163.3184.*

(d) *Pilot program jurisdictions shall be subject to the frequency and timing requirements for plan amendments set forth in ss. 163.3187 and 163.3191, except where otherwise stated in this section.*

(e) *The mediation and expedited hearing provisions in s. 163.3189(3) apply to all plan amendments adopted by the pilot program jurisdictions.*

(4) **INITIAL HEARING ON COMPREHENSIVE PLAN AMENDMENT FOR PILOT PROGRAM.**—

(a) *The local government shall hold its first public hearing on a comprehensive plan amendment on a weekday at least seven days after the day the first advertisement is published pursuant to the requirements of chapters 125 or 166. Upon an affirmative vote of not less than a majority of the members of the governing body present at the hearing, the local government shall immediately transmit the amendment or amendments and appropriate supporting data and analyses to the state land planning agency; the appropriate regional planning council and water management district; the Department of Environmental Protection; the Department of State; the Department of Transportation; in the case of municipal plans, to the appropriate county; the Fish and Wildlife Conservation Commission; the Department of Agriculture and Consumer Services; and in the case of amendments that include or impact the public school facilities element, the Office of Educational Facilities of the Commissioner of Education. The local governing body shall also transmit a copy of the amendments and supporting data and analyses to any other local government or governmental agency that has filed a written request with the governing body.*

(b) *The agencies and local governments specified in paragraph (a) may provide comments regarding the amendment or amendments to the local government. The regional planning council review and comment shall be limited to effects on regional resources or facilities identified in the strategic regional policy plan and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of the affected local government. A regional planning council shall not review and comment on a proposed comprehensive plan amendment prepared by such council unless the plan has been changed by the local government subsequent to the preparation of the plan by the regional planning agency. County comments on municipal comprehensive plan amendments shall be primarily in the context of the relationship and effect of the proposed plan amendments on the county plan. Municipal comments on county plan amendments shall be primarily in the context of the relationship and effect of the amendments on the municipal plan. State agency comments may include technical guidance on issues of agency jurisdiction as it relates to the requirements of this part. Such comments shall clearly identify issues of regional or statewide importance that, if not resolved, may result in an agency challenge to the amendment. Agencies and local governments must transmit their comments to the affected local government such that they are received by the local government not later than thirty days from the date on which the agency or government received the amendment or amendments.*

(5) **ADOPTION OF COMPREHENSIVE PLAN AMENDMENT FOR PILOT AREAS.**—

(a) The local government shall hold its second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, on a weekday at least five days after the day the second advertisement is published pursuant to the requirements of chapters 125 or 166. Adoption of comprehensive plan amendments must be by ordinance and requires an affirmative vote of a majority of the members of the governing body present at the second hearing.

(b) All comprehensive plan amendments adopted by the governing body along with the supporting data and analysis shall be transmitted within ten days of the second public hearing to the state land planning agency and any other agency or local government that provided timely comments under subsection 4(b).

(6) ADMINISTRATIVE CHALLENGES TO PLAN AMENDMENTS FOR PILOT PROGRAM.—

(a) Any “affected person” as defined in s. 163.3184(1)(a) may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57, with a copy served on the affected local government, to request a formal hearing to challenge whether the amendments are “in compliance” as defined in s. 163.3184(1)(b). This petition must be filed with the Division within 30 days after the local government adopts the amendment. The state land planning may intervene in a proceeding instituted by an affected person.

(b) The state land planning agency may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57, with a copy served on the affected local government, to request a formal hearing. This petition must be filed with the Division within 30 days after the state land planning agency notifies the local government that the plan amendment package is complete. For purposes of this section, an amendment shall be deemed complete if it contains a full, executed copy of the adoption ordinance or ordinances; in the case of a text amendment, a full copy of the amended language in legislative format with new words inserted in the text underlined, and words to be deleted lined through with hyphens; in the case of a future land use map amendment, a copy of the future land use map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and a copy of any data and analyses the local government deems appropriate. The state land planning agency shall notify the local government of any deficiencies within five working days of receipt of amendment package.

(c) The state land planning agency challenge shall be limited to issues of regional or statewide importance as they relate to consistency with the requirements of this part. The agency’s challenge shall be limited to those issues raised in the comments provided by the reviewing agencies pursuant to subsection 4(a). The agency may challenge a plan amendment that has substantially changed from the version on which the agencies provided comments, regardless of specific comments provided to the local government if such change will result in an impact to issues of regional or statewide importance that the proposed amendment did not impact.

(d) An administrative law judge shall hold a hearing in the affected local jurisdiction. The local government’s determination that the amendment is “in compliance” is presumed to be correct and shall be sustained unless it is shown by a preponderance of the evidence that the amendment is not “in compliance.”

(e) If the administrative law judge recommends that the amendment be found not in compliance, the judge shall submit the recommended order to the Administration Commission for final agency action. The Administration Commission shall enter a final order within 45 days after its receipt of the recommended order.

(f) If the administrative law judge recommends that the amendment be found in compliance, the judge shall submit the recommended order to the state land planning agency.

1. If the state land planning agency determines that the plan amendment should be found not in compliance, the agency shall refer, within 30 days of receipt of the recommended order, the recommended order and its determination to the Administration Commission for final agency action. If the commission determines that the amendment is not in compliance, it may sanction the local government as set forth in s. 163.3184(11).

2. If the state land planning agency determines that the plan amendment should be found in compliance, the agency shall enter its final order not later than 30 days from receipt of the recommended order.

(g) An amendment adopted under the expedited provisions of this section shall not become effective until 31 days after adoption. If timely challenged, an amendment shall not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

(h) Parties to a proceeding under this section may enter into compliance agreements using the process in s. 163.3184(16). Any remedial amendment adopted pursuant to a settlement agreement shall be provided to the agencies and governments listed in paragraph (4)(a).

(7) APPLICABILITY OF PILOT PROGRAM IN CERTAIN LOCAL GOVERNMENTS.—Local governments and specific areas that have been designated for alternate review process pursuant to ss. 163.3246 and 163.3184(17) and (18) are not subject to this section.

(8) RULEMAKING AUTHORITY FOR PILOT PROGRAM.—Agencies shall not promulgate rules to implement this pilot program.

(9) REPORT.—The Office of Program Policy Analysis and Government Accountability shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2008, a report and recommendations for implementing a statewide program that addresses the legislative findings in subsection (1) in areas that meet urban criteria. The Office of Program Policy Analysis and Government Accountability in consultation with the state land planning agency shall develop the report and recommendations with input from other state and regional agencies, local governments and interest groups. Additionally, the office shall review local and state actions and correspondence relating to the pilot program to identify issues of process and substance in recommending changes to the pilot program. At a minimum, the report and recommendations shall include the following:

(a) Identification of local governments beyond those participating in the pilot program that should be subject to the alternative expedited state review process. The report may recommend that pilot program local governments may no longer be appropriate for such alternative review process.

(b) Changes to the alternative expedited state review process for local comprehensive plan amendments identified in the pilot program.

(c) Criteria for determining issues of regional or statewide importance that are to be protected in the alternative state review process.

(d) In preparing the report and recommendations, the Office of Program Policy Analysis and Government Accountability shall consult with the state land planning agency, the Department of Transportation, the Department of Environmental Protection, and the regional planning agencies in identifying highly developed local governments to participate in the alternative expedited state review process. The Office of Program Policy Analysis and Government Accountability shall also solicit citizen input in the potentially affected areas and consult with the affected local governments, and stakeholder groups.

Section 7. There is established four full-time equivalent planning positions and appropriated rate in the amount of \$220,000 and salary budget authority in the amount of \$326,620 from the Grants and Donations Trust Fund in the Division of Community Planning for the purposes of providing technical assistance and advice to state and local governments in their ability to respond to growth-related issues, and to ensure compliance with chapter 163 comprehensive planning issues.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 16, line 28, after the semicolon (;) insert: creating s. 163.32465, F.S.; providing for a pilot program to provide a plan review process for certain densely developed areas; providing legislative findings; providing for exempting certain local governments from compliance review by the state land planning agency; authorizing certain municipalities to not participate in the program; providing procedures and requirements for adopting comprehensive plan amendments in such areas; requiring public hearings; providing hearing requirements; providing requirements for local government transmittal of proposed plan

amendments; providing for intergovernmental review; providing for regional, county, and municipal review; providing requirements for local government review of certain comments; providing requirements for adoption and transmittal of plan amendments; providing procedures and requirements for challenges to compliance of adopted plan amendments; providing for administrative hearings; providing for applicability of program provisions; requiring the Office of Program Policy Analysis and Governmental Accountability to evaluate the pilot program and prepare and submit a report to the Governor and Legislature; providing report requirements; establishing four full-time equivalent planning positions; providing an appropriation;

SENATOR GELLER PRESIDING

MOTION

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

Senator Storms moved the following substitute amendment for **Amendment 1C**:

Amendment 1D (081112)(with title amendment)—On page 15, between lines 14 and 15, insert:

Section 6. Section 163.32465, Florida Statutes, is created to read:

163.32465 *State review of local comprehensive plans in urban areas.*—

(1) LEGISLATIVE FINDINGS.—

(a) *The Legislature finds that local governments in this state have a wide diversity of resources, conditions, abilities, and needs. The Legislature also finds that the needs and resources of urban areas are different from those of rural areas and that different planning and growth management approaches, strategies, and techniques are required in urban areas. The state role in overseeing growth management should reflect this diversity and should vary based on local government conditions, capabilities, needs, and extent of development. Thus, the Legislature recognizes and finds that reduced state oversight of local comprehensive planning is justified for some local governments in urban areas.*

(b) *The Legislature finds and declares that this state's urban areas require a reduced level of state oversight because of their high degree of urbanization and the planning capabilities and resources of many of their local governments. An alternative state review process that is adequate to protect issues of regional or statewide importance should be created for appropriate local governments in these areas. Further, the Legislature finds that development, including urban infill and redevelopment, should be encouraged in these urban areas. The Legislature finds that an alternative process for amending local comprehensive plans in these areas should be established with an objective of streamlining the process and recognizing local responsibility and accountability.*

(c) *The Legislature finds a pilot program will be beneficial in evaluating an alternative, expedited plan amendment adoption and review process. Pilot local governments shall represent highly developed counties and the municipalities within these counties and highly populated municipalities.*

(2) **ALTERNATIVE STATE REVIEW PROCESS PILOT PROGRAM.**—*Pinellas and Broward Counties, and the municipalities within these counties, and Jacksonville, Miami, and Hialeah, shall follow an alternative state review process provided in this section. Municipalities within the pilot counties may elect, by super majority vote of the governing body, not to participate in the pilot program.*

(3) **PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS UNDER THE PILOT PROGRAM.**—

(a) *Plan amendments adopted by the pilot program jurisdictions shall follow the alternate, expedited process in subsections (4) and (5), except as set forth in paragraphs (b) through (e) of this subsection.*

(b) *Amendments that qualify as small-scale development amendments may continue to be adopted by the pilot program jurisdictions pursuant to ss. 163.3187(1)(c) and (3).*

(c) *Plan amendments that propose a rural land stewardship area pursuant to s. 163.3177(11)(d); propose an optional sector plan; update a comprehensive plan based on an evaluation and appraisal report; implement new statutory requirements; or new plans for newly incorporated municipalities are subject to state review as set forth in s. 163.3184.*

(d) *Pilot program jurisdictions shall be subject to the frequency and timing requirements for plan amendments set forth in ss. 163.3187 and 163.3191, except where otherwise stated in this section.*

(e) *The mediation and expedited hearing provisions in s. 163.3189(3) apply to all plan amendments adopted by the pilot program jurisdictions.*

(4) **INITIAL HEARING ON COMPREHENSIVE PLAN AMENDMENT FOR PILOT PROGRAM.**—

(a) *The local government shall hold its first public hearing on a comprehensive plan amendment on a weekday at least seven days after the day the first advertisement is published pursuant to the requirements of chapters 125 or 166. Upon an affirmative vote of not less than a majority of the members of the governing body present at the hearing, the local government shall immediately transmit the amendment or amendments and appropriate supporting data and analyses to the state land planning agency; the appropriate regional planning council and water management district; the Department of Environmental Protection; the Department of State; the Department of Transportation; in the case of municipal plans, to the appropriate county; the Fish and Wildlife Conservation Commission; the Department of Agriculture and Consumer Services; and in the case of amendments that include or impact the public school facilities element, the Office of Educational Facilities of the Commissioner of Education. The local governing body shall also transmit a copy of the amendments and supporting data and analyses to any other local government or governmental agency that has filed a written request with the governing body.*

(b) *The agencies and local governments specified in paragraph (a) may provide comments regarding the amendment or amendments to the local government. The regional planning council review and comment shall be limited to effects on regional resources or facilities identified in the strategic regional policy plan and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of the affected local government. A regional planning council shall not review and comment on a proposed comprehensive plan amendment prepared by such council unless the plan has been changed by the local government subsequent to the preparation of the plan by the regional planning agency. County comments on municipal comprehensive plan amendments shall be primarily in the context of the relationship and effect of the proposed plan amendments on the county plan. Municipal comments on county plan amendments shall be primarily in the context of the relationship and effect of the amendments on the municipal plan. State agency comments may include technical guidance on issues of agency jurisdiction as it relates to the requirements of this part. Such comments shall clearly identify issues of regional or statewide importance that, if not resolved, may result in an agency challenge to the amendment. Agencies and local governments must transmit their comments to the affected local government such that they are received by the local government not later than thirty days from the date on which the agency or government received the amendment or amendments.*

(5) **ADOPTION OF COMPREHENSIVE PLAN AMENDMENT FOR PILOT AREAS.**—

(a) *The local government shall hold its second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, on a weekday at least five days after the day the second advertisement is published pursuant to the requirements of chapters 125 or 166. Adoption of comprehensive plan amendments must be by ordinance and requires an affirmative vote of a majority of the members of the governing body present at the second hearing.*

(b) *All comprehensive plan amendments adopted by the governing body along with the supporting data and analysis shall be transmitted within ten days of the second public hearing to the state land planning agency and any other agency or local government that provided timely comments under subsection 4(b).*

(6) **ADMINISTRATIVE CHALLENGES TO PLAN AMENDMENTS FOR PILOT PROGRAM.**—

(a) Any "affected person" as defined in s. 163.3184(1)(a) may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57, with a copy served on the affected local government, to request a formal hearing to challenge whether the amendments are "in compliance" as defined in s. 163.3184(1)(b). This petition must be filed with the Division within 30 days after the local government adopts the amendment. The state land planning may intervene in a proceeding instituted by an affected person.

(b) The state land planning agency may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57, with a copy served on the affected local government, to request a formal hearing. This petition must be filed with the Division within 30 days after the state land planning agency notifies the local government that the plan amendment package is complete. For purposes of this section, an amendment shall be deemed complete if it contains a full, executed copy of the adoption ordinance or ordinances; in the case of a text amendment, a full copy of the amended language in legislative format with new words inserted in the text underlined, and words to be deleted lined through with hyphens; in the case of a future land use map amendment, a copy of the future land use map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and a copy of any data and analyses the local government deems appropriate. The state land planning agency shall notify the local government of any deficiencies within five working days of receipt of amendment package.

(c) The state land planning agency challenge shall be limited to issues of regional or statewide importance as they relate to consistency with the requirements of this part. The agency's challenge shall be limited to those issues raised in the comments provided by the reviewing agencies pursuant to subsection (4)(a). The agency may challenge a plan amendment that has substantially changed from the version on which the agencies provided comments, regardless of specific comments provided to the local government if such change will result in an impact to issues of regional or statewide importance that the proposed amendment did not impact.

(d) An administrative law judge shall hold a hearing in the affected local jurisdiction. The local government's determination that the amendment is "in compliance" is presumed to be correct and shall be sustained unless it is shown by a preponderance of the evidence that the amendment is not "in compliance."

(e) If the administrative law judge recommends that the amendment be found not in compliance, the judge shall submit the recommended order to the Administration Commission for final agency action. The Administration Commission shall enter a final order within 45 days after its receipt of the recommended order.

(f) If the administrative law judge recommends that the amendment be found in compliance, the judge shall submit the recommended order to the state land planning agency.

1. If the state land planning agency determines that the plan amendment should be found not in compliance, the agency shall refer, within 30 days of receipt of the recommended order, the recommended order and its determination to the Administration Commission for final agency action. If the commission determines that the amendment is not in compliance, it may sanction the local government as set forth in s. 163.3184(11).

2. If the state land planning agency determines that the plan amendment should be found in compliance, the agency shall enter its final order not later than 30 days from receipt of the recommended order.

(g) An amendment adopted under the expedited provisions of this section shall not become effective until 31 days after adoption. If timely challenged, an amendment shall not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

(h) Parties to a proceeding under this section may enter into compliance agreements using the process in s. 163.3184(16). Any remedial amendment adopted pursuant to a settlement agreement shall be provided to the agencies and governments listed in paragraph (4)(a).

(7) **APPLICABILITY OF PILOT PROGRAM IN CERTAIN LOCAL GOVERNMENTS.**—Local governments and specific areas that have

been designated for alternate review process pursuant to ss. 163.3246 and 163.3184(17) and (18) are not subject to this section.

(8) **RULEMAKING AUTHORITY FOR PILOT PROGRAM.**—Agencies shall not promulgate rules to implement this pilot program.

(9) **REPORT.**—The Office of Program Policy Analysis and Government Accountability shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2008, a report and recommendations for implementing a statewide program that addresses the legislative findings in subsection (1) in areas that meet urban criteria. The Office of Program Policy Analysis and Government Accountability in consultation with the state land planning agency shall develop the report and recommendations with input from other state and regional agencies, local governments and interest groups. Additionally, the office shall review local and state actions and correspondence relating to the pilot program to identify issues of process and substance in recommending changes to the pilot program. At a minimum, the report and recommendations shall include the following:

(a) Identification of local governments beyond those participating in the pilot program that should be subject to the alternative expedited state review process. The report may recommend that pilot program local governments may no longer be appropriate for such alternative review process.

(b) Changes to the alternative expedited state review process for local comprehensive plan amendments identified in the pilot program.

(c) Criteria for determining issues of regional or statewide importance that are to be protected in the alternative state review process.

(d) In preparing the report and recommendations, the Office of Program Policy Analysis and Government Accountability shall consult with the state land planning agency, the Department of Transportation, the Department of Environmental Protection, and the regional planning agencies in identifying highly developed local governments to participate in the alternative expedited state review process. The Office of Program Policy Analysis and Government Accountability shall also solicit citizen input in the potentially affected areas and consult with the affected local governments, and stakeholder groups.

Section 7. There is established four full-time equivalent planning positions and appropriated rate in the amount of \$220,000 and salary budget authority in the amount of \$326,620 from the Grants and Donations Trust Fund in the Division of Community Planning for the purposes of providing technical assistance and advice to state and local governments in their ability to respond to growth-related issues, and to ensure compliance with chapter 163 comprehensive planning issues.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 16, line 28, after the semicolon (;) insert: creating s. 163.32465, F.S.; providing for a pilot program to provide a plan review process for certain densely developed areas; providing legislative findings; providing for exempting certain local governments from compliance review by the state land planning agency; authorizing certain municipalities to not participate in the program; providing procedures and requirements for adopting comprehensive plan amendments in such areas; requiring public hearings; providing hearing requirements; providing requirements for local government transmittal of proposed plan amendments; providing for intergovernmental review; providing for regional, county, and municipal review; providing requirements for local government review of certain comments; providing requirements for adoption and transmittal of plan amendments; providing procedures and requirements for challenges to compliance of adopted plan amendments; providing for administrative hearings; providing for applicability of program provisions; requiring the Office of Program Policy Analysis and Government Accountability to evaluate the pilot program and prepare and submit a report to the Governor and Legislature; providing report requirements; establishing four full-time equivalent planning positions; providing an appropriation;

Amendment 1D was withdrawn.

The question recurred on **Amendment 1C (943812)** which was adopted.

MOTION

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

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

Amendment 1E (431456)(with title amendment)—On page 14, between lines 12 and 13, insert:

Section 5. Section 163.3229, Florida Statutes, is amended to read:

163.3229 Duration of a development agreement and relationship to local comprehensive plan.—The duration of a development agreement shall not exceed 20 10 years. It may be extended by mutual consent of the governing body and the developer, subject to a public hearing in accordance with s. 163.3225. No development agreement shall be effective or be implemented by a local government unless the local government's comprehensive plan and plan amendments implementing or related to the agreement are found in compliance by the state land planning agency in accordance with s. 163.3184, s. 163.3187, or s. 163.3189.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 16, line 25, after the first semicolon (;) insert: amending s. 163.3229, F.S.; extending the duration of a development agreement from 10 years to 20 years;

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 1F (810406)(with title amendment)—On page 15, between lines 14 and 15, insert:

Section 6. Subsection (4) of section 704.06, Florida Statutes, is amended to read:

704.06 Conservation easements; creation; acquisition; enforcement.—

(4) Conservation easements shall run with the land and be binding on all subsequent owners of the servient estate. *Notwithstanding the provisions of s. 197.552, all provisions of a conservation easement shall survive and are enforceable after the issuance of a tax deed.* No conservation easement shall be unenforceable on account of lack of privity of contract or lack of benefit to particular land or on account of the benefit being assignable. Conservation easements may be enforced by injunction or proceeding in equity or at law, and shall entitle the holder to enter the land in a reasonable manner and at reasonable times to assure compliance. A conservation easement may be released by the holder of the easement to the holder of the fee even though the holder of the fee may not be a governmental body or a charitable corporation or trust.

Section 7. *Tax increment financing for conservation lands.*—

(1) *Two or more counties, or a combination of at least one county and one or more municipalities, may establish, through an interlocal agreement, a tax increment area for conservation lands. The interlocal agreement, at a minimum, must:*

- (a) *Identify the geographic boundaries of the tax increment area;*
- (b) *Identify the real property to be acquired as conservation land within the tax increment area;*
- (c) *Establish the percentage of tax increment financing for each jurisdiction in the tax increment area which is a party to the interlocal agreement;*
- (d) *Identify the governing body of the jurisdiction that will administer a separate reserve account in which the tax increment will be deposited;*

(e) *Require that any tax increment revenues not used to purchase conservation lands by a date certain be refunded to the parties to the interlocal agreement. Any refund shall be proportionate to the parties' payment of tax increment revenues into the separate reserve account;*

(f) *Provide for an annual audit of the separate reserve account;*

(g) *Designate an entity to hold title to any conservation lands purchased using the tax increment revenues;*

(h) *Provide for a continuing management plan for the conservation lands; and*

(i) *Identify the entity that will manage these conservation lands.*

(2) *The water management district in which conservation lands proposed for purchase under this section are located may also enter into the interlocal agreement if the district provides any funds for the purchase of the conservation lands. The water management districts may only use ad valorem tax revenues for agreements described within this section.*

(3) *The governing body of the jurisdiction that will administer the separate reserve account shall provide documentation to the Department of Community Affairs identifying the boundary of the tax increment area. The department shall determine whether the boundary is appropriate in that property owners within the boundary will receive a benefit from the proposed purchase of identified conservation lands. The department must issue a letter of approval stating that the establishment of the tax increment area and the proposed purchases would benefit property owners within the boundary and serve a public purpose before any tax increment funds are deposited into the separate reserve account. If the department fails to provide the required letter within 90 days after receiving sufficient documentation of the boundary, the establishment of the area and the proposed purchases are deemed to provide such benefit and serve a public purpose.*

(4) *Prior to the purchase of conservation lands under this section, the Department of Environmental Protection must determine whether the proposed purchase is sufficient to provide additional recreational and ecotourism opportunities for residents in the tax increment area. If the department fails to provide a letter of approval within 90 days after receipt of the request for such a letter, the purchase is deemed sufficient to provide recreation and ecotourism opportunities.*

(5) *The tax increment authorized under this section shall be determined annually and may not exceed 95 percent of the difference in ad valorem taxes as provided in s. 163.387(1)(a), Florida Statutes.*

(6) *A separate reserve account must be established for each tax increment area for conservation lands which is created under this section. The separate reserve account must be administered pursuant to the terms of the interlocal agreement. Tax increment funds allocated to this separate reserve account shall be used to acquire the real property identified for purchase in the interlocal agreement. Pursuant to the interlocal agreement, the governing body of the local government that will administer the separate reserve account may spend increment revenues to purchase the real property only if all parties to the interlocal agreement adopt a resolution approving the purchase price.*

(7) *The annual funding of the separate reserve account may not be less than the increment income of each taxing authority which is held as provided in the interlocal agreement for the purchase of conservation lands.*

(8) *Unless otherwise provided in the interlocal agreement, a taxing authority that does not pay the tax increment revenues to the separate reserve account by January 1 shall pay interest on the amount of unpaid increment revenues equal to 1 percent for each month that the increment revenue remains outstanding.*

(9) *The public bodies and taxing authorities listed in s. 163.387(2)(c), Florida Statutes, school districts and special districts that levy ad valorem taxes within a tax increment area are exempt from this section.*

(10) *Revenue bonds under this section are payable solely out of revenues pledged to and received by the local government administering the separate reserve account and deposited into the separate reserve account. The revenue bonds issued under this section do not constitute a debt, liability, or obligation of a public body, the state, or any of the state's political subdivisions.*

Section 8. *The Legislature finds that an inadequate supply of conservation lands limits recreational opportunities and negatively impacts the economy, health, and welfare of the surrounding community. The Legislature also finds that acquiring conservation lands for recreational opportunities and ecotourism serves a valid public purpose.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 16, line 28, after the semicolon (;) insert: amending s. 704.06, F.S.; providing that all provisions of a conservation easement shall survive and remain enforceable after the issuance of a tax deed; authorizing two or more counties, or a combination of at least one county and municipality, to establish a tax increment area for conservation lands by interlocal agreement; providing requirements for such an interlocal agreement; requiring that a tax increment be determined annually; limiting the amount of the tax increment; requiring the establishment of a separate reserve account for each tax increment area; providing for a refund; requiring an annual audit of the separate reserve account; providing for the administration of the separate reserve account; providing that the governmental body that administers the separate reserve account may spend revenues from the tax increment to purchase real property only if all parties to the interlocal agreement adopt a resolution that approves the purchase price; providing that a water management district may be a party to the interlocal agreement; requiring certain approvals from the Department of Environmental Protection and the Department of Community Affairs; providing a comparative standard on which the minimum annual funding of the separate reserve account must be based; requiring a taxing authority that does not pay tax increment revenues to the separate reserve account before a specified date to pay a specified amount of interest on the amount of unpaid increment revenues; providing exemptions for certain public bodies, taxing authorities, school districts and special districts; providing that revenue bonds may be paid only from revenues deposited into the separate reserve account; providing that such revenue bonds are not a debt, liability, or obligation of the state or any public body; providing legislative findings;

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 1G (052600)(with title amendment)—On page 15, between lines 14 and 15, insert:

Section 6. Section 163.3182, Florida Statutes, is created to read:

163.3182 *Transportation concurrency backlogs.*—

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

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

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

(c) “Governing body” means the council, commission, or other legislative body charged with governing the county or municipality within which a transportation concurrency backlog authority is created pursuant to this section.

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

(e) “Transportation concurrency backlog plan” means the plan adopted as part of a local government comprehensive plan by the govern-

ing body of a county or municipality acting as a transportation concurrency backlog authority.

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

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

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

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

(2) CREATION OF TRANSPORTATION CONCURRENCY BACKLOG AUTHORITIES.—

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

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

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

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

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

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

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

(e) To make or have made all surveys and plans necessary to the carrying out of the purposes of this section, to contract with any persons, public or private, in making and carrying out such plans, and to adopt, approve, modify, or amend such transportation concurrency backlog plans.

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

(4) TRANSPORTATION CONCURRENCY BACKLOG PLANS.—

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

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

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

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

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

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

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

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

(6) **EXEMPTIONS.**—

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

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

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

3. A library district.

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

5. A metropolitan transportation authority.

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

7. A community redevelopment agency.

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

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 16, line 28, after the semicolon(;) insert: creating s. 163.3182, F.S.; providing for the creation of transportation concurrency backlog authorities; providing powers and responsibilities of such authorities; providing for transportation concurrency backlog plans; providing for the issuance of revenue bonds for certain purposes; providing for the establishment of a local trust fund within each county or municipality having an identified transportation concurrency backlog; providing exemptions from transportation concurrency requirements; providing for the satisfaction of concurrency requirements; providing for dissolution of transportation concurrency backlog authorities;

Amendment 1H (663638)—On page 6, line 1, after “standards” insert: as required by this section

Amendment 1I (553796)(with title amendment)—On page 11, delete line 2 and insert: reducing or eliminating backlogs. This subsection also applies to Florida Quality Developments pursuant to s. 380.061 and to detailed specific area plans implementing optional sector plans pursuant to s. 163.3245.

And the title is amended as follows:

On page 16, line 17, after the semicolon (;) insert: providing for the application of provisions that authorize payment of a proportionate-share contribution to Florida Quality Developments and certain plans implementing optional sector plans;

Amendment 1J (880568)—On page 14, lines 5-12, 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 Bennett, the rules were waived to allow the following amendment to be considered:

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

Amendment 1K (210308)(with directory and title amendments)—On page 11, between lines 2 and 3, insert:

(13) School concurrency shall be established on a districtwide basis and shall include all public schools in the district and all portions of the district, whether located in a municipality or an unincorporated area unless exempt from the public school facilities element pursuant to s. 163.3177(12). The application of school concurrency to development shall be based upon the adopted comprehensive plan, as amended. All local governments within a county, except as provided in paragraph (f), shall adopt and transmit to the state land planning agency the necessary plan amendments, along with the interlocal agreement, for a compliance review pursuant to s. 163.3184(7) and (8). The minimum requirements for school concurrency are the following:

(e) Availability standard.—Consistent with the public welfare, a local government may not deny an application for site plan, final subdivision approval, or the functional equivalent for a development or phase of a development authorizing residential development for failure to achieve and maintain the level-of-service standard for public school capacity in a local school concurrency management system where adequate school facilities will be in place or under actual construction within 3 years after the issuance of final subdivision or site plan approval, or the functional equivalent. School concurrency shall be satisfied if the developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by actual development of the property, including, but not limited

to, the options described in subparagraph 1. Options for proportionate-share mitigation of impacts on public school facilities shall be established in the public school facilities element and the interlocal agreement pursuant to s. 163.31777.

1. Appropriate mitigation options include the contribution of land; the construction, expansion, or payment for land acquisition or construction of a public school facility; or the creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits. Such options must include execution by the applicant and the local government of a binding development agreement that constitutes a legally binding commitment to pay proportionate-share mitigation for the additional residential units approved by the local government in a development order and actually developed on the property, taking into account residential density allowed on the property prior to the plan amendment that increased overall residential density. The district school board shall be a party to such an agreement. As a condition of its entry into such a development agreement, the local government may require the landowner to agree to continuing renewal of the agreement upon its expiration.

2. If the education facilities plan and the public educational facilities element authorize a contribution of land; the construction, expansion, or payment for land acquisition; or the construction or expansion of a public school facility, or a portion thereof, as proportionate-share mitigation, the local government shall credit such a contribution, construction, expansion, or payment toward any other impact fee or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis at fair market value.

3. Any proportionate-share mitigation must be directed by the school board toward a school capacity improvement identified in a financially feasible 5-year district work plan and which satisfies the demands created by that development in accordance with a binding developer's agreement. *Upon agreement that the school board will include the facility in its next regularly scheduled update of the work program, the developer may accelerate the provision of one or more schools that serve the development's capacity needs.*

4. This paragraph does not limit the authority of a local government to deny a development permit or its functional equivalent pursuant to its home rule regulatory powers, except as provided in this part.

And the directory clause is amended as follows:

On page 6, delete line 16 and insert:

Section 3. Subsections (5) and (12), paragraph (e) of subsection (13), and subsection (16) of section

And the title is amended as follows:

On page 16, line 21, after "improvements" insert: and school capacity improvements

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **HB 7203** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 996** and **CS for SB 2666** was deferred.

On motion by Senator Lawson, by two-thirds vote **HB 7127** was withdrawn from the Committee on Governmental Operations.

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

HB 7127—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding the Public Employee Optional Retirement Program; amending s. 121.4501, F.S., which provides an exemption from public records requirements for personal identifying information of a participant in the Public Employee Optional Retirement Program contained in Florida Retirement System records held by the State Board of Administration or the Department of Management Services; making editorial changes; removing superfluous provi-

sions; removing the scheduled repeal of the exemption under the Open Government Sunset Review Act; providing an effective date.

—a companion measure, was substituted for **SB 1492** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 7127** was placed on the calendar of Bills on Third Reading.

CS for SB 1866—A bill to be entitled An act relating to hurricane preparedness and insurance; amending s. 163.01, F.S.; correcting a cross-reference; amending s. 215.555, F.S., relating to the Florida Hurricane Catastrophe Fund; revising certain requirements for reimbursement contracts; authorizing limited apportionment companies to purchase additional coverage from the fund; continuing procedures for Citizens Property Insurance Corporation to obtain coverage for policies of an insurer placed in liquidation; revising criteria, requirements, and limitations on temporary emergency options for additional coverage under the Florida Hurricane Catastrophe Fund; amending s. 215.5595, F.S.; providing eligibility of certain insurers for a surplus note from the Insurance Capital Build-Up Incentive Program; providing an aggregate requirement; amending s. 624.407, F.S.; revising an insurer criterion for capital funds requirements for new insurers; amending s. 627.0613, F.S.; limiting application of certain annual report card preparation powers of the consumer advocate to personal residential property insurers; amending s. 627.062, F.S.; specifying an effective date of application of certain "file and use" requirements for rate filing for certain insurers; amending s. 627.0655, F.S.; revising criteria for the inclusion of discounts in certain premiums; amending s. 627.351, F.S.; specifying the purpose of Citizens Property Insurance Corporation; making legislative findings that the lack of affordable property insurance coverage threatens the public health, safety, and welfare of the state and that there is a compelling public interest in ensuring that property is insured at affordable rates; specifying legislative intent that the corporation is an integral part of the state; specifying the conditions under which a policyholder removed for the corporation through an assumption agreement is eligible for coverage from the corporation; specifying criteria for determining comparable coverage offered by an authorized insurer for purposes of determining eligibility for coverage from the corporation; deleting the 10-day waiting period for coverage to be effective for a new policy; expanding the authority of the board of the corporation to approve exemptions from the requirement for non-wind insurers to contract to provide claims-adjusting services for the wind coverage from the corporation; specifying the sections of ch. 112, F.S., relating to the code of ethics for political subdivisions of the state, which apply to employees, senior managers, and members of the board of the corporation; specifying that a member of the board may be an employee, officer, or director of an insurance agency or insurance company if certain requirements are met; revising the requirements for an employee of the corporation to provide notice of suspected fraud by an employee; revising the time period for the current rates of the corporation coverage to remain in effect; providing that notice requirements for cancellation or nonrenewal of a policy do not apply under certain situations; revising provisions of a premium payment plan option of the operating plan requirements of Citizens Property Insurance Corporation; amending s. 627.3511, F.S.; correcting a cross-reference; amending s. 627.3515, F.S.; revising criteria for an electronic database for a business plan for determining eligibility for coverage in Citizens Property Insurance Corporation; amending s. 627.3517, F.S.; deleting a provision specifying that the "consumer choice" statute does not apply during the first 10 days after a new application for coverage has been submitted to the corporation; amending s. 627.4035, F.S.; revising provisions of a premium payment plan option for certain insurers; amending s. 627.4133, F.S.; specifying requirements for notices of nonrenewal and renewal of property insurance policies; authorizing the Financial Services Commission to adopt rules; amending s. 627.701, F.S.; revising requirements for deductibles for certain personal lines residential property insurance policies; amending s. 627.70131, F.S.; specifying that certain requirements for the payment or denial of a claim apply to residential property insurance claims only; authorizing an insurer to pay or deny a portion of a claim; providing that an overdue payment accrues interest; amending s. 627.712, F.S.; requiring residential property insurers to provide windstorm coverage, with certain exceptions; specifying personal lines residential property insurers must make available an exclusion of windstorm coverage; specifying a period of application of such exclusion; providing for implementation of changes to such exclusion; amending s. 627.713, F.S.; limiting the period when the Office of Insurance Regulation may require

insurers to report certain hurricane loss data; amending s. 627.7277, F.S.; deleting certain notice of renewal premium requirements; deleting authority of the commission to adopt rules; amending s. 631.52, F.S., specifying that self-insurance funds are not covered by the association; amending s. 631.57, F.S.; specifying that the emergency assessments for funding obligations of the Florida Insurance Guaranty Association are for claims of insurers rendered insolvent by the effects of a hurricane; amending s. 631.695, F.S.; authorizing any municipality or county to issue bonds to assist the association in paying for covered claims of insurers rendered insolvent as a result of a hurricane; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1866** to **HB 7077**.

Pending further consideration of **CS for SB 1866** as amended, on motion by Senator Posey, by two-thirds vote **HB 7077** was withdrawn from the Committee on Banking and Insurance.

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

HB 7077—A bill to be entitled An act relating to insurance; amending s. 163.01, F.S.; correcting a cross-reference; amending s. 215.555, F.S.; revising certain reimbursement contract requirements; deleting an expiration provision relating to obtaining coverage for liquidated insurers; delaying repeal of an exemption of medical malpractice insurance premiums from emergency assessments; revising criteria, requirements, and limitations on temporary emergency options for additional coverage under the Florida Hurricane Catastrophe Fund; amending s. 215.5595, F.S.; providing an exception to certain surplus note limitations for certain manufactured housing insurers; amending s. 624.407, F.S.; revising an insurer criterion for capital funds requirements for new insurers; amending s. 624.408, F.S.; specifying an additional surplus to policyholder amount requirement for certain insurers; amending s. 626.9201, F.S.; defining the term “nonpayment of premium”; providing additional criterion for cancellation for nonpayment of premium; amending s. 627.0613, F.S.; limiting application of certain annual report card preparation powers of the consumer advocate to personal residential property insurers; amending s. 627.062, F.S.; specifying application of certain “file and use” requirements to property insurance only; excluding certain motor vehicle coverages; amending s. 627.0655, F.S.; revising criteria for certain inclusion of discounts in certain premiums; amending s. 627.351, F.S.; revising legislative findings and intent; limiting application of the term “subject lines of business” to deficit assessments; revising a provision for determining eligibility of a risk for coverage; providing requirements for determining comparable coverage; revising requirements relating to senior management employees and members of the board of governors; authorizing the office to create a pilot program for the offering of optional sinkhole coverage in one or more counties or other territories of the corporation; revising rate filings provisions; amending s. 627.3511, F.S.; correcting a cross-reference; amending s. 627.3515, F.S.; revising criteria for an electronic database for a business plan; amending s. 627.3517, F.S.; deleting a provision specifying nonapplication for a certain period; amending s. 627.4035, F.S.; revising a premium payment plan option provision for certain insurers; amending s. 627.4133, F.S.; specifying requirements for notices of renewal premium of property insurance policies; authorizing the Financial Services Commission to adopt rules; amending s. 627.701, F.S.; revising requirements for deductibles for certain personal lines residential property insurance policies; amending s. 627.70131, F.S.; revising certain payment or denial of claim requirements; requiring an insurer to pay or deny a claim within a certain time period; providing requirements for payment of interest on overdue claims; prohibiting the expensing of interest paid in future rate filings; prohibiting contractual waivers, voidances, or nullifications; specifying regulatory action as an exclusive remedy for certain violations; amending s. 627.712, F.S.; limiting application of certain residential hurricane coverage requirements to property insurance policies; specifying separate coverage exclusion statements for policyholders that are natural persons and other than natural persons; specifying a period of application of certain exclusions; providing for implementation of changes to certain exclusions; amending s. 627.7277, F.S.; deleting certain notice of renewal premium requirements; deleting authority of the commission to adopt rules; amending s. 631.52, F.S.; expanding an exception to application to self insurance of provisions relating to Florida Insurance Guaranty of Payment; amending s. 631.57, F.S.; revising certain emergency assessment provisions relating to insurers rendered insolvent by the effects of hurricanes; amending s. 631.695, F.S.; deleting

provisions limiting application of certain revenue bond issuance authority to certain counties; preserving certain Florida Building Code internal design options for certain building permits for a certain time; providing for retroactive application; providing severability; creating s. 624.46226; permitting two or more public housing authorities to create a self-insurance fund for specified purposes; providing effective dates.

—a companion measure, was substituted for **CS for SB 1866** as amended and by two-thirds vote read the second time by title.

On motion by Senator Posey, further consideration of **HB 7077** was deferred.

RECESS

On motion by the President, the Senate recessed at 12:59 p.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

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

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

LOCAL BILL CALENDAR

SENATOR CARLTON PRESIDING

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.

—was read the second time by title. On motion by Senator King, by two-thirds vote **HB 199** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—2

| | |
|---------|------|
| Webster | Wise |
|---------|------|

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.

—was read the second time by title. On motion by Senator Aronberg, by two-thirds vote **HB 775** 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 | Oelrich |
| Argenziano | Gaetz | Peaden |
| Aronberg | Garcia | Posey |
| Atwater | Geller | Rich |
| Baker | Haridopolos | Ring |
| Bennett | Hill | Saunders |
| Bullard | Jones | Storms |
| Carlton | Joyner | Villalobos |
| Constantine | Justice | Webster |
| Crist | King | Wilson |
| Deutch | Lawson | Wise |
| Diaz de la Portilla | Lynn | |

Nays—None

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.

—was read the second time by title. On motion by Senator Alexander, by two-thirds vote **CS for HB 777** 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 | Oelrich |
| Argenziano | Gaetz | Peaden |
| Aronberg | Garcia | Posey |
| Atwater | Geller | Rich |
| Baker | Haridopolos | Ring |
| Bennett | Hill | Saunders |
| Bullard | Jones | Storms |
| Carlton | Joyner | Villalobos |
| Constantine | Justice | Webster |
| Crist | King | Wilson |
| Deutch | Lawson | Wise |
| Diaz de la Portilla | Lynn | |

Nays—None

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.

—was read the second time by title. On motion by Senator Jones, by two-thirds vote **HB 779** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

| | | |
|---------------|----------|---------|
| Mr. President | Aronberg | Bennett |
| Alexander | Atwater | Bullard |
| Argenziano | Baker | Carlton |

| | | |
|---------------------|----------|------------|
| Constantine | Hill | Posey |
| Crist | Jones | Rich |
| Deutch | Joyner | Ring |
| Diaz de la Portilla | Justice | Saunders |
| Dockery | King | Storms |
| Fasano | Lawson | Villalobos |
| Gaetz | Lynn | Webster |
| Garcia | Margolis | Wilson |
| Geller | Oelrich | Wise |
| Haridopolos | Peaden | |
| Nays—None | | |

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.

—was read the second time by title. On motion by Senator Jones, by two-thirds vote **CS for HB 781** 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 | Oelrich |
| Argenziano | Gaetz | Peaden |
| Aronberg | Garcia | Posey |
| Atwater | Geller | Rich |
| Baker | Haridopolos | Ring |
| Bennett | Hill | Saunders |
| Bullard | Jones | Storms |
| Carlton | Joyner | Villalobos |
| Constantine | Justice | Webster |
| Crist | King | Wilson |
| Deutch | Lawson | Wise |
| Diaz de la Portilla | Lynn | |

Nays—None

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.

—was read the second time by title. On motion by Senator Rich, by two-thirds vote **HB 783** 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 | Oelrich |
| Argenziano | Gaetz | Peaden |
| Aronberg | Garcia | Posey |
| Atwater | Geller | Rich |
| Baker | Haridopolos | Ring |
| Bennett | Hill | Saunders |
| Bullard | Jones | Storms |
| Carlton | Joyner | Villalobos |
| Constantine | Justice | Webster |
| Crist | King | Wilson |
| Deutch | Lawson | Wise |
| Diaz de la Portilla | Lynn | |

Nays—None

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.

—was read the second time by title. On motion by Senator Rich, by two-thirds vote **HB 785** 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 | Oelrich |
| Argenziano | Gaetz | Peaden |
| Aronberg | Garcia | Posey |
| Atwater | Geller | Rich |
| Baker | Haridopolos | Ring |
| Bennett | Hill | Saunders |
| Bullard | Jones | Storms |
| Carlton | Joyner | Villalobos |
| Constantine | Justice | Webster |
| Crist | King | Wilson |
| Deutch | Lawson | Wise |
| Diaz de la Portilla | Lynn | |

Nays—None

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.

—was read the second time by title. On motion by Senator Bennett, by two-thirds vote **CS for HB 845** 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 | Oelrich |
| Argenziano | Gaetz | Peaden |
| Aronberg | Garcia | Posey |
| Atwater | Geller | Rich |
| Baker | Haridopolos | Ring |
| Bennett | Hill | Saunders |
| Bullard | Jones | Storms |
| Carlton | Joyner | Villalobos |
| Constantine | Justice | Webster |
| Crist | King | Wilson |
| Deutch | Lawson | Wise |
| Diaz de la Portilla | Lynn | |

Nays—None

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.

—was read the second time by title. On motion by Senator Aronberg, by two-thirds vote **HB 913** 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 | Oelrich |
| Argenziano | Gaetz | Peaden |
| Aronberg | Garcia | Posey |
| Atwater | Geller | Rich |
| Baker | Haridopolos | Ring |
| Bennett | Hill | Saunders |
| Bullard | Jones | Storms |
| Carlton | Joyner | Villalobos |
| Constantine | Justice | Webster |
| Crist | King | Wilson |
| Deutch | Lawson | Wise |
| Diaz de la Portilla | Lynn | |

Nays—None

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.

—was read the second time by title. On motion by Senator Bennett, by two-thirds vote **HB 937** 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 | Oelrich |
| Argenziano | Gaetz | Peaden |
| Aronberg | Garcia | Posey |
| Atwater | Geller | Rich |
| Baker | Haridopolos | Ring |
| Bennett | Hill | Saunders |
| Bullard | Jones | Storms |
| Carlton | Joyner | Villalobos |
| Constantine | Justice | Webster |
| Crist | King | Wilson |
| Deutch | Lawson | Wise |
| Diaz de la Portilla | Lynn | |

Nays—None

CS for 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.

—was read the second time by title. On motion by Senator Bennett, by two-thirds vote **CS for HB 983** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

| | | |
|---------------|---------------------|-------------|
| 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 | Storms |
| Justice | Peaden | Villalobos |
| King | Posey | Webster |
| Lawson | Rich | Wilson |
| Lynn | Ring | Wise |
| Margolis | Saunders | |

Nays—None

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.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **CS for HB 993** 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 | Oelrich |
| Argenziano | Gaetz | Peaden |
| Aronberg | Garcia | Posey |
| Atwater | Geller | Rich |
| Baker | Haridopolos | Ring |
| Bennett | Hill | Saunders |
| Bullard | Jones | Storms |
| Carlton | Joyner | Villalobos |
| Constantine | Justice | Webster |
| Crist | King | Wilson |
| Deutch | Lawson | Wise |
| Diaz de la Portilla | Lynn | |

Nays—None

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.

—was read the second time by title. On motion by Senator Gaetz, by two-thirds vote **CS for CS for HB 995** 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 | Oelrich |
| Argenziano | Gaetz | Peaden |
| Aronberg | Garcia | Posey |
| Atwater | Geller | Rich |
| Baker | Haridopolos | Ring |
| Bennett | Hill | Saunders |
| Bullard | Jones | Storms |
| Carlton | Joyner | Villalobos |
| Constantine | Justice | Webster |
| Crist | King | Wilson |
| Deutch | Lawson | Wise |
| Diaz de la Portilla | Lynn | |

Nays—None

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.

—was read the second time by title. On motion by Senator Rich, by two-thirds vote **CS for HB 1029** 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 | Oelrich |
| Argenziano | Gaetz | Peaden |
| Aronberg | Garcia | Posey |
| Atwater | Geller | Rich |
| Baker | Haridopolos | Ring |
| Bennett | Hill | Saunders |
| Bullard | Jones | Storms |
| Carlton | Joyner | Villalobos |
| Constantine | Justice | Webster |
| Crist | King | Wilson |
| Deutch | Lawson | Wise |
| Diaz de la Portilla | Lynn | |

Nays—None

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.

—was read the second time by title. On motion by Senator Bullard, by two-thirds vote **CS for HB 1077** 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 | Oelrich |
| Argenziano | Gaetz | Peaden |
| Aronberg | Garcia | Posey |
| Atwater | Geller | Rich |
| Baker | Haridopolos | Ring |
| Bennett | Hill | Saunders |
| Bullard | Jones | Storms |
| Carlton | Joyner | Villalobos |
| Constantine | Justice | Webster |
| Crist | King | Wilson |
| Deutch | Lawson | Wise |
| Diaz de la Portilla | Lynn | |

Nays—None

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.

—was read the second time by title. On motion by Senator Alexander, by two-thirds vote **HB 1095** 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 | Oelrich |
| Argenziano | Gaetz | Peaden |
| Aronberg | Garcia | Posey |
| Atwater | Geller | Rich |
| Baker | Haridopolos | Ring |
| Bennett | Hill | Saunders |
| Bullard | Jones | Storms |
| Carlton | Joyner | Villalobos |
| Constantine | Justice | Webster |
| Crist | King | Wilson |
| Deutch | Lawson | Wise |
| Diaz de la Portilla | Lynn | |

Nays—None

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.

—was read the second time by title. On motion by Senator Justice, by two-thirds vote **CS for HB 1097** 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 | Oelrich |
| Argenziano | Gaetz | Peaden |
| Aronberg | Garcia | Posey |
| Atwater | Geller | Rich |
| Baker | Haridopolos | Ring |
| Bennett | Hill | Saunders |
| Bullard | Jones | Storms |
| Carlton | Joyner | Villalobos |
| Constantine | Justice | Webster |
| Crist | King | Wilson |
| Deutch | Lawson | Wise |
| Diaz de la Portilla | Lynn | |

Nays—None

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.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **HB 1099** 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 | Oelrich |
| Argenziano | Gaetz | Peaden |
| Aronberg | Garcia | Posey |
| Atwater | Geller | Rich |
| Baker | Haridopolos | Ring |
| Bennett | Hill | Saunders |
| Bullard | Jones | Storms |
| Carlton | Joyner | Villalobos |
| Constantine | Justice | Webster |
| Crist | King | Wilson |
| Deutch | Lawson | Wise |
| Diaz de la Portilla | Lynn | |

Nays—None

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.

—was read the second time by title. On motion by Senator Argenziano, by two-thirds vote **HB 1133** 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 | Oelrich |
| Argenziano | Gaetz | Peaden |
| Aronberg | Garcia | Posey |
| Atwater | Geller | Rich |
| Baker | Haridopolos | Ring |
| Bennett | Hill | Saunders |
| Bullard | Jones | Storms |
| Carlton | Joyner | Villalobos |
| Constantine | Justice | Webster |
| Crist | King | Wilson |
| Deutch | Lawson | Wise |
| Diaz de la Portilla | Lynn | |

Nays—None

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.

—was read the second time by title. On motion by Senator Rich, by two-thirds vote **HB 1137** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

| | | |
|---------------|---------------------|-------------|
| 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 |

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

Nays—None

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.

—was read the second time by title. On motion by Senator Joyner, by two-thirds vote **HB 1153** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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.

—was read the second time by title. On motion by Senator Haridopolos, by two-thirds vote **HB 1157** 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 | Oelrich |
| Argenziano | Gaetz | Peaden |
| Aronberg | Garcia | Posey |
| Atwater | Geller | Rich |
| Baker | Haridopolos | Ring |
| Bennett | Hill | Saunders |
| Bullard | Jones | Storms |
| Carlton | Joyner | Villalobos |
| Constantine | Justice | Webster |
| Crist | King | Wilson |
| Deutch | Lawson | Wise |
| Diaz de la Portilla | Lynn | |

Nays—None

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.

—was read the second time by title. On motion by Senator Rich, by two-thirds vote **CS for HB 1163** 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 | Oelrich |
| Argenziano | Gaetz | Peaden |
| Aronberg | Garcia | Posey |
| Atwater | Geller | Rich |
| Baker | Haridopolos | Ring |
| Bennett | Hill | Saunders |
| Bullard | Jones | Storms |
| Carlton | Joyner | Villalobos |
| Constantine | Justice | Webster |
| Crist | King | Wilson |
| Deutch | Lawson | Wise |
| Diaz de la Portilla | Lynn | |

Nays—None

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.

—was read the second time by title. On motion by Senator Bullard, by two-thirds vote **HB 1175** 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 | Oelrich |
| Argenziano | Gaetz | Peaden |
| Aronberg | Garcia | Posey |
| Atwater | Geller | Rich |
| Baker | Haridopolos | Ring |
| Bennett | Hill | Saunders |
| Bullard | Jones | Storms |
| Carlton | Joyner | Villalobos |
| Constantine | Justice | Webster |
| Crist | King | Wilson |
| Deutch | Lawson | Wise |
| Diaz de la Portilla | Lynn | |

Nays—None

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.

—was read the second time by title. On motion by Senator Pruitt, by two-thirds vote **HB 1249** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

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| Lawson | Posey | Villalobos |
| Lynn | Rich | Webster |
| Margolis | Ring | Wilson |
| Oelrich | Saunders | Wise |
| Peaden | Storms | |
| Nays—None | | |

| | | |
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| Storms | Webster | Wise |
| Villalobos | Wilson | |
| Nays—None | | |

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.

—was read the second time by title. On motion by Senator Storms, by two-thirds vote **HB 1293** 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 | Oelrich |
| Argenziano | Gaetz | Peaden |
| Aronberg | Garcia | Posey |
| Atwater | Geller | Rich |
| Baker | Haridopolos | Ring |
| Bennett | Hill | Saunders |
| Bullard | Jones | Storms |
| Carlton | Joyner | Villalobos |
| Constantine | Justice | Webster |
| Crist | King | Wilson |
| Deutch | Lawson | Wise |
| Diaz de la Portilla | Lynn | |
| Nays—None | | |

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.

—was read the second time by title. On motion by Senator Haridopolos, by two-thirds vote **CS for HB 1387** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

CS for 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.

—was read the second time by title. On motion by Senator Rich, by two-thirds vote **CS for HB 1391** 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 | Oelrich |
| Argenziano | Gaetz | Peaden |
| Aronberg | Garcia | Posey |
| Atwater | Geller | Rich |
| Baker | Haridopolos | Ring |
| Bennett | Hill | Saunders |
| Bullard | Jones | Storms |
| Carlton | Joyner | Villalobos |
| Constantine | Justice | Webster |
| Crist | King | Wilson |
| Deutch | Lawson | Wise |
| Diaz de la Portilla | Lynn | |
| Nays—None | | |

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.

—was read the second time by title. On motion by Senator Aronberg, by two-thirds vote **HB 1393** 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 | Oelrich |
| Argenziano | Gaetz | Peaden |
| Aronberg | Garcia | Posey |
| Atwater | Geller | Rich |
| Baker | Haridopolos | Ring |
| Bennett | Hill | Saunders |
| Bullard | Jones | Storms |
| Carlton | Joyner | Villalobos |
| Constantine | Justice | Webster |
| Crist | King | Wilson |
| Deutch | Lawson | Wise |
| Diaz de la Portilla | Lynn | |
| Nays—None | | |

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.

—was read the second time by title. On motion by Senator Rich, by two-thirds vote **CS for HB 1395** 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 | Oelrich |
| Argenziano | Gaetz | Peaden |
| Aronberg | Garcia | Posey |
| Atwater | Geller | Rich |
| Baker | Haridopolos | Ring |
| Bennett | Hill | Saunders |
| Bullard | Jones | Storms |
| Carlton | Joyner | Villalobos |
| Constantine | Justice | Webster |
| Crist | King | Wilson |
| Deutch | Lawson | Wise |
| Diaz de la Portilla | Lynn | |

Nays—None

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.

—was read the second time by title. On motion by Senator Crist, by two-thirds vote **HB 1397** 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 | Oelrich |
| Argenziano | Gaetz | Peaden |
| Aronberg | Garcia | Posey |
| Atwater | Geller | Rich |
| Baker | Haridopolos | Ring |
| Bennett | Hill | Saunders |
| Bullard | Jones | Storms |
| Carlton | Joyner | Villalobos |
| Constantine | Justice | Webster |
| Crist | King | Wilson |
| Deutch | Lawson | Wise |
| Diaz de la Portilla | Lynn | |

Nays—None

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.

—was read the second time by title. On motion by Senator Jones, by two-thirds vote **HB 1407** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | |
|---------------|-------------|---------------------|
| Mr. President | Baker | Crist |
| Alexander | Bennett | Deutch |
| Argenziano | Bullard | Diaz de la Portilla |
| Aronberg | Carlton | Dockery |
| Atwater | Constantine | Fasano |

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| Gaetz | Justice | Posey |
| Garcia | King | Rich |
| Geller | Lawson | Ring |
| Haridopolos | Lynn | Saunders |
| Hill | Margolis | Storms |
| Jones | Oelrich | Villalobos |
| Joyner | Peaden | Wilson |
| Nays—2 | | |
| Webster | Wise | |

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.

—was read the second time by title. On motion by Senator Crist, by two-thirds vote **HB 1411** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | |
|---------------|---------------------|------------|
| Mr. President | Diaz de la Portilla | Lawson |
| Alexander | Dockery | Lynn |
| Argenziano | Fasano | Margolis |
| Aronberg | Gaetz | Oelrich |
| Atwater | Garcia | Peaden |
| Baker | Geller | Posey |
| Bennett | Haridopolos | Rich |
| Bullard | Hill | Ring |
| Carlton | Jones | Saunders |
| Constantine | Joyner | Storms |
| Crist | Justice | Villalobos |
| Deutch | King | Wilson |
| Nays—2 | | |
| Webster | Wise | |

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.

—was read the second time by title. On motion by Senator Joyner, by two-thirds vote **CS for HB 1413** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

| | | |
|---------------|---------------------|----------|
| 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 |

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| Rich | Storms | Wilson |
| Ring | Villalobos | Wise |
| Saunders | Webster | |

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

Nays—None

Nays—None

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.

—was read the second time by title. On motion by Senator Bennett, by two-thirds vote **CS for HB 1515** 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 | Oelrich |
| Argenziano | Gaetz | Peaden |
| Aronberg | Garcia | Posey |
| Atwater | Geller | Rich |
| Baker | Haridopolos | Ring |
| Bennett | Hill | Saunders |
| Bullard | Jones | Storms |
| Carlton | Joyner | Villalobos |
| Constantine | Justice | Webster |
| Crist | King | Wilson |
| Deutch | Lawson | Wise |
| Diaz de la Portilla | Lynn | |

Nays—None

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.

—was read the second time by title. On motion by Senator Bennett, by two-thirds vote **HB 1519** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

DISCLOSURE

I wish to abstain from voting on HB 1519/West Villages Improvement District.

My husband, Rob Robinson, is currently the attorney of record for the City of North Port, a municipality directly affected by the legislation.

I have been advised that a Rule 1.39 disclosure in the Senate Journal is not required under these specific circumstances; however, in an abundance of caution and to avoid even a perception of impropriety, I am asking you to include this letter in the permanent file that you keep on each member.

Lisa Carlton, 23rd District

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.

—was read the second time by title. On motion by Senator Rich, by two-thirds vote **HB 1533** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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.

—was read the second time by title. On motion by Senator Haridopolos, by two-thirds vote **CS for HB 1535** 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 | Oelrich |
| Argenziano | Gaetz | Peaden |
| Aronberg | Garcia | Posey |
| Atwater | Geller | Rich |
| Baker | Haridopolos | Ring |
| Bennett | Hill | Saunders |
| Bullard | Jones | Storms |
| Carlton | Joyner | Villalobos |
| Constantine | Justice | Webster |
| Crist | King | Wilson |
| Deutch | Lawson | Wise |
| Diaz de la Portilla | Lynn | |

Nays—None

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 read the second time by title. On motion by Senator Haridopolos, by two-thirds vote **CS for HB 1577** 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 | Oelrich |
| Argenziano | Gaetz | Peaden |
| Aronberg | Garcia | Posey |
| Atwater | Geller | Rich |
| Baker | Haridopolos | Ring |
| Bennett | Hill | Saunders |
| Bullard | Jones | Storms |
| Carlton | Joyner | Villalobos |
| Constantine | Justice | Webster |
| Crist | King | Wilson |
| Deutch | Lawson | Wise |
| Diaz de la Portilla | Lynn | |

Nays—None

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.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **CS for CS for HB 1579** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

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

Nays—None

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.

—was read the second time by title. On motion by Senator Fasano, by two-thirds vote **CS for HB 1585** 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 | Oelrich |
| Argenziano | Gaetz | Peaden |
| Aronberg | Garcia | Posey |
| Atwater | Geller | Rich |
| Baker | Haridopolos | Ring |
| Bennett | Hill | Saunders |
| Bullard | Jones | Storms |
| Carlton | Joyner | Villalobos |
| Constantine | Justice | Webster |
| Crist | King | Wilson |
| Deutch | Lawson | Wise |
| Diaz de la Portilla | Lynn | |

Nays—None

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.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **HB 1601** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Storms Webster Wise
 Villalobos Wilson
 Nays—None

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.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **CS for HB 1603** 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 | Oelrich |
| Argenziano | Gaetz | Peaden |
| Aronberg | Garcia | Posey |
| Atwater | Geller | Rich |
| Baker | Haridopolos | Ring |
| Bennett | Hill | Saunders |
| Bullard | Jones | Storms |
| Carlton | Joyner | Villalobos |
| Constantine | Justice | Webster |
| Crist | King | Wilson |
| Deutch | Lawson | Wise |
| Diaz de la Portilla | Lynn | |

Nays—None

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.

—was read the second time by title. On motion by Senator Bullard, by two-thirds vote **CS for HB 1605** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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.

—was read the second time by title. On motion by Senator Gaetz, by two-thirds vote **HB 1607** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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.

—was read the second time by title. On motion by Senator Rich, by two-thirds vote **HB 1609** 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 | Oelrich |
| Argenziano | Gaetz | Peaden |
| Aronberg | Garcia | Posey |
| Atwater | Geller | Rich |
| Baker | Haridopolos | Ring |
| Bennett | Hill | Saunders |
| Bullard | Jones | Storms |
| Carlton | Joyner | Villalobos |
| Constantine | Justice | Webster |
| Crist | King | Wilson |
| Deutch | Lawson | Wise |
| Diaz de la Portilla | Lynn | |

Nays—None

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.

—was read the second time by title. On motion by Senator Baker, by two-thirds vote **HB 1611** 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 | Oelrich |
| Argenziano | Gaetz | Peaden |
| Aronberg | Garcia | Posey |
| Atwater | Geller | Rich |
| Baker | Haridopolos | Ring |
| Bennett | Hill | Saunders |
| Bullard | Jones | Storms |
| Carlton | Joyner | Villalobos |
| Constantine | Justice | Webster |
| Crist | King | Wilson |
| Deutch | Lawson | Wise |
| Diaz de la Portilla | Lynn | |

Nays—None

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.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **HB 1613** 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 | Oelrich |
| Argenziano | Gaetz | Peaden |
| Aronberg | Garcia | Posey |
| Atwater | Geller | Rich |
| Baker | Haridopolos | Ring |
| Bennett | Hill | Saunders |
| Bullard | Jones | Storms |
| Carlton | Joyner | Villalobos |
| Constantine | Justice | Webster |
| Crist | King | Wilson |
| Deutch | Lawson | Wise |
| Diaz de la Portilla | Lynn | |

Nays—None

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 demotions 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.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote **HB 1617** 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 | Oelrich |
| Argenziano | Gaetz | Peaden |
| Aronberg | Garcia | Posey |
| Atwater | Geller | Rich |
| Baker | Haridopolos | Ring |
| Bennett | Hill | Saunders |
| Bullard | Jones | Storms |
| Carlton | Joyner | Villalobos |
| Constantine | Justice | Webster |
| Crist | King | Wilson |
| Deutch | Lawson | Wise |
| Diaz de la Portilla | Lynn | |

Nays—None

PRESIDENT PRUITT PRESIDING

REMARKS

On motion by Senator Dockery, the following remarks were spread upon the journal:

Senator Argenziano: Thank you. Sorry, I was trying so hard not to cry. Ten, eleven years in this process and I turn into a wuss. I thought I was going to get up and start with something funny and then I was going to say, "Hey, I was only kidding. I'm staying." And watch some people turn white. I really wasn't going to say "Goodbye", because it's really not goodbye. So I'm going to try not to cry as best as I can and just say a few things because I know you guys have a lot of bills and time is running out.

First thing I wanted to say is that I thank my constituents. You know what it is? It's because I've been hanging out with most of you guys for 11 years now and you're kind of my extended family. So it's a little hard, but I'll get it together because I've got some funny things I want to remember and remind some of you about. I do want to thank my constituents because some people say to me, "When we poll your district, you know, you're stronger than dirt." It's those people who first sent me up here in a House race and then in this new, big district that I have, that have just been great to me, so supportive of me. I remember when they first sent me, they said, "What we want from you is to just be honest and tell it like it is," and, I tried to do that. To them, I'm not leaving them; I'm gaining a whole bunch of other people. Like the Governor said the other day, which is all the people of the state, they get my heartfelt thanks first.

Our staff in the Senate, my House staff, and I think about my first committee. Back then, members, when you were a freshman you weren't a committee chair. That didn't happen. You were lucky if you got a couple of bills passed. That was usually because the senior members helped you, even if your bills weren't that good. I think one of my first bills, was the helmet repeal. I needed a lot of help with that one. We finally did get it.

I remember my first Staff Director. It's funny that Dr. Brooks is here today, because one of my first committee assignments was in his Committee on Elder Affairs. I remember he was so patient with me because I asked a lot of questions. He was a gentleman and a great chairman. I was lucky enough to get that chairmanship when Dr. Brooks left.

My staff then was Tom Batchelor, Joyce who is still in the House, and Melanie, and a bunch of great people who taught me so much about how much we need our staff; and how valuable our professional staff is; and how much they do for the people of the state. To our secretary and all you guys here for what you do for us everyday, I really want to thank you. I'm going to miss you guys, but I'll be back because I'm still allowed in the chamber. So I can still come back and harass some people.

The Sarge and all you guys and girls who help us. I felt safe here with the Sergeant. Everytime we needed something, and most recently when you let us have the tax meeting in Chiefland, they gave us quite a ride down there. Blue lights and all. Nobody stopped us. It was cool.

The maintenance people here who clean up after us and keep this place beautiful. I leave here late a lot of nights like a lot of my colleagues, Senator Storms, Senator Lynn and Senator Dockery. Sometimes our cars were the only ones left in the garage. We leave late and the maintenance people are here, whether you come in early in the morning or late at night, people who work on this building and take care of us always have something nice to say. They are great. Always make you feel good and I will miss them, too.

Mr. President, I remember back in the House when sometimes it was rough there. I thought this was the way you have to do it and that was it. Sometimes it is not the way the process works. Got to stroke it a little. I remember when then Representative Bitner and I were doing the first nursing home bill when I took the Elder Affairs Committee and Representative Bitner put an unfriendly amendment on my nursing home bill. It was devastating. I remember getting up thinking the whole chamber is going with the senior member. Now, how do I convince them without jumping on the desk? It was a battle for a few days. I didn't jump on the desk. I just wanted them to think I did. But I remember, Mr. President, that every morning I came in the chamber for that week, I found a card from the President. I remember the sentiments and the support. I remember, and even recently, the words that you sent me were very touching. Thank you for all your help and support way back then.

I remember Jim King's face a few times, a few things I did. He would look at me and go "Oh, God". I think one of them was that little package I sent. Then there was something else I did. He was saying, "Oh, what

about your career?" It was so funny. You were very helpful and very supportive and you made me laugh a lot in this process.

Senator Crist, your leadership in Appropriations Committees and in Criminal Justice was invaluable to me. You were so inclusive with your members, always so professional and you taught me a lot about patience sometimes, and a whole bunch of other things. You are a good mentor; gave me a lot of advice here and there, and it was good advice. I can't thank you enough. You are a good friend.

Tim Sadbury is another staff person here who has just been wonderful. There are so many people and I can't get to everybody.

Senator Lynn, you are the one I've turned to for years on education. When I got into this process, I said, "Please don't put me on an education committee, ever." I've never been on one. So I counted on your advice and Senator Wise, too, on education for so many years. You never steered me wrong and I appreciate that. You have been a great friend. You, too, Steve. I remember when you sat next to me, during Senator King's presidency. It was tough for you, those two years. I remember the term, "I'm in the dog house" a lot. But it's been a long time that we served together and I appreciated all your guidance on education issues.

Senator Dockery, we came in together. When I look at pictures from when we came in, it was the Republican Five, as we were known. You know when I first came in, before I even thought about running, I was involved with water issues for years. They called me the "Water lady" in Dunnellon and Marion County and they sent their "Water lady" to the Legislature. I've got to say there are two "Water ladies" here. You have done a great job on environmental preservation and making people understand that Republicans care about the environment, too. Your Florida Forever, that is yours, that's yours forever and it was great for the people of the State of Florida. We've developed a great friendship and I appreciate your work ethic. I appreciate members who actually read the bills and do the work you do. You have become a great friend. You are going places, kid.

Senator Bullard, my goodness, she sent me these beautiful flowers. I don't know if you do it consciously or unconsciously, but you make me laugh more than anybody. When you laugh, you heal and you feel better. I remember your going away speech in the House of Representatives. If I was sick that day, I was totally healed at the end of the day. I remember seeing Speaker Thrasher; tears were coming out of his eyes because he was laughing so hard. You always have a jolly word, an uplifting word and I appreciate that. You have been a good friend to me. I'm sure I'll still be coming in the chamber. I'm sure you will brighten me up again.

Senator Webster, my first Speaker, whom I still call my Speaker, I just can't tell you enough about how great it was in the House of Representatives with you as the leader. You truly did flatten the pyramid and everybody had a chance, even we little freshmen that came in. You had such steadfast integrity. I admire that a lot, even if sometimes we are on the opposite side on a policy issue. I've admired that integrity and appreciated all your help and guidance, and lately, I can't tell you how many times I wondered, should I go, should I stay, should I go, or should I stay. He put up with me with all that and gave me good guidance. I will always think of you as my Speaker, as well as my leader.

Let's see, I got to Jim King. Let's see who else I didn't get to. Senator Villalobos is like my brother, my baby brother because I'm older than he is. I remember when I first went to the House of Representatives, Speaker Webster allowed freshmen to shadow Appropriations chairs. Senator Villalobos was an Appropriations Chair at that time, and I shadowed him like a little puppy. I watched you handle those Appropriations Committee meetings. I learned the ins and outs and I learned that you got things done. You did a great job and always with integrity and always with a lot of class. I learned I could always count on your word, and that means a lot to me, especially up here in this process. You have become my adopted brother and I love you and would trust you to guard my back in the most precarious times. I appreciate that relationship.

So many others. Senator Geller, we've had a lot of laughs together. Remember when you were in the House and it was way back rows back then, and I learned a lot from you all. I certainly appreciated the festive once-a-year get-together in the office with all our colleagues. We talked and there was no partisanship, and it was just good. I appreciated that very much.

To the newer members, things were a lot different when I came in. They've changed so much. For the more senior members, I don't know how to put it. I remember when I came in, those protocols we had. A freshman member did not go before a senior member. I remember George Crady said, "Just sit and wait your turn." It was just certain institutional things that were wonderful, and I hope you all can get a glimpse of that because it really is incredibly important.

Senator Constantine, you have been a friend for many years. I have watched your leadership in committees and appreciated that very much. Environmental issues like the Wekiva River, I know almost drove you crazy back in the House. Senator Dockery, I'll never forget. We sat in the House and it was before they renovated the chamber. We sat in the first couple of rows. We're sitting there having a great time the first few days or first few weeks. Things are going great. We were trying to be real professional and all of a sudden two representatives grabbed each others ties and started fighting on the floor. It was something. We were sitting there saying, "Wow. This is the House of Representatives." I mean, really grabbing ties. The next day, I thought it was funny because Senator Villalobos came in with a bow tie.

I'll give you one other story because I remember these things happening to me throughout the process. I remember it was right before Representative Thrasher became Speaker. There was a bill regarding wastewater, utilities and whatever it was. I was trying to get other members whose constituents would be affected negatively by the bill, and I was trying to work with several representatives. I had about five members tell me the bill was bad for my constituents. "Come with me and let's talk to Thrasher," they said. I remember standing in the House by the front desk, up by the Clerk. I was telling him "we really need to do something about this bill." I could see him getting angry. He would give me an answer and I would push him a little more, trying to help. As I turned around, one by one those guys left me. I was standing up there all by myself. I said, "O.K." We did a lot of things and we had a lot of fun.

I just want to say that you all have been very special. I know some may want to see me go, but you know what, I'm going to keep watching here and if I need to come back, I can come back. I just really do want to say it has been a great process. It is an incredible thing to serve and I'm glad I got to serve in both houses. To the new members, Senator Storms, I hope you pick up where I'm leaving off because I'm counting on you to watch some of these guys. O.K.? I just thank you all very much. Again, my constituents and the staff here are just wonderful. In a way, I am very excited about the new part of my life and I will be serving all the people of the state and I will serve them, hopefully, very well. But I will always be thinking about you guys. Thank you.

Senator Carlton: Thank you Mr. President. Senator Argenziano, I just want to say it has been a real pleasure knowing you all of these years. You and I served in the House together. I have learned so much from you about standing tall, standing firm, standing for what you believe in. It really doesn't matter whether all those guys left you at the Speaker's podium, because all of us that know you, know that you don't have to have five or six other people to tell you what is the right thing to do. You always do the right thing. I appreciate that and your constituents appreciate it.

You certainly leave the rest of us with a challenge. I'm not sure we can all meet up to that challenge but we will always try. We will always remember you for standing firm in what you believe. Thank you for that inspiration. We'll take that, and will always remember you when we think of that.

Senator Webster: Thank you, Mr. President. I am going to tell one Senator Argenziano story. It's one thing to become the leader of a body, but when you are in the minority, it's a lot different, because if you're trying to get there, it is an uphill climb. You, the Republicans, Senator Dockery and some others were the five that we needed to go from 56 to 61. Now every person, when we got to 61, claimed that they were the 61st vote. I will tell you this, Senator Argenziano was.

Back then, even 10 years ago, there was still a lot of manual balloting, especially in the counties she represented. I remember all night long we watched the results come in and, in the end, before midnight, we knew it was 60 to 59. We weren't sure what was going to happen. The only seat left was Senator Argenziano, at that time, a potential member of the House of Representatives. I was in the Minority Office, sitting at my desk. I couldn't stand it. I had one county's results and she was winning.

But I didn't have anything else. It was 1:30 in the morning. John Thrasher was sitting across the desk from me. I remember calling her up. I said, "Do you know the results?" I think it was from Citrus County. She said, "Yes, it's this. Do you know the results from the other counties?" I just hung the phone up, I didn't even say bye. You won. I remember jumping up and grabbing John Thrasher's hand and shaking it. Someone, I think it was Don Dughi, took a picture at an angle. There was a clock on the wall. It was 1:32 in the morning. She was truly the 61st vote that gave us the majority. For that I will always be appreciative. It was an awesome time.

You have been a great member. Thank you for serving. Thank you for being the one that stands up, even if it's just one. I think there's always a balance in this legislative body and the other legislative body. There has to be a balance. All of us come from different places with different interests and different constituencies. You have to stand up for yours, regardless of whether anyone else does, that's your job. Thank you for doing it well.

Senator Geller: Thank you, Mr. President. Senator Argenziano, as you have been telling us you are leaving, I have been whining, complaining, sticking my lower lip out, and urging you not to do it. I have to tell you that both the Senate Democratic Caucus and I are going to miss you once you are not here on a daily basis. I'm sure we'll see you from time to time, but it's not going to be the same. We will be missing you.

I remember when you were elected to the Florida Legislature. We weren't sure at the time what to make of you, the New York motorcycle mama that was representing a largely rural constituency. Then the famous package was delivered and we were pretty sure at that point that we really liked you. Over the years, you have joined me and many of our colleagues at our annual tasting party. I think most of the members know that we have an annual malt, single scotch tasting party. It's pretty amusing when we see Senator Argenziano at our annual event because most of the guys will be saying, "I'll have three drops of this, and drown it in water." The only person who drinks it straight, cask strength, poured straight into the glass, is Senator Argenziano.

More importantly, and you have heard this from everybody, is your fierce sense of independence. You're going to represent your district, you're going to represent your constituents even if it is not popular here. Even if you have to be the only one standing up on that side. Even if your leadership tells you one thing, or the Governor. I know that you and the Governor have always been the best of friends, regardless of who the Governor has been. Maybe not quite. You have always, regardless of what anyone has told you, stood up for what you thought was right and what you thought was in the best interest of your constituents.

We're going to miss you personally. We are going to miss your sunny disposition. We are also going to miss your vote on some issues because your leaving has a significant effect on the balance of power in the Senate. That's from a political viewpoint. From a personal viewpoint, I really am going to be missing you. I have seen you here your entire tenure in the Legislature. I know there are a number of candidates from both parties running to replace you. Somebody will take your seat, Senator, but nobody can replace you. We're going to miss you.

Senator Lawson: Thank you very much, Mr. President. Senator Argenziano is a part of my delegation. We share some counties together. It has been a real privilege for me to work with her. I have very fond memories of us trying to get her defeated when she ran for the Senate. Right, Senator Geller? I know you are a good friend.

On a serious note, I have always tried to steal the show at parades. We were in Monticello at the Watermelon Parade. I had staff down there and we were passing out candy. Everyone was paying attention to us and along came Senator Argenziano in a convertible. I thought she was going to be riding in the convertible but she had a jack-ass on the back of the convertible with a hat on waving to all the people. She was walking in front of the car giving out candy. She had her name there. They were trying to figure out whether the jack-ass was Senator Argenziano or the person walking in front. The horse was in the car. I had never witnessed anything like that. Her name was on the car and the horse was sitting in the back seat. She stole the show. We couldn't do anything about it.

When I was chair of Natural Resources, we had the water issues all around the state. When I got to her district I thought I was going to a little place, that I would be there for a little while and then get out. But I never witnessed anything like that. There were three or four thousand

people that showed up for the hearing. They all showed up because of her. I knew then, why Senator Geller couldn't win. People came from all different directions for this water hearing. They had video set up in the gym for them to hear. They were there because they liked her and respected her. I can tell you that I have been able to call on her at any time on issues. Regardless of what time of the night it was, she would respond.

I work around a lot of women on my staff. The young women on my staff always tell me how much they admire her for her leadership and the stance she would take. I thought that was great. They never told me how they admired me, but they always admired her.

I remember one Sunday morning at the Waffle House south of town. I was at the Waffle House because we don't get paid much money here and that was the cheapest breakfast I could find. All of a sudden this motorcycle drove up to the Waffle House. I didn't pay much attention, I just saw it drive up and a person got off with black leather on and walked inside. I looked up and it was Senator Argenziano. Looked like it was right out of the movies. She was there, too, to get the \$1.30 breakfast.

What I would like to say is that she is courageous, a good leader, and tough. I don't want her to send Mr. Storms over here, I have enough Storms here on my left. The people in her district love her. She fights for the little people. She fights for state workers. I don't know of a better person that could be elevated to the position. She will really fight for the consumer. I really feel good about it. In Senator Argenziano, we are sending a person that will be consumer oriented and will not give in and will do what's best for them. I am going to miss her, but for me it will be right across town. I am sure that I can call on her. I am honored to have had the privilege to serve with her.

Senator Rich: Thank you, Mr. President. Senator Argenziano, I want to ask if you are going to come back and do the "View" with us next year? It won't be the same without you.

I have had the privilege of serving both in the House and the Senate with you. When I first came to the House, I realized very quickly that it was an extremely partisan body. It was a little disappointing to me that everybody didn't look at people and respect them for the knowledge that they brought and their experience in certain areas.

You were one of a handful of people in the majority party that reached out, not only to me, but to many others who were elected in that Class of 2000. I want to say it meant a lot over there and here as well. People could learn so much by your example. We'd have a much better public policy and a much better attitude about politicians if people could have the kind of attitude that you have.

I want to say that I will miss you. I know you will do a great job where you are going. This body is losing a great deal by your departure.

Senator Villalobos: Thank you, Mr. President. Nancy, a couple of years ago when the hurricanes came through South Florida I had a mountain of debris in my home. I have told you this story, but I want other people to hear it. It took me several days to get all the stuff out and put it on the side of the road. I remember the crews to clean up the mess started coming from all across the state. They had these huge dump trucks and they put plywood boards on the side of the trucks so they could stack the debris up even higher. Those were some of the toughest guys I have even seen. It was 3:00 in the morning, they worked 24 hours a day. I don't know what they were drinking. It wasn't Cuban coffee. They would just work tirelessly and then they finally came to the front of my house. You could hear it because there was no power and you could hear everything in the middle of the night. When I finally heard the trucks pull up I was so happy I ran outside and started talking to them. I went inside and got the few Coca-Colas and Pepsis and other stuff we had left and I gave it to them because I was so grateful that they were in front of my house. I asked them where they were from and one of them, I swear he was a pirate because he had a patch, a sword, and parrot on his shoulder, said "Citrus County." I said, "Citrus County? I have a friend up there from Citrus County. Do you know Nancy Argenziano?" And they said, "Oh yeah, we sure do. She is the toughest 'blank' we ever met." Those were some rough guys. I called you up and I told you. That's a testament. For me to run into the first guy I have ever run into in Miami from Citrus County and all of them knew you and appreciated you.

I was born into a family that was involved in counter-revolutionary activities. You guys think you have tough elections here? The last election that my grandfather had, my grandmother was at a polling place with a Thompson machine gun. She really was. Those were some tough guys. I grew up around all these older guys, these real tough guys and I guess because of the work I have done, I have kind of kept on doing it. People that have traveled all over the world and done all kinds of stuff. Nancy, I don't know too many people who are tougher, and that are more accountable or that really keep their word as much as you.

A lot of people have thanked you on behalf of the State of Florida, but I want to thank you for three people, especially, me, Barbie and Katie. Barbie and I love you very much. You have had a profound influence on Katie. For that I thank you. She saw that you can be a lady and you can be tough as nails. You are the one who taught her that. I can't thank you enough on behalf of us.

Senator Lynn: I've had to stand up for a reason. It's because we've heard how strong Senator Argenziano is and how she has been a role model for all of us to gain strength from. Senator, you've been through a lot, as have some of us. The one thing we forget is your passion, because you have a great passion for anything that you get behind. You have great determination, but you have great compassion. That's something that we forget about Nancy. We say she's strong and she does all these things and we say, "Oh, look what she's doing." I don't think some recognize the great compassion you have for humanity; and the love you have for the people you serve—you have never let them down.

You've lived through some sad parts of other people's lives, but you have also lived through some sad and very difficult times in your own life that people sometimes forget. You have elevated yourself to great heights, and for that reason, all of us as women look up to you. I think men must also look up to you, because I think anyone who succeeds despite difficulties in life has to be admired.

I wish you well in your new job. I think it's remarkable. One thing we know—you'll keep fighting to keep our rates down. Thank you so much, Nancy.

Senator Dockery: Nancy, we came in together in 1996. I remember meeting you for the first time. Talk about balance of power. When the Republicans were about to take over the Florida House for the first time in 122 years, there was a lot riding on those elections. We as freshmen running, were offered the opportunity to meet some senior members that would help give us some helpful hints on campaigning. We met in the Tampa airport in some strange little room. They sent Senator Constantine, then Representative Constantine, to come talk to this group of freshmen that had never run for office before. Our class was Nancy, myself, Adam Putnam, who has gone on to greater things, Johnny Byrd and Lindsay Harrington.

Nancy and I bonded right away. Her questions were so politically naive; they were so innocent. She was a person that was running for office for all the right reasons. She was an activist; she cared deeply about certain issues. She came to run to make a difference. She hasn't forgotten that over the last 11 years.

We had so much fun in the House. In 1996, when we went in, Dan Webster was really happy to have us. Dan Webster, who was the perfect man for the job to be Speaker at that time, also reminded freshmen that freshmen were freshmen. We knew our place and we knew that we were going to pick out a few senior members, watch them, emulate them, and see what they had to offer us. We were thrilled if our bills got up in any committee. I think that was a very good and humbling learning experience for all of us. That afforded us a lot of time to have some fun.

We were on the twelfth floor, which took forever to get to and back. Nancy, do you remember the infamous break-in in our offices? We were the object of a lot of pranks. We decided that we were going to return the favor. So we became the pranksters. We had a great time. Sometimes our pranks weren't received very well. Senator Fasano did not like having his "O" removed when he missed the Italian Caucus. He became Senator Fasan—"nature" in Japanese. It took blue duct tape to cover up the "O" on the outside of his name tag. We would put it on and he would tear it off. Then we got the mean look. I think anyone who's been around Senator Fasano long enough knows the mean look. We had a lot of fun back in the House.

Nancy and I did the same thing, we both ran for the Senate in 2002. So our career paths have kind of tracked each other. It's when Nancy came into the Senate that she really hit her stride. She matured in the process; she was emboldened by her stances because she always fought for what was right. She didn't posture for what would get her ahead in one way or another for personal reasons. She always had her constituents' interests at heart and that emboldened her to take some unpopular stances. She has earned the respect, tremendous respect, from so many people—from staff, from other members, from people who watch in the gallery, from people at home, from people tangential to this process. I've had the opportunity to spend a lot of time with Nancy because not only are we colleagues, we are very good friends. I've walked down the streets when people stop her and say "Boy, what you did on this was phenomenal." She does have a lot of fans out there.

We joke around in this process. I mentioned to Senator King yesterday when they were talking about burying the remains of his dog. There's an old joke around Tallahassee that if you want a friend, get a dog.

There are two friends in this process. A lot of times, people will compare the tenaciousness of Nancy to a pit bull. I think she likes that reputation of being tough. She fights for her constituents and she deserves that. As you can see now, she has a soft side. I think of Nancy as a Labrador Retriever, loyal to a fault; true to her friends; has that mushy side and doesn't like people to see it, but there it is. Today, every time somebody hugged her, she grabbed another tissue. She has a tremendously big heart in addition to that feistiness that we all love and that we'll all miss.

Nancy, I know that you leave the Legislature with mixed emotions but I want you to know, you can rest assured that you have left your mark on this process. I want you to know that I have a great dog, but I also know that I have a great friend. Whether you are in this process or not, you will always be my friend. I look forward to our continuing friendship when you leave the Senate.

Senator Crist: I'm not the best at this kind of speaking and I rarely ever do it, but this is a special circumstance. I've been in this process for 15 years and I've met a lot of people. I've had friends come and go. I've had enemies come and go, and stay. It's a process where you meet a lot of people. You have a lot of acquaintances but you don't really cultivate a lot of good close personal relationships. Nancy, I consider you a close personal friend, as you do me. I cherish that, because you are one of the few that I have in this process that I've been able to develop that kind of relationship with.

It's kind of odd, because when we first met, it was kind of along the same terms as the woman I ended up marrying. We were at odds. It was through those odds that we were able to find common ground and realize that we were very similar in many ways and had similar interests.

I remember that first fight. I had spent three years working on a comprehensive nursing home reform act and was holding it back until the last minute and launching this thing like an atom bomb. I was making headway and all of a sudden I hit you, bam, like a brick wall. Here was this freshman, actually it was the second year of your freshman term, and you were running circles around me in that committee, thwarting every effort that I had. You were very successful at it. It wasn't until later that year when we had the leather boot contest that you and I realized we had a whole lot more in common outside of the things in this process. That picture still hangs on the wall in my home and people still ask me questions about it. I say, "That's my good friend, at the time, Representative Nancy Argenziano."

The members have touched on something here today that is very true and that most of us don't really get a chance to show, and that's our personal side. You are a very sensitive, very genuine, very thoughtful, very kind and very loving person. You know, you're tough in this environment. When you swim with sharks, you show your teeth. Back at home in your own environment, with your friends, you're the best friend a person could ever hope to have. The phone calls that you've made during some of the most delicate times in my life, when my mother passed, and during other issues that have occurred in all of our lives, your thoughtfulness and caring have meant a lot. Your unwavering commitment to what you believe in and for what your constituents expect you to do, whether it is politically correct or partisanly expedient, is remarkable.

You've grown in this process like grapes on the vine, into a fine wine. Slowly the efflorescence has risen to the top. You graduated from the House. You've come to the Senate. You graduated from the Senate to go on to be an advocate for all of the citizens of this state. Unfortunately that's not something we seek frequently enough in this process of influence. I will be able to go home and rest assured, like many of us here and the people out in our communities, that they will have the strongest voice, the sharpest eye, and the most piercing claws working on their behalf. I will miss you here as a fellow member. I will look forward to a continued relationship with you beyond this facility. I thank you for everything you've done. You've got a lot of achievements in many different areas where you've been a leader. The one great achievement that you leave this process is what we saw emerge here today and that's the highest level of respect. We love you. We'll miss you and we look forward to your continued service.

Senator Bullard: I wasn't going to say anything because I've already written my thoughts. I'm not going to say very much. I do feel a bit emotional because Nancy and I did develop a very good relationship. It was one that many don't even know. I could talk to her. She was also the Chair of my committee. She taught me what agriculture means. She taught me what water projects were all about. She took time. She recognized me at times when some didn't, and for that I'm most grateful. She appreciated me for who I am, and for that I'm most grateful. There are those who don't even know that we have that quiet relationship. That dish garden that I have perched on your desk today, I'd like for you to remember me when you see that. Water it and let it grow. Keep the tiger in your tent. As one once said to me, "You continue to be a combination of the Mountain of Gibraltar and Mother Nature." Thank you.

President Pruitt: You probably don't know that Nancy's favorite song by Frank Sinatra is *I Did it My Way*. It plays on a loop over and over again in her office. Nancy Argenziano, a single mom, when elected as Senator Webster just said, changed the majority in the Florida House. She is a shining example to every little girl in the State of Florida, that they can do anything they set their minds to, no matter what adversity in life confronts them. How I know Nancy best, because every time we talk to each other, she talks about her son, who turned 34 this week, a man who is serving his country. A great man, he's just like his mother. Of course the virtue that we know best is the courage of her convictions and principles. She is honest beyond reproach. She is a "people" Senator, where the people always come first no matter what. She is always looking out for the people of her district.

She epitomizes the state Senator looking after what's in the interest of the entire State of Florida. Nancy, as you leave these doors today, it's not going to be a goodbye, it's not going to be a "so long," because we know that you're going to take that energy, expertise and talent to a much larger stage. When you leave these doors you can look back, you can say with pride and you can say unequivocally that you truly did it your way. We're going to miss you, Nancy.

SPECIAL PRESENTATION

President Pruitt presented roses and a print of the Capitol of the State of Florida to Senator Argenziano.

SPECIAL ORDER CALENDAR, continued

On motion by Senator Argenziano, by unanimous consent—

CS for CS for SB 1030—A bill to be entitled An act relating to court costs; amending s. 938.01, F.S.; increasing the court cost assessed against any person convicted of violating a state penal or criminal statute or convicted of violating a municipal or county ordinance; increasing the amount deducted from every bond estreature or forfeited bail bond related to such penal statutes which is remitted to the Department of Revenue; revising the allocation of funds received from the court costs and distributed to the Department of Law Enforcement Criminal Justice Standards and Training Trust Fund, the Department of Law Enforcement Operating Trust Fund for the Criminal Justice Grant Program, and the Department of Children and Family Services Domestic Violence Trust Fund for the domestic violence program; amending s. 938.30, F.S.; requiring defendants to pay all outstanding criminal costs and fines prior to the court entering an order to seal or expunge criminal history records; amending ss. 318.18 and 327.73, F.S., relating to civil penalties for noncriminal traffic and boating infractions; conforming provisions to changes made by the act; providing an effective date.

—was taken up out of order and read the second time by title.

MOTION

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

Senator Argenziano moved the following amendment which was adopted:

Amendment 1 (100710)—On page 2, line 8 through page 4, line 23, delete those lines and insert: or county ordinance to pay \$4 \$3 as a court cost. Any person whose adjudication is withheld pursuant to the provisions of s. 318.14(9) or (10) shall also be liable for payment of such cost. In addition, \$4 \$3 from every bond estreature or forfeited bail bond related to such penal statutes or penal ordinances shall be remitted to the Department of Revenue as described in this subsection. However, no such assessment may be made against any person convicted for violation of any state statute, municipal ordinance, or county ordinance relating to the parking of vehicles.

(a) All costs collected by the courts pursuant to this subsection shall be remitted to the Department of Revenue in accordance with administrative rules adopted by the executive director of the Department of Revenue for deposit in the Additional Court Cost Clearing Trust Fund.

1. These funds and the funds deposited in the Additional Court Cost Clearing Trust Fund pursuant to s. 318.21(2)(c) shall be distributed as follows:

a.1. ~~Ninety-two~~ ~~Ninety-two~~ percent to the Department of Law Enforcement Criminal Justice Standards and Training Trust Fund.

b.2. ~~Four and seven-tenths~~ ~~Six and three-tenths~~ percent to the Department of Law Enforcement Operating Trust Fund for the Criminal Justice Grant Program.

c.3. ~~One and three-tenths~~ ~~and seven-tenths~~ percent to the Department of Children and Family Services Domestic Violence Trust Fund for the domestic violence program pursuant to s. 39.903(3).

2. The funds deposited in the Additional Court Cost Clearing Trust Fund pursuant to s. 318.21(2)(c) shall be distributed as follows:

a. ~~Ninety-two~~ percent to the Department of Law Enforcement Criminal Justice Standards and Training Trust Fund.

b. ~~Six and three-tenths~~ percent to the Department of Law Enforcement Operating Trust Fund for the Criminal Justice Grant Program.

c. ~~One and seven-tenths~~ percent to the Department of Children and Family Services Domestic Violence Trust Fund for the domestic violence program pursuant to s. 39.903(3).

(b) All funds in the Department of Law Enforcement Criminal Justice Standards and Training Trust Fund shall be disbursed only in compliance with s. 943.25(9).

Section 2. Present subsection (12) of section 938.30, Florida Statutes, is redesignated as subsection (13), and a new subsection (12) is added to that section, to read:

938.30 Financial obligations in criminal cases; supplementary proceedings.—

(12) The court shall not enter an order sealing or expunging criminal history records under Rule 3.692, Florida Rules of Criminal Procedure, and ss. 943.0585 and 943.059, until the person has paid all outstanding criminal costs and fines assessed against the moving party, unless the court makes written findings about the appropriateness of sealing or expunging despite the outstanding costs and fines.

Section 3. Paragraph (d) of subsection (11) of section 318.18, Florida Statutes, is amended to read:

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

(11)

(d) In addition to the court cost required under paragraph (a), a \$4 court cost must be paid for each infraction to be distributed as provided in s. 938.01 and a \$2 court cost as provided in s. 938.15 when assessed by a municipality or county.

Section 4. Subsection (11) of section 327.73, Florida Statutes, is amended to read:

327.73 Noncriminal infractions.—

(11)(a) Court costs that are to be in addition to the stated civil penalty shall be imposed by the court in an amount not less than the following:

1. For swimming or diving infractions, \$3.
2. For nonmoving boating infractions, \$6.
3. For boating infractions listed in s. 327.731(1), \$10.

(b) In addition to the court cost assessed under paragraph (a), the court shall impose a \$4 court cost for

On motion by Senator Argenziano, by two-thirds vote **CS for CS for SB 1030** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

| | | |
|---------------------|-------------|------------|
| Mr. President | 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

Vote after roll call:

Yea to Nay—Haridopolos

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

BILLS ON THIRD READING, continued

SENATOR CARLTON PRESIDING

CS for CS for CS for SB 1928—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; requiring the commission to monitor transportation authorities and conduct periodic reviews of each authority; prohibiting a member of the commission from entering into the day-to-day operation of a monitored authority; amending s. 112.061, F.S.; authorizing metropolitan planning organizations and certain separate entities to establish per diem and travel reimbursement rates; amending s. 120.52, F.S.; excluding expressway authorities under ch. 349, F.S., from the definition of the term “agency” for certain purposes; amending s. 349.03, F.S.; revising provisions for officers and employees of the Jacksonville Transportation Authority; amending s. 349.04, F.S.; providing for the adoption of rules by the Jacksonville Transportation Authority for certain purposes; amending s. 121.021, F.S.; defining the term “metropolitan planning organization” for purposes of the Florida Retirement System Act; revising definitions to include M.P.O.’s and positions in M.P.O.’s; amending s. 121.051, F.S.; providing for M.P.O.’s to participate in the Florida Retirement System; amending s. 121.055, F.S.; requiring certain M.P.O. staff positions to be in the Senior Management Service Class; amending s. 121.061, F.S.; providing for enforcement of certain employer funding contributions required under the Florida Retirement System; authorizing deductions of amounts owed from

certain funds distributed to an M.P.O.; authorizing the governing body of an M.P.O. to file and maintain an action in court to require an employer to remit retirement or social security member contributions or employer matching payments; amending s. 121.081, F.S.; providing for M.P.O. officers and staff to claim credit for past service for retirement benefits; creating s. 163.3182, F.S.; providing for the creation of transportation concurrency backlog authorities; providing powers and responsibilities of such authorities; providing for transportation concurrency backlog plans; providing for the issuance of revenue bonds for certain purposes; providing for the establishment of a local trust fund within each county or municipality having an identified transportation concurrency backlog; providing exemptions from transportation concurrency requirements; providing for the satisfaction of concurrency requirements; providing for dissolution of transportation concurrency backlog authorities; amending s. 212.055, F.S.; renaming the charter county transit system surtax; expanding eligibility to levy the surtax to all charter counties; deleting a provision prohibiting a school district, county, or municipality from issuing bonds more than once each year pledging the proceeds of certain discretionary taxes; amending s. 215.615, F.S.; revising the Department of Transportation’s requirement to share certain costs of fixed-guideway system projects; revising criteria for an interlocal agreement to establish bond financing for fixed-guideway system projects; revising provisions for sources of funds for the payment of bonds; amending s. 311.22, F.S.; revising funding for certain dredging projects; amending s. 316.2123, F.S.; authorizing a county to designate certain unpaved roadways where an ATV may be operated; providing conditions for such operation; amending s. 316.605, F.S.; providing height and placement requirements for vehicle license plates; prohibiting display that obscures identification of the letters and numbers on a license plate; providing penalties; amending s. 316.650, F.S.; revising procedures for disposition of citations issued for failure to pay toll; providing that the citation will not be submitted to the court and no points will be assessed on the driver’s license if the person cited elects to make payment directly to the governmental entity that issued the citation; providing for reporting of the citation by the governmental entity to the Department of Highway Safety and Motor Vehicles; amending s. 318.14, F.S.; providing for the amount required to be paid under certain procedures for disposition of a citation issued for failure to pay toll; providing for the person cited to request a court hearing; amending s. 318.18, F.S.; revising penalties for failure to pay a prescribed toll; providing for disposition of amounts received by the clerk of court; removing procedures for withholding of adjudication; providing for suspension of a driver’s license under certain circumstances; revising authorized uses of revenue received by a county from a certain surcharge; revising penalty provisions to provide for certain criminal penalties; imposing a surcharge to be paid for specified traffic-related criminal offenses and all moving traffic violations; providing for distribution of the proceeds of the surcharge to be used for the state agency law enforcement radio system; providing for future expiration; amending s. 318.21, F.S.; revising distribution provisions to provide for distribution of the surcharge; providing for future expiration; amending s. 320.061, F.S.; prohibiting interfering with the legibility, angular visibility, or detectability of any feature or detail on a license plate or interfering with the ability to photograph or otherwise record any feature or detail on a license plate; providing penalties; amending s. 332.007, F.S.; authorizing the Department of Transportation to provide funds for certain general aviation projects under certain circumstances; extending the time-frame that the department is authorized to provide operational and maintenance assistance to certain airports and may redirect the use of certain funds to security-related or economic-impact projects related to the events of September 11, 2001; amending s. 332.14, F.S.; providing that certain members of the Secure Airports for Florida’s Economy Council shall be nonvoting members; authorizing certain members to overrule certain actions of the council; amending s. 334.351, F.S.; amending s. 334.351, F.S.; requiring nonprofit youth organizations that contract with the Department of Transportation for the purpose of operating youth work experience programs to certify that the program participants are residents of the state and possess valid identification; specifying criteria for the department to consider in awarding contracts to such organizations; requiring that the nonprofit youth organizations submit certain reports and audits to the department and demonstrate participation in a peer assessment or review process; amending s. 336.025, F.S.; deleting a prohibition against local governments issuing certain bonds secured by revenues from local option fuel taxes more than once a year; amending s. 336.41, F.S.; revising an exception to competitive-bid requirements for certain county road construction and reconstruction projects; increasing the value threshold under which the exception applies; defining the term “construction aggregate materials”; pro-

viding legislative intent; prohibiting a local government from approving or denying a land use zoning change, comprehensive plan amendment, land use permit, ordinance, or order regarding construction aggregate materials without considering information provided by the Department of Transportation and considering the effect of such decision; prohibiting an agency from imposing a moratorium on the mining and extraction of construction aggregate materials of longer than a specified period; providing that limerock environmental resource permitting and reclamation applications are eligible to be expedited; establishing the Strategic Aggregates Review Task Force; providing for membership, staffing, reporting, and expiration; providing for support and the coordination of data and information for the task force; requiring that the task force report its findings to the Governor and the Legislature; providing report requirements; providing for the dissolution of the task force; creating s. 337.026, F.S.; authorizing the Department of Transportation to pursue procurement techniques relating to construction aggregate materials; authorizing the department to enter into agreements for construction aggregate materials; providing exceptions; providing requirements for such exceptions; amending s. 337.11, F.S.; providing that certain construction projects be advertised for bids in local newspapers; amending s. 337.14, F.S.; authorizing the department to waive specified prequalification requirements for certain transportation projects under certain conditions; amending s. 337.18, F.S.; revising surety bond requirements for construction or maintenance contracts; providing for incremental annual surety bonds for multiyear maintenance contracts under certain conditions; revising the threshold for transportation projects eligible for a waiver of surety bond requirements; authorizing the department to provide for phased surety bond coverage or an alternate means of security for a portion of the contract amount in lieu of the surety bond; amending s. 338.161, F.S.; providing for the Department of Transportation and certain toll agencies to enter into agreements with public or private entities for additional uses of electronic toll collection products and services; authorizing feasibility studies by the department or a toll agency of additional uses of electronic toll devices for legislative consideration; amending s. 338.2275, F.S.; raising the limit on outstanding bonds to fund turnpike projects; removing a provision authorizing the department to acquire the Sawgrass Expressway from the Broward County Expressway Authority; amending s. 338.231, F.S.; extending the timeframe for application of requirement that the department program in the tentative work program certain funds relative to the share of toll collections attributable to users of the turnpike system in certain areas; removing a reference to conform; amending s. 339.08, F.S.; allowing moneys in the State Transportation Trust Fund to be used to pay the cost of the Enhanced Bridge Program for Sustainable Transportation; amending s. 339.175, F.S.; revising intent; providing the method of creation and operation of M.P.O.'s required to be designated pursuant to federal law; specifying that an M.P.O. is separate from the state or the governing body of a local government that is represented on the governing board of the M.P.O. or that is a signatory to the interlocal agreement creating the M.P.O.; providing specified powers and privileges to the M.P.O.; providing for the designation and duties of certain officials; revising requirements for voting membership; defining the term "elected officials of a general-purpose local government" to exclude certain constitutional officers for voting membership purposes; providing for the appointment of alternates and advisers; providing that members of an M.P.O. technical advisory committee shall serve at the pleasure of the M.P.O.; providing for the appointment of an executive or staff director and other personnel; authorizing an M.P.O. to enter into contracts with public or private entities to accomplish its duties and functions; providing for the training of certain persons who serve on an M.P.O. for certain purposes; requiring that certain plans, programs, and amendments that affect projects be approved by each M.P.O. on a recorded roll call vote, or hand-counted vote, of a majority of the membership present; amending s. 339.2819, F.S.; revising the share of matching funds for a public transportation project provided from the Transportation Regional Incentive Program; creating s. 339.282, F.S.; providing legislative findings; providing that property owners or developers who voluntarily contribute right-of-way and physically construct or expand a state transportation facility or segment may receive certain credits against any future transportation concurrency requirements under certain conditions; creating s. 339.285, F.S.; creating the Enhanced Bridge Program for Sustainable Transportation within the Department of Transportation; providing for the use of funds in the program; providing project guidelines for program funding; amending s. 339.55, F.S.; providing for the use of State Infrastructure Bank loans for certain damaged transportation facilities in areas officially declared to be in a state of emergency; providing criteria; amending s. 341.071, F.S.; requiring certain public transit providers to annually report potential productivity and performance enhancements;

amending s. 343.81, F.S.; prohibiting elected officials from serving on the Northwest Florida Transportation Corridor Authority; providing for application of the prohibition to apply to persons appointed to serve on the authority after a certain date; amending s. 343.82, F.S.; directing the authority to plan for and study the feasibility of constructing, operating, and maintaining a bridge or bridges, and appurtenant structures, spanning Choctawhatchee Bay or Santa Rosa Sound; authorizing the authority to construct, operate, and maintain said bridges and structures; amending s. 334.30, F.S.; authorizing the Department of Transportation to enter into agreements with private entities for the building, operation, ownership, or financing of transportation facilities; revising criteria for approving agreements; amending s. 338.234, F.S.; granting the Florida Turnpike Enterprise, its lessees, and licensees an exemption from paying commercial rental tax on capital improvements; amending s. 348.0004, F.S.; authorizing certain transportation-related authorities to enter into agreements with private entities for the building, operation, ownership, or financing of transportation facilities; amending s. 348.0012, F.S.; revising provisions for certain exemptions from the Florida Expressway Authority Act; amending s. 348.754, F.S.; authorizing the Orlando-Orange County Expressway Authority to waive payment and performance bonds on certain construction contracts if the contract is awarded pursuant to an economic development program for the encouragement of local small businesses; providing criteria for participation in the program; providing criteria for the bond waiver; providing for certain determinations by the authority's executive director or a designee as to the suitability of a project; providing for certain payment obligations if a payment and performance bond is waived; requiring the authority to record notice of the obligation; limiting eligibility to bid on the projects; providing for the authority to conduct bond eligibility training for certain businesses; requiring the authority to submit biennial reports to the Orange County legislative delegation; amending ss. 163.3177, 339.176, and 341.828, F.S.; correcting cross-references; amending s. 2, ch. 89-383, Laws of Florida; providing for certain alterations to and along Red Road in Miami-Dade County for transportation safety purposes; amending s. 479.01, F.S.; defining the term "wall mural"; creating s. 479.156, F.S.; providing for the regulation of wall murals by municipalities and counties; requiring that certain wall murals be located in areas zoned for industrial or commercial use; requiring that the local regulation of wall murals be consistent with specified criteria; requiring the Department of Transportation to approve a wall mural under certain conditions; amending s. 316.1951, F.S.; revising provisions relating to parking vehicles on public property for the purpose of displaying the vehicles for sale, hire, or rental; providing exceptions; prohibiting certain acts in the sale of motor vehicles; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, further consideration of **CS for CS for CS for SB 1928** was deferred.

The Senate resumed consideration of—

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.

—which was previously considered this day.

MOTION

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

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

Amendment 1 (224750)—On page 13, lines 10-20, delete those lines and insert:

(d) If a state agency inspector general's reported adverse findings regarding entities contracting with state agencies and individuals substantially affected by the findings, conclusions, and recommendations are determined to be not substantially justified after an informal evidentiary hearing by a hearing master selected by agreement of the state agency and the the Chief Inspector General, the agency shall reimburse reasonable legal fees and costs not to exceed \$50,000 specifically associated with filing and pursuing the complaints, which are incurred by the entities contracting with state agencies and individuals substantially affected by the findings, conclusions, and recommendations.

(10)(8) Each agency inspector general shall, to the

On motion by Senator Bennett, **CS for SB 2078** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SPECIAL ORDER CALENDAR, continued

By Senator Geller—

CS for SB 606—A bill to be entitled An act relating to the South Florida Regional Transportation Authority; amending s. 343.54, F.S.; revising provisions relating to powers and duties of the authority; deleting the term “commuter rail”; amending s. 343.55, F.S.; authorizing the authority to issue, reissue, or redeem certain bonds; requiring that the bonds of the authority be authorized by resolution under certain conditions; requiring certain officers to execute such bonds; requiring the authority to sell such bonds at public sale; authorizing the authority to negotiate the sale of the bonds under certain circumstances; authorizing the authority to provide findings in a resolution for the negotiation of a sale; providing that certain resolutions may have certain provisions with regard to a contract with holders of bonds; authorizing the authority to enter into trust indentures or other agreements and to assign and pledge revenues, fees, rentals, tolls, and other charges; providing that the bonds are negotiable instruments; amending s. 343.58, F.S.; revising provisions for funding of the authority; requiring counties served by the authority to annually transfer certain funds before a certain date; removing provisions for sources of that funding; removing authorization for a vehicle registration tax; providing for certain funding by the state to fund capital and operating and maintenance expenses; providing that the funding source be dedicated to the authority under certain conditions; providing for cessation of specified county funding contributions and providing for certain refunding of the contributions under certain circumstances; revising the timeframe for repeal of specified funding provisions under certain circumstances; providing a legislative purpose; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 606** was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

CS for SB 2084—A bill to be entitled An act relating to financial services; amending s. 520.02, F.S.; defining the term “guaranteed asset protection products”; amending s. 520.07, F.S.; setting forth requirements and prohibitions for selling guaranteed asset protection products; amending s. 520.35, F.S.; revising the fee for a delinquency charge; amending s. 624.605, F.S.; including debt-cancellation products under casualty insurance; providing a definition; authorizing certain entities to offer debt-cancellation products under certain circumstances; specifying that such products are not insurance; amending ss. 627.553 and 627.679, F.S.; revising limitations on the amount of authorized insurance for debtors; amending s. 627.681, F.S.; revising a limitation on the term of credit disability insurance; amending s. 655.005, F.S.; redefining the terms “federal financial institution” and “financial institution”; defining the term “debt-cancellation products”; amending s. 655.79, F.S.; providing that a deposit account by a husband and wife is a tenancy by the entirety; creating s. 655.947, F.S.; providing a definition; authorizing financial institutions to offer debt-cancellation products; authorizing a fee; requiring the Financial Services Commission to adopt rules; providing that a periodic payment option is not required for certain debt-cancellation products; amending s. 655.954, F.S.; authorizing a financial institution to offer a debt-cancellation product but not as a requirement of receiving a loan; amending s. 658.21, F.S.; revising an ownership of capital criterion for capital accounts at financial institutions and one-bank holding companies; amending s. 658.34, F.S.; prohibiting certain stock issuance practices for banks; amending s. 658.36, F.S.; requiring a state bank or trust company to file a written notice before increasing its capital stock; amending s. 658.44, F.S.; revising criteria for determining the value of dissenting shares of certain entities; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 4 (073966)** by Senator Bennett was adopted.

Senator Bennett moved the following amendment:

Amendment 5 (163642)(with title amendment)—On page 11, between lines 18 and 19, insert:

Section 12. Section 655.966, Florida Statutes, is amended to read:

655.966 Automated teller machine; surcharge *disclosure*.—

(1) *The operator or owner of an automated teller machine in this state may charge an access fee or surcharge to a customer for the use of that machine. The fee or surcharge shall be disclosed in compliance with 12 C.F.R., part 205, as amended.*

(2)(a) *Subject to the requirements of subsection (1), an agreement to operate or share an automated teller machine may not prohibit, limit, or restrict the right of the operator or owner of an automated teller machine, as defined in s. 655.960(3), to may charge an access fee or surcharge, not otherwise prohibited under state or federal law, to a customer conducting a transaction using an account from a financial institution, as defined in s. 655.005(1)(h), which is located outside of the United States.*

(b) *Notwithstanding paragraph (a), nothing in this section shall be construed to prohibit or otherwise limit the ability of an operator or owner of an automated teller machine to voluntarily enter into an agreement regarding participation in an access fee-free or surcharge-free network.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 5, after the semicolon (;) insert: amending s. 655.966, F.S.; authorizing machine owners or operators to impose access fees or surcharges for machine use; providing fee or surcharge disclosure requirements; providing certain agreement prohibitions relating to machine access fees or surcharges; providing construction relating to certain fee-free or surcharge-free network agreements;

On motion by Senator Bennett, further consideration of **CS for SB 2084** with pending **Amendment 5 (163642)** was deferred.

On motion by Senator Bennett—

CS for CS for CS for SB 996 and CS for SB 2666—A bill to be entitled An act relating to energy; specifying a limited period during which the sale of energy-efficient products for noncommercial or personal use is exempt from sales tax; providing a limitation; providing a definition; prohibiting the purchase of products by certain payment methods; providing that certain purchases or attempts to purchase are unfair methods of competition and punishable as such; authorizing the Department of Revenue to adopt rules; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for CS for SB 996 and CS for SB 2666** to **CS for HB 7123**.

Pending further consideration of **CS for CS for CS for SB 996 and CS for SB 2666** as amended, on motion by Senator Bennett, by two-thirds vote **CS for HB 7123** was withdrawn from the Committees on Communications and Public Utilities; Environmental Preservation and Conservation; and Transportation and Economic Development Appropriations.

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

CS for HB 7123—A bill to be entitled An act relating to energy; amending s. 196.175, F.S.; revising provisions for the renewable energy source exemption; excluding the assessed value of certain real property for determination of such exemption; amending s. 212.08, F.S.; revising the definition of “ethanol”; increasing the cap on the sales tax exemption for materials used in the distribution of biodiesel and ethanol fuels; specifying eligible items as limited to one refund; requiring a purchaser who receives a refund to notify a subsequent purchaser of such refund; creating s. 212.086, F.S.; establishing the Energy-Efficient Motor Vehicle Sales Tax Holiday; providing a sales tax exemption for the purchase of an alternative motor vehicle; specifying a period during which the sale of such vehicles is exempt from certain sales tax; providing eligibility requirements; requiring the department to adopt rules; providing an exclusion; providing for future repeal of the exemption; amending s. 220.192, F.S., relating to the renewable energy technologies investment tax credit; providing a definition; providing for the transferability of such tax credit; providing requirements and procedures therefor; providing rulemaking requirements and authority; amending s. 220.193, F.S.; providing a definition; providing that a taxpayer’s use of certain credits does not prohibit the use of other authorized credits; amending s. 255.251, F.S.; revising a short title; amending s. 255.252, F.S.; revising criteria for energy conservation and sustainability for state-owned buildings; requiring buildings constructed and financed by the state to meet certain environmental standards subject to approval by the Department of Management Services; requiring state agencies to identify state-owned buildings that are suitable for guaranteed energy performance savings contracts; providing requirements and procedures therefor; requiring the Department of Management Services to evaluate identified facilities and develop an energy efficiency project schedule; providing criteria for such schedule; amending s. 255.253, F.S.; providing definitions; amending s. 255.254, F.S.; requiring certain state-owned buildings to meet sustainable building ratings; amending s. 255.255, F.S.; requiring the department to adopt rules and procedures for energy conservation performance guidelines based on sustainable building ratings; amending s. 287.064, F.S.; extending the period of time allowed for the repayment of funds for certain purchases relating to energy conservation measures; requiring guaranteed energy performance savings contractors to provide for the replacement or the extension of the useful life of the equipment during the term of a contract; amending s. 377.802, F.S.; providing for the annual designation of “Energy Efficiency and Conservation Month”; amending s. 377.803, F.S.; revising definitions; amending s. 377.804, F.S.; deleting provisions relating to bioenergy projects under the Renewable Energy Technologies Grants Program; amending s. 377.806, F.S.; revising rebate eligibility and application requirements for solar photovoltaic systems; requiring applicants to apply for rebate reservations and rebate payments; providing a limitation; revising rulemaking authority; creating s. 403.0874, F.S.; providing a definition; directing the Department of Environmental Protection to develop greenhouse gas inventories; providing requirements for such inventories; authorizing the department to require emission reports; requiring the department to adopt rules; amending s. 403.50663, F.S.; revising the requirements for notice of certain informational public meetings by local governments and regional planning councils relating to power plant siting; amending s. 403.50665, F.S.; authorizing local

governments to determine incompleteness of information on certain siting applications as inconsistent with land use plans and zoning ordinances; revising provisions for the filing of certain petitions relating to land use; amending s. 403.508, F.S.; revising provisions for land use certification hearings relating to power plant siting; amending s. 403.509, F.S.; revising provisions for the final disposition of power plant siting applications; amending s. 403.5113, F.S.; revising provisions relating to power plant siting postcertification amendments and review; amending s. 403.5115, F.S.; revising provisions for public notice of activities relating to power plant siting; specifying requirements for such notice; amending s. 403.5252, F.S.; revising the timeframes for agencies and the Department of Environmental Protection to provide statements relating to the completeness of applications for power plant siting certification; amending s. 403.527, F.S.; revising the timeframe for the administrative law judge to cancel power plant siting certification hearings and relinquish jurisdiction to the Department of Environmental Protection upon request by the applicant or the department; amending s. 403.5271, F.S.; revising provisions relating to the completeness of applications for alternate corridors; amending s. 403.5272, F.S.; revising the requirements for local governments and regional planning councils to notice certain informational public meetings; amending s. 403.5317, F.S.; revising provisions for power plant siting postcertification activities; amending s. 403.5363, F.S.; revising provisions for public notices of power plant siting certification hearings; requiring local governments and regional planning councils to publish notice of certain informational meetings; providing requirements for such publication; amending s. 489.145, F.S.; revising provisions relating to guaranteed energy performance savings contracting to include energy consumption and energy-related operational savings; revising provisions for the financing of guaranteed energy performance savings contracts; revising criteria for proposed contracts; revising program administration and contract review provisions; requiring that consolidated financing of deferred payment commodity contracts be secured by certain funds; requiring the Chief Financial Officer to review proposed guaranteed energy performance savings contracts; creating s. 570.956, F.S.; establishing the Farm-to-Fuel Advisory Council within the Department of Agriculture and Consumer Services; providing membership requirements; providing for council duties; creating s. 570.957, F.S.; establishing the Farm-to-Fuel Grants Program within the Department of Agriculture and Consumer Services; providing definitions; specifying the use of renewable energy grants for projects relating to bioenergy; providing eligibility requirements; authorizing the department to adopt rules; providing criteria for grant award consideration; requiring the department to consult with the Department of Environmental Protection, the Office of Tourism, Trade, and Economic Development, and certain experts when evaluating applications; creating s. 570.958, F.S.; establishing the Biofuel Retail Sales Incentive Program; establishing goals for replacing petroleum consumption; providing definitions; providing incentive payments to qualified retail dealers for increases in the amount of biofuels offered for sale; providing requirements and procedures therefor; creating s. 570.959, F.S.; establishing the Florida Biofuel Production Incentive Program; providing definitions; providing incentive payments to producers of certain biofuels; providing requirements and procedures therefor; authorizing the Department of Agriculture and Consumer Services to adopt rules; directing the Florida Building Commission to convene a workgroup to develop a model residential energy efficiency ordinance; requiring the commission to consult with specified entities to review the cost-effectiveness of energy efficiency measures in the construction of residential, commercial, and government buildings; requiring the commission to consult with specified entities to develop and implement a public awareness campaign; requiring the commission to provide reports to the Legislature; requiring all county, municipal, and public community college buildings to meet certain energy efficiency standards for construction; providing applicability; specifying a period during which the sale of energy-efficient products is exempt from certain tax; providing a limitation; providing a definition; authorizing the Department of Revenue to adopt rules; establishing standards for diesel fuel purchases for use by state-owned diesel vehicles and equipment to include biodiesel fuel purchase requirements; establishing standards for fuel purchases for use by state-owned flex-fuel vehicles to include ethanol purchase requirements; establishing standards for the use of biodiesel fuels by school district transportation services; providing legislative intent relating to the leverage of state funds for certain research and production; creating the Florida Energy, Aerospace, and Technology (F.E.A.T.) Fund; authorizing the Executive Office of the Governor to procure the services of a private business entity; providing requirements and procedures therefor; requiring that certain funds be deposited in the Grants and Donations Trust Fund; providing requirements and procedures

therefor; providing for the construction and operation of a research and demonstration cellulosic ethanol plant; providing requirements and procedures therefor; requiring the Florida Energy Commission to conduct a study and recommend a renewable portfolio standard; providing requirements and procedures therefor; requiring the Florida Energy Commission to conduct a study to recommend the establishment of an energy efficiency and solar energy initiative; providing requirements and procedures therefor; requiring the Public Service Commission to submit a report to the Legislature on methods used to evaluate the conservation goals, plans, and programs of utilities subject to the Florida Energy Efficiency and Conservation Act; requiring the Department of Agriculture and Consumer Services to conduct a study and recommend a Florida Loan Guarantee Program for cellulosic ethanol facilities; requiring a report to the Legislature; requiring the Department of Community Affairs to convene a workgroup to identify and review certain energy conservation standards for specified products; providing requirements and procedures therefor; 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 appropriations; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 996 and CS for SB 2666** as amended and by two-thirds vote read the second time by title.

MOTION

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

Senators Bennett and Constantine offered the following amendments which were moved by Senator Bennett and adopted:

Amendment 1 (684780)(with title amendment)—On line 215, insert:

Section 1. The Legislature finds that it is in the public interest to promote alternative and renewable energy technologies in this state, including alternative fuels and technologies for electric power plants and motor vehicles, energy conservation, distributed generation, advanced transmission methods, and pollution and greenhouse gas control. Both Florida and the United States in general are overly dependent on foreign oil to meet the energy needs of buildings and motor vehicles. Alternative and renewable energy and energy conservation technologies have the potential to decrease this dependency, minimize volatility of fuel cost, and improve environmental conditions. In-state research, development, deployment, and use of these technologies can make the state a leader in new and innovative technologies and encourage investment and economic development in this state.

(1) *The Energy Policy Governance Task Force is created to recommend a unified approach to state energy policy including energy conservation and research, development, and the deployment of alternative and renewable energy technology. The task force shall review the programs and policies of the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the State University System, the Public Service Commission, and other relevant public and private-sector entities in preparing its recommendations.*

(2) *The task force shall be composed of the following members:*

- (a) *Two members appointed by the President of the Senate;*
- (b) *Two members appointed by the Speaker of the House of Representative;*

- (c) *Two members appointed by the Governor;*
- (d) *The Commissioner of Agriculture or a designee;*
- (e) *The Secretary of the Department of Environmental Protection or a designee;*
- (f) *A vice-president for research designated by the Council of Vice-Presidents for State University Research;*
- (g) *The Chair of the Florida Energy Commission or a designee;*
- (h) *The Public Counsel.*

(3) *Task force members shall be appointed no later than August 1, 2007. Members shall choose a chair and vice-chair from the membership of the task force.*

(4) *In developing its recommendations, the task force shall determine the appropriate approach to provide a coordinated statewide effort to:*

(a) *Promote the state as a leader in new and innovative technologies and, in cooperation with Enterprise Florida, Inc., as a location for businesses having operations related to alternative and renewable energy technologies;*

(b) *Promote alternative and renewable energy technologies, including alternative fuels and technologies for electric power plants and motor vehicles, energy conservation, distributed generation, advance transmission methods, and pollution and greenhouse gas control.*

(c) *Administer funding of matching grants for demonstration, commercialization, research, and development of projects relating to bioenergy and renewable energy technologies;*

(d) *Assist the state universities and the private sector in determining the areas on which to focus research in alternative and renewable energy technology and assist in coordinating research projects among the universities and relevant private-sector entities; and*

(e) *Assist universities, other state entities, and private-sector entities in raising funds from all available public or private-sector sources for projects concerning research, development, or deployment of alternative and renewable energy technology, including projects that involve the production of, improvements in, or use of alternative and renewable energy technology in this state.*

(5) *The task force shall be jointly staffed by staff assigned by the Governor, the President of the Senate, and the Speaker of the House of Representatives.*

(6) *No later than February 1, 2008, the task force shall submit its recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives.*

(7) *The task force shall expire on June 30, 2008.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 2, after the first semicolon (;) insert: creating the Energy Policy Governance Task Force; providing for appointment of members, for responsibilities, and for operations; providing that the task force expires June 30, 2008;

Amendment 2 (744916)—On line 305, delete that line and insert: transportation, and storage, up to a limit of \$1 million in

Amendment 3 (405848)(with title amendment)—On line 368, through line 400, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, lines 11-19, delete those lines and insert: notify a subsequent purchaser of such refund; amending s. 220.192, F.S., relating to the

Amendment 4 (205126)(with title amendment)—Between lines 667 and 668, insert:

Section 11. Paragraph (b) of subsection (2) and subsection (5) of section 287.063, Florida Statutes, are amended to read:

287.063 Deferred-payment commodity contracts; preaudit review.—

(b) The Chief Financial Officer shall establish, by rule, criteria for approving purchases made under deferred-payment contracts which require the payment of interest. Criteria shall include, but not be limited to, the following provisions:

1. No contract shall be approved in which interest exceeds the statutory ceiling contained in this section. However, the interest component of any master equipment financing agreement entered into for the purpose of consolidated financing of a deferred-payment, installment sale, or lease-purchase shall be deemed to comply with the interest rate limitation of this section so long as the interest component of every interagency agreement under such master equipment financing agreement complies with the interest rate limitation of this section.

2. No deferred-payment purchase for less than \$30,000 shall be approved, unless it can be satisfactorily demonstrated and documented to the Chief Financial Officer that failure to make such deferred-payment purchase would adversely affect an agency in the performance of its duties. However, the Chief Financial Officer may approve any deferred-payment purchase if the Chief Financial Officer determines that such purchase is economically beneficial to the state.

~~3. No agency shall obligate an annualized amount of payments for deferred payment purchases in excess of current operating capital outlay appropriations, unless specifically authorized by law or unless it can be satisfactorily demonstrated and documented to the Chief Financial Officer that failure to make such deferred payment purchase would adversely affect an agency in the performance of its duties.~~

3.4. No contract shall be approved which extends payment beyond 5 years, unless it can be satisfactorily demonstrated and documented to the Chief Financial Officer that failure to make such deferred-payment purchase would adversely affect an agency in the performance of its duties. *The payment term may not exceed the useful life of the equipment unless the contract provides for the replacement or the extension of the useful life of the equipment during the term of the loan.*

(5) For purposes of this section, *the annualized amount* of any such deferred payment commodity contract must be supported from available recurring funds appropriated to the agency in an appropriation category, ~~other than the expense appropriation category~~ as defined in chapter 216, that the Chief Financial Officer has determined is appropriate or that the Legislature has designated for payment of the obligation incurred under this section.

And the title is amended as follows:

On line 49, after the first semicolon (;) insert: amending s. 287.063, F.S.; requiring that the term of payment for consolidated equipment finance contracts may not extend beyond the anticipated useful life of the equipment financed; deleting the requirement that the Chief Financial Officer establish criteria that prohibits a state agency from obligating an annualized amount of payments for certain deferred payment purchases;

Amendment 5 (511306)(with title amendment)—On line 694, through line 712, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 2, lines 51-53, delete those lines and insert: term of a contract; amending s. 377.803, F.S.; revising

Amendment 6 (213140)—On line 825, after the period (.) insert: *The inventory shall also include greenhouse gas emissions which are considered carbon neutral through the use of renewable energy as defined in s. 366.91(2)(a).*

Amendment 7 (614960)—On lines 1395 and 1396, delete those lines and insert: *appropriation category, as defined in chapter 216, that the Chief Financial*

Amendment 8 (123264)—On page 53, lines 1445 through 1463, insert:

(a) *“Bioenergy” means energy produced from organic matter that is available on a renewable or recurring basis, including crops and trees, agricultural food and feed crop residues, wood and wood wastes and residues, aquatic plants, grasses, animal wastes and residues, and other organic waste materials.*

(b) *“Department” means the Department of Agriculture and Consumer Services.*

(c) *“Person” means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, or any other public or private entity.*

(2) *The Farm-to-Fuel Grants Program is established within the department to provide matching grants for bioenergy projects. Such grants may be made for research, demonstration, or commercialization projects relating to the production of bioenergy or feedstocks used in bioenergy production.*

Amendment 9 (525864)(with title amendment)—On page 63, lines 1727-1741, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 6, lines 152-155, delete those lines and insert: applicability;

Amendment 10 (731556)(with title amendment)—On page 64, line 1771, through page 66, line 1827, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 6, line 162, through page 7, line 171, delete those lines and insert: school district transportation services; providing for the construction and

Amendment 11 (504390)—On lines 1884-1921, delete those lines and insert:

Section 41. (1) *The Florida Public Service Commission shall conduct a study in conjunction with the Florida Energy Commission, the Department of Environmental Protection and the Department of Agriculture and Consumer Services to recommend an appropriate renewable portfolio standard for the state.*

(2) *The study shall include current and future availability of renewable fuels, incentives to attract large scale renewable energy development, proposed changes to current regulatory and market practices to encourage renewable energy development, the impact on utility costs and rates, environmental benefits of a renewable portfolio standard, and economic development associated with renewable energy in the state.*

(3) *The Florida Public Service Commission shall hold public hearings on these and other related issues and submit a report containing specific recommendations to the President of the Senate and the Speaker of the House of Representatives by January 1, 2008.*

Section 42. (1) *The Florida Public Service Commission shall conduct a study in conjunction with the Florida Energy Commission, the Department of Environmental Protection, and the Department of Agriculture and Consumer Services to recommend the establishment of an energy efficiency and solar energy initiative.*

(2) *The study shall include recommendations for the administration, design, implementation, and ongoing measurement and evaluation of programs that promote energy efficiency and conservation activities and market transformation efforts for solar energy technologies through a public benefits fund. The study shall include incentives for investment in energy efficiency and customer-sited solar energy systems, suggest changes to current regulatory and market practice to encourage solar energy and energy efficiency investment in residential and commercial applications, including standards for net metering and interconnection.*

(3) *The Florida Public Service Commission will hold public hearings on these issues and submit a report containing specific recommendations to the President of the Senate and the Speaker of the House of Representatives by January 1, 2008.*

Amendment 12 (535792)—On line 2057-2061, delete those lines

Amendment 13 (343008)(with title amendment)—On page 75, line 2070, through page 77, line 2126, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 8, lines 211 and 212, delete “providing appropriations”

Amendment 14 (242280)(with title amendment)—On lines 1404-1440, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 5, lines 115-118, delete those lines and insert: creating s. 570.957, F.S.;

Pursuant to Rule 4.19, **CS for HB 7123** as amended was placed on the calendar of Bills on Third Reading.

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

BILLS ON THIRD READING, continued

The Senate resumed consideration of—

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

requirements for buildings located in a wind-borne debris region; providing an effective date.

—which was previously considered and amended this day.

On motion by Senator Posey, by two-thirds vote **CS for HB 7057** was withdrawn from the Committees on Banking and Insurance; and Community Affairs.

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

CS for HB 7057—A bill to be entitled An act relating to hurricane damage mitigation; amending s. 215.5586, F.S.; redesignating the Florida Comprehensive Hurricane Damage Mitigation Program as the My Safe Florida Home Program; providing additional duties of the Department of Financial Services; providing additional legislative intent; revising criteria and requirements for wind certification and hurricane mitigation inspections; requiring the department to maintain a list of certain inspectors; revising requirements for mitigation grants; authorizing inspectors to participate as contractors under certain circumstances; providing for priorities of grants; requiring the department to develop a grant applications verification and collection process; requiring the department to transfer certain appropriated funds to Volunteer Florida Foundation, Inc., for certain purposes; specifying duties of Volunteer Florida Foundation, Inc.; authorizing the department to undertake a statewide consumer information campaign; requiring the advisory council to advise and assist the department in administering the program; expanding the department’s authorization to enhance financial resource funding of the program; revising the department’s rulemaking authority; deleting provisions authorizing the department to contract with not-for-profit corporations; requiring the department to develop a no-interest loan program; providing program requirements and limitations; requiring the department to pay certain creditors from funds appropriated for the program; providing loan eligibility criteria; requiring the department to set aside certain funds for program purposes; requiring the department to adopt rules; providing for public outreach for contractors and real estate brokers and licensed sales associates; authorizing the department to contract for grants management, inspection services, education outreach, and auditing services; providing additional legislative intent; requiring the department to make annual reports on the program; providing report requirements; creating s. 1004.647, F.S.; creating the Florida Catastrophic Storm Risk Management Center of Excellence at Florida State University; providing purposes; providing responsibilities of the center; amending s. 489.115, F.S.; including wind mitigation methodologies under certain continuing education requirements for contractors; amending ss. 4, 39, and 42 of ch. 2006-12, Laws of Florida; providing conforming changes to the redesignation of the Florida Comprehensive Hurricane Damage Mitigation Program; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1864** as amended 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:

Amendment 1 (940114)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 215.5586, Florida Statutes, is amended to read:

215.5586 *My Safe Florida Home Comprehensive Hurricane Damage Mitigation Program.*—There is established within the Department of Financial Services the *My Safe Florida Home Comprehensive Hurricane Damage Mitigation Program*. *The department shall provide fiscal accountability, contract management, and strategic leadership for the program, consistent with this section.* This section does not create an entitlement for property owners or obligate the state in any way to fund the inspection or retrofitting of residential property in this state. Implementation of this program is subject to annual legislative appropriations. *It is the intent of the Legislature that the My Safe Florida Home Program provide inspections for at least 400,000 site-built, single-family, residential properties and provide grants to at least 35,000 applicants before June 30, 2009. The program shall be administered by an individual with*

prior executive experience in the private sector in the areas of insurance, business, or construction. The program shall develop and implement a comprehensive and coordinated approach for hurricane damage mitigation that shall include the following:

(1) ~~WIND CERTIFICATION AND HURRICANE MITIGATION INSPECTIONS.~~—

(a) Free home-retrofit inspections of site-built, *single-family*, residential property, ~~including single-family, two-family, three-family, or four-family residential units~~, shall be offered *throughout the state* to determine what mitigation measures are needed, *what insurance premium discounts may be available*, and what improvements to existing residential properties are needed to reduce the property's vulnerability to hurricane damage. The Department of Financial Services shall ~~contract with establish a request for proposals to solicit proposals from~~ wind certification entities to provide ~~free at no cost to homeowners~~ wind certification and hurricane mitigation inspections. The inspections provided to homeowners, at a minimum, must include:

1. A home inspection and report that summarizes the results and identifies *recommended improvements* ~~corrective actions~~ a homeowner may take to mitigate hurricane damage.

2. A range of cost estimates regarding the *recommended* mitigation ~~improvements~~ *features*.

3. Insurer-specific information regarding premium discounts correlated to the *current mitigation features* and the recommended mitigation ~~improvements~~ *features* identified by the inspection.

4. A hurricane resistance rating scale specifying the home's current as well as projected wind resistance capabilities. *As soon as practical, the rating scale must be the uniform home grading scale adopted by the Financial Services Commission pursuant to s. 40 of chapter 2007-1, Laws of Florida.*

(b) To qualify for selection by the department as a ~~provider of~~ wind certification *entity to provide* and hurricane mitigation inspections, the entity shall, at a minimum:

1. Use ~~wind certification and~~ hurricane mitigation inspectors who:

a. Have prior experience in residential construction or inspection and have received specialized training in hurricane mitigation procedures. *Such training may be provided by a class offered online or in person.*

b. Have undergone drug testing and level 2 background checks pursuant to s. 435.04. The department is authorized to conduct criminal record checks of inspectors *used by wind certification entities*. Inspectors must submit a set of the fingerprints to the department for state and national criminal history checks and must pay the fingerprint processing fee set forth in s. 624.501. The fingerprints shall be sent by the department to the Department of Law Enforcement and forwarded to the Federal Bureau of Investigation for processing. The results shall be returned to the department for screening. The fingerprints shall be taken by a law enforcement agency, designated examination center, or other department-approved entity. ~~Wind certification and Hurricane mitigation inspectors participating in the program on January 25, 2007, the effective date of this act shall have until June 1, 2007, to meet the requirements for a criminal record check.~~

c. Have been certified, in a manner satisfactory to the department, to conduct the inspections.

2. Provide a quality assurance program including a reinspection component.

(c) *An application for an inspection must contain a signed or electronically verified statement made under penalty of perjury that the applicant has submitted only a single application for that home.*

(d) *The owner of a site-built, single-family, residential property may apply for and receive an inspection without also applying for a grant pursuant to subsection (2) and without meeting the requirements of paragraph (2)(a).*

(2) **MITIGATION GRANTS.**—Financial grants shall be used to encourage single-family, site-built, owner-occupied, residential property

owners to retrofit their properties to make them less vulnerable to hurricane damage.

(a) To be eligible for a grant *for persons who have obtained a completed inspection after May 1, 2007*, a residential property must:

1. Have been granted a homestead exemption under chapter 196.
2. Be a dwelling with an insured value of ~~\$300,000~~ \$500,000 or less. Homeowners who are low-income persons, as defined in s. 420.0004(10), are exempt from this requirement.
3. Have undergone an acceptable ~~wind certification and~~ hurricane mitigation inspection, ~~if the property is an existing structure.~~
4. *Be located in the "wind-borne debris region" as that term is defined in s. 1609.2, International Building Code (2006).*
5. *Be a home for which the building permit application for initial construction was made before March 1, 2002.*

An application for a grant must contain a signed or electronically verified statement made under penalty of perjury that the applicant has submitted only a single application and must have attached documents demonstrating the applicant meets the requirements of this paragraph. A residential property which is part of a multifamily residential unit may receive a grant only if all homeowners participate and the total number of units does not exceed four.

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

(c) The program shall create a process in which ~~mitigation~~ contractors agree to participate ~~and seek reimbursement from the state~~ and homeowners select from a list of participating contractors. All mitigation must be based upon the securing of all required local permits and inspections *and must be performed by properly licensed contractors*. Mitigation projects are subject to random reinspection of up to at least 5 ~~10~~ percent of all projects. *Hurricane mitigation inspectors qualifying for the program may also participate as mitigation contractors as long as the inspectors meet the department's qualifications and certification requirements for mitigation contractors.*

(d) Matching fund grants shall also be made available to local governments and nonprofit entities for projects that will reduce hurricane damage to single-family, site-built, owner-occupied, residential property. *The department shall liberally construe those requirements in favor of availing the state of the opportunity to leverage funding for the My Safe Florida Home Program with other sources of funding.*

(e) *When recommended by a hurricane mitigation inspection, grants may be used for the following improvements only:*

- ~~1. Roof deck attachment.~~
- ~~2. Secondary water barrier.~~
- ~~3. Roof covering.~~
- ~~4. Brace gable ends.~~
- ~~5. Reinforce roof to wall connections.~~
- 1.6. Opening protection.
- 2.7. Exterior doors, including garage doors.
3. *Brace gable ends.*

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

(f) Grants may be used on a previously inspected existing structure or on a rebuild. A rebuild is defined as a site-built, single-family dwelling under construction to replace a home that was destroyed or significantly damaged by a hurricane and deemed unlivable by a regulatory authority. The homeowner must *be a low-income homeowner as defined in*

paragraph (g), must have had a homestead exemption for that home prior to the hurricane, and must be intending to rebuild the home as that homeowner's homestead and maintained the homestead exemption.

(g) Low-income homeowners, as defined in s. 420.0004(10), who otherwise meet the requirements of paragraphs (a), (c), (e), and (f) are eligible for a grant of up to \$5,000 and are not required to provide a matching amount to receive the grant. Additionally, for low-income homeowners, grant funding may be used for repair to existing structures leading to any of the mitigation improvements provided in paragraph (e), limited to 20 percent of the grant value. *The program may accept a certification directly from a low-income homeowner that the homeowner meets the requirements of s. 420.0004(10) if the homeowner provides such certification in a signed or electronically verified statement made under penalty of perjury.*

(h) *The department shall establish objective, reasonable criteria for prioritizing grant applications, consistent with the requirements of this section.*

(i) *The department shall develop a process that ensures the most efficient means to collect and verify grant applications to determine eligibility and may direct hurricane mitigation inspectors to collect and verify grant application information or use the Internet or other electronic means to collect information and determine eligibility.*

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

(3) **EDUCATION AND CONSUMER AWARENESS.**—*The department may undertake a statewide multimedia public outreach and advertising campaign to inform consumers of the availability and benefits of hurricane inspections and of the safety and financial benefits of residential hurricane damage mitigation. The department may seek out and use local, state, federal, and private funds to support the campaign. Multimedia public education, awareness, and advertising efforts designed to specifically address mitigation techniques shall be employed, as well as a component to support ongoing consumer resources and referral services.*

(4) **ADVISORY COUNCIL.**—*There is created an advisory council to provide advice and assistance to the department regarding program administrator with regard to his or her administration of the program. The advisory council shall consist of:*

(a) A representative of lending institutions, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Bankers Association.

(b) A representative of residential property insurers, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Insurance Council.

(c) A representative of home builders, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Home Builders Association.

(d) A faculty member of a state university, selected by the Financial Services Commission, who is an expert in hurricane-resistant construction methodologies and materials.

(e) Two members of the House of Representatives, selected by the Speaker of the House of Representatives.

(f) Two members of the Senate, selected by the President of the Senate.

(g) The Chief Executive Officer of the Federal Alliance for Safe Homes, Inc., or his or her designee.

(h) The senior officer of the Florida Hurricane Catastrophe Fund.

(i) The executive director of Citizens Property Insurance Corporation.

(j) The director of the Division of Emergency Management of the Department of Community Affairs.

Members appointed under paragraphs (a)-(d) shall serve at the pleasure of the Financial Services Commission. Members appointed under paragraphs (e) and (f) shall serve at the pleasure of the appointing officer. All other members shall serve voting ex officio. Members of the advisory council shall serve without compensation but may receive reimbursement as provided in s. 112.061 for per diem and travel expenses incurred in the performance of their official duties.

(5) **FEDERAL FUNDING.**—*The department may seek out and leverage local, state, federal, or private funds to enhance ~~shall use its best efforts to obtain grants or funds from the federal government to supplement~~ the financial resources of the program.*

(6) **RULES.**—*The Department of Financial Services shall adopt rules pursuant to ss. 120.536(1) and 120.54 to govern governing the Florida Comprehensive Hurricane Damage Mitigation program, implement the provisions of this section, including rules governing hurricane mitigation inspections, mitigation contractors, and training of inspectors and contractors, and carry out the duties of the department under this section. The department shall also adopt rules establishing priorities for grants provided under this section based on objective criteria that gives priority to reducing the state's probable maximum loss from hurricanes. However, pursuant to this overall goal, the department may further establish priorities based on the insured value of the dwelling, whether or not the dwelling is insured by Citizens Property Insurance Corporation and whether or not the area under consideration has sufficient resources and the ability to perform the retrofitting required.*

(7) **CONTRACTS WITH NOT FOR PROFIT CORPORATIONS.**—*The Department of Financial Services is authorized to contract with not-for-profit corporations to conduct all or portions of the program and to increase the awareness of the benefits of mitigation among homeowners in this state. The department shall consider the not-for-profit corporation's ability to raise funds from the private sector to provide for mitigation grants, as well as administrative capabilities for conducting other business related to the program.*

(7)(8) **WIND CERTIFICATION AND HURRICANE MITIGATION INSPECTOR LIST.**—*The department shall develop and maintain as a public record a current list of wind certification and hurricane mitigation inspectors authorized to conduct wind certification and hurricane mitigation inspections pursuant to this section.*

(8) **NO-INTEREST LOANS.**—*The department may develop a no-interest loan program by December 31, 2007, to encourage the private sector to provide loans to owners of site-built, single-family, residential property to pay for mitigation measures listed in subsection (2). A loan eligible for interest payments pursuant to this subsection may be for a term of up to 3 years and cover up to \$5,000 in mitigation measures. The department shall pay the creditor the market rate of interest using funds appropriated for the My Safe Florida Home program. In no case shall the department pay more than the interest rate set by s. 687.03. To be eligible for a loan, a loan applicant must first obtain a home inspection and report that specifies what improvements are needed to reduce the property's vulnerability to windstorm damage pursuant to this section and meet loan underwriting requirements set by the lender. The department may set aside up to \$10 million from funds appropriated for the My Safe Florida Home program to implement this subsection. The department shall adopt rules pursuant to ss. 120.36(1) and 120.54 to implement this subsection which may include eligibility criteria.*

(9) **PUBLIC OUTREACH FOR CONTRACTORS AND REAL ESTATE BROKERS AND SALES ASSOCIATES.**—*The program shall develop brochures for distribution to general contractors, roofing contractors, and real estate brokers and sales associates licensed under part I of chapter 475 explaining the benefits to homeowners of residential hurricane damage mitigation. The program shall encourage contractors to distribute the brochures to homeowners at the first meeting with a homeowner who is considering contracting for home or roof repairs or contracting for the construction of a new home. The program shall encourage real estate brokers and sales associates licensed under part I of chapter 475 to distribute the brochures to clients prior to the purchase of a home. The brochures may be made available electronically.*

(10) *CONTRACT MANAGEMENT.*—The department may contract with third parties for grants management, inspection services, educational outreach, and auditing services. Such contracts shall be considered direct costs of the program and shall not be subject to administrative cost limits, but contracts valued at \$500,000 or more shall be subject to review and approval by the Legislative Budget Commission. The department shall contract with providers that have a demonstrated record of successful business operations in areas directly related to the services to be provided and shall ensure the highest accountability for use of state funds, consistent with this section.

(11) *INTENT.*—It is the intent of the Legislature that grants made to residential property owners under this section shall be considered disaster-relief assistance within the meaning of s. 139 of the Internal Revenue Code of 1986, as amended.

(12) *REPORTS.*—The department shall make an annual report on the activities of the program that shall account for the use of state funds and indicate the number of inspections requested, the number of inspections performed, the number of grant applications received, and the number and value of grants approved. The report shall be delivered to the President of the Senate and the Speaker of the House of Representatives by February 1 of each year.

Section 2. Paragraph (b) of subsection (4) of section 489.115, Florida Statutes, is amended to read:

489.115 Certification and registration; endorsement; reciprocity; renewals; continuing education.—

(4)

(b)1. Each certificateholder or registrant shall provide proof, in a form established by rule of the board, that the certificateholder or registrant has completed at least 14 classroom hours of at least 50 minutes each of continuing education courses during each biennium since the issuance or renewal of the certificate or registration. The board shall establish by rule that a portion of the required 14 hours must deal with the subject of workers' compensation, business practices, and workplace safety, and, for applicable licensure categories, wind mitigation methodologies. The board shall by rule establish criteria for the approval of continuing education courses and providers, including requirements relating to the content of courses and standards for approval of providers, and may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis. The board shall prescribe by rule the continuing education, if any, which is required during the first biennium of initial licensure. A person who has been licensed for less than an entire biennium must not be required to complete the full 14 hours of continuing education.

2. In addition, the board may approve specialized continuing education courses on compliance with the wind resistance provisions for one and two family dwellings contained in the Florida Building Code and any alternate methodologies for providing such wind resistance which have been approved for use by the Florida Building Commission. Division I certificateholders or registrants who demonstrate proficiency upon completion of such specialized courses may certify plans and specifications for one and two family dwellings to be in compliance with the code or alternate methodologies, as appropriate, except for dwellings located in floodways or coastal hazard areas as defined in ss. 60.3D and E of the National Flood Insurance Program.

3. Each certificateholder or registrant shall provide to the board proof of completion of the core curriculum courses, or passing the equivalency test of the Building Code Training Program established under s. 553.841, specific to the licensing category sought, within 2 years after commencement of the program or of initial certification or registration, whichever is later. Classroom hours spent taking core curriculum courses shall count toward the number required for renewal of certificates or registration. A certificateholder or registrant who passes the equivalency test in lieu of taking the core curriculum courses shall receive full credit for core curriculum course hours.

4. The board shall require, by rule adopted pursuant to ss. 120.536(1) and 120.54, a specified number of hours in specialized or advanced module courses, approved by the Florida Building Commission, on any portion of the Florida Building Code, adopted pursuant to part VII of chapter 553, relating to the contractor's respective discipline.

Section 3. Sections 4, 39, and 42 of chapter 2006-12, Laws of Florida, are amended to read:

Section 4. Of the funds appropriated for the *My Safe Florida Home Comprehensive Hurricane Damage Mitigation* Program specified in s. 215.5586, Florida Statutes, as created by this act, \$7.5 million shall be for the Manufactured Housing and Mobile Home Mitigation and Enhancement Program specified in s. 215.559(4)(b), Florida Statutes, as created by this act. The Department of Financial Services shall use these funds to contract with Tallahassee Community College to implement the Manufactured Housing and Mobile Home Mitigation and Enhancement Program.

Section 39. (1) The Office of Insurance Regulation, in consultation with the Department of Community Affairs, the Department of Financial Services, the Federal Alliance for Safe Homes, the Florida Insurance Council, the Florida Home Builders Association, the Florida Manufactured Housing Association, the Risk and Insurance Department of Florida State University, and the Institute for Business and Homes Safety, shall study and develop a program that will provide an objective rating system that will allow homeowners to evaluate the relative ability of Florida properties to withstand the wind load from a sustained severe tropical storm or hurricane.

(2) The rating system will be designed in a manner that is easy to understand for the property owner, based on proven readily verifiable mitigation techniques and devices, and able to be implemented based on a visual inspection program. The Department of Financial Services shall implement a pilot program for use in the *My Safe Florida Home Comprehensive Hurricane Damage Mitigation* Program.

(3) The Department shall provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by March 31, 2007, detailing the nature and construction of the rating scale, its effectiveness based on implementation in a pilot program, and an operational plan for statewide implementation of the rating scale.

Section 42. (1) For the 2006-2007 fiscal year, the sum of \$250 million is appropriated on a nonrecurring basis from the General Revenue Fund to the Insurance Regulatory Trust Fund in the Department of Financial Services for purposes of the *My Safe Florida Home Comprehensive Hurricane Damage Mitigation* Program specified in s. 215.5586, Florida Statutes, as created by this act. The department shall establish a separate account within the trust fund for accounting purposes.

(2) The sum of \$250 million is appropriated from the Insurance Regulatory Trust Fund in the Department of Financial Services for the purposes set forth in subsection (1). The department may expend up to 1 percent of the funds appropriated to administer the program. Beginning October 15, 2007, and quarterly thereafter, the Chief Financial Officer shall provide a report to the Executive Office of the Governor and the chair and vice chair of the Legislative Budget Commission containing information regarding expenditures made for the purposes set forth in subsection (1).

(3) Notwithstanding the provisions of s. 216.301, Florida Statutes, to the contrary, the unexpended balance of appropriations authorized in subsections (1) and (2) shall not revert until June 30, 2009.

Section 4. *It is the intent of the Legislature that scientifically valid and actuarially sound windstorm mitigation rate factors, premium discounts, and differentials be provided to residential and commercial property insurance policyholders. In order to ensure the validity of such factors, the Office of Insurance Regulation, in consultation with the Department of Community Affairs and the Florida Building Commission, shall conduct or cause to be conducted one or more wind-loss mitigation studies, subject to appropriation of funds by the Legislature for this purpose. The studies shall evaluate the windstorm loss relativities for construction features, including, but not limited to, those that enhance roof strength, roof-covering performance, roof-to-wall strength, wall-to-floor-to-foundation strength, opening protections, and window, door, and skylight strength. The studies shall include residential property, including single-family and multifamily homes, mobile homes, and condominiums, and commercial nonresidential property. The studies shall include, but need not be limited to, an analysis of loss data from the 2004 and 2005 hurricanes. The findings of the studies shall be reported to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Chief Financial Officer, and the Commissioner of Insurance Regulation by January 1, 2008, for the studies related to residential*

property, and by March 1, 2008, for the studies related to commercial nonresidential property.

Section 5. Section 553.844, Florida Statutes, is created to read:

553.844 Windstorm loss mitigation; requirements for roofs and opening protection.—

(1) *The Legislature finds that:*

(a) *The effects of recent hurricanes on the state have demonstrated the effectiveness of the Florida Building Code in reducing property damage to buildings constructed in accordance with its requirements, and have also exposed a vulnerability of some construction undertaken prior to implementation of the Florida Building Code.*

(b) *Hurricanes represent a continuing threat to the health, safety, and welfare of the residents of this state due to the direct destructive effects of hurricanes as well as their effects on windstorm insurance rates.*

(c) *The mitigation of property damage constitutes a valid and recognized objective of the Florida Building Code.*

(d) *Cost-effective techniques for integrating proven methods of the Florida Building Code into buildings built prior to its implementation benefit all residents of the state as a whole.*

(2) *The Florida Building Commission shall:*

(a) *Analyze the extent to which a proposed Florida Building Code provision will mitigate property damage to buildings and their contents in evaluating that proposal. If the nature of the proposed Florida Building Code provision relates only to mitigation of property damage and not to a life safety concern, the proposal shall be reviewed based on its measurable benefits in relation to the costs imposed.*

(b) *Develop and adopt within the Florida Building Code a means to incorporate recognized mitigation techniques for site-built, single-family residential structures constructed prior to the implementation of the Florida Building Code, including, but not limited to:*

1. *Prescriptive techniques for the installation of gable-end bracing;*
2. *Secondary water barriers for roofs and standards relating to secondary water barriers. The criteria may include, but need not be limited to, roof shape, slope, and composition of all elements of the roof system;*
3. *Prescriptive techniques for improvement of roof-to-wall connections. The Legislature recognizes that the cost of retrofitting existing buildings to meet the code requirements for new construction in this regard may exceed the practical benefit to be attained. The Legislature intends for the commission to provide for the integration of alternate, lower-cost means that may be employed to retrofit existing buildings that are not otherwise required to comply with the requirements of the Florida Building Code for new construction so that the cost of such improvements does not exceed approximately 15 percent of the cost of reroofing;*
4. *Strengthening or correcting roof-decking attachments and fasteners during reroofing; and*
5. *Adding or strengthening opening protections.*

(3) *The Legislature finds that the integration of these specifically identified mitigation measures is critical to addressing the serious problem facing the state from damage caused by windstorms and that delay in the adoption and implementation constitutes a threat to the health, safety, and welfare of the state. Accordingly, the Florida Building Commission shall develop and adopt these measures by October 1, 2007, by rule separate from the Florida Building Code, which take immediate effect and shall incorporate such requirements into the next edition of the Florida Building Code. Such rules shall require or otherwise clarify that for site-built, single-family residential structures:*

(a) *A roof replacement must incorporate the techniques specified in subparagraphs (2)(b)2. and 4.*

(b) *For a building that is located in the wind-borne debris region as defined in s. 1609.2 of the International Building Code (2006) and that has an insured value of \$300,000 or more or, if the building is uninsured or for which documentation of insured value is not presented, has a just*

valuation for the structure for purposes of ad valorem taxation of \$300,000 or more, a roof replacement must incorporate the techniques specified in subparagraph (2)(b)3.

(c) *Any activity requiring a building permit that is applied for on or after July 1, 2008, and for which the estimated cost is \$50,000 or more, must include provision of opening protections as required within the Florida Building Code for new construction for a building that is located in the wind-borne debris region as defined in s. 1609.2 of the International Building Code (2006) and that has an insured value of \$750,000 or more, or, if the building is uninsured or for which documentation of insured value is not presented, has a just valuation for the structure for purposes of ad valorem taxation of \$750,000 or more.*

Section 6. Paragraph (a) of subsection (6) of section 627.351, Florida Statutes, as amended by section 21 of chapter 2007-1, Laws of Florida, is amended to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(a)1. The Legislature finds that actual and threatened catastrophic losses to property in this state from hurricanes have caused insurers to be unwilling or unable to provide property insurance coverage to the extent sought and needed. It is in the public interest and a public purpose to assist in assuring that property in the state is insured so as to facilitate the remediation, reconstruction, and replacement of damaged or destroyed property in order to reduce or avoid the negative effects otherwise resulting to the public health, safety, and welfare; to the economy of the state; and to the revenues of the state and local governments needed to provide for the public welfare. It is necessary, therefore, to provide property insurance to applicants who are in good faith entitled to procure insurance through the voluntary market but are unable to do so. The Legislature intends by this subsection that property insurance be provided and that it continues, as long as necessary, through an entity organized to achieve efficiencies and economies, while providing service to policyholders, applicants, and agents that is no less than the quality generally provided in the voluntary market, all toward the achievement of the foregoing public purposes. Because it is essential for the corporation to have the maximum financial resources to pay claims following a catastrophic hurricane, it is the intent of the Legislature that the income of the corporation be exempt from federal income taxation and that interest on the debt obligations issued by the corporation be exempt from federal income taxation.

2. The Residential Property and Casualty Joint Underwriting Association originally created by this statute shall be known, as of July 1, 2002, as the Citizens Property Insurance Corporation. The corporation shall provide insurance for residential and commercial property, for applicants who are in good faith entitled, but are unable, to procure insurance through the voluntary market. The corporation shall operate pursuant to a plan of operation approved by order of the Financial Services Commission. The plan is subject to continuous review by the commission. The commission may, by order, withdraw approval of all or part of a plan if the commission determines that conditions have changed since approval was granted and that the purposes of the plan require changes in the plan. The corporation shall continue to operate pursuant to the plan of operation approved by the Office of Insurance Regulation until October 1, 2006. For the purposes of this subsection, residential coverage includes both personal lines residential coverage, which consists of the type of coverage provided by homeowner's, mobile home owner's, dwelling, tenant's, condominium unit owner's, and similar policies, and commercial lines residential coverage, which consists of the type of coverage provided by condominium association, apartment building, and similar policies.

3. For the purposes of this subsection, the term "homestead property" means:

a. Property that has been granted a homestead exemption under chapter 196;

b. Property for which the owner has a current, written lease with a renter for a term of at least 7 months and for which the dwelling is insured by the corporation for \$200,000 or less;

c. An owner-occupied mobile home or manufactured home, as defined in s. 320.01, which is permanently affixed to real property, is

owned by a Florida resident, and has been granted a homestead exemption under chapter 196 or, if the owner does not own the real property, the owner certifies that the mobile home or manufactured home is his or her principal place of residence;

- d. Tenant's coverage;
- e. Commercial lines residential property; or
- f. Any county, district, or municipal hospital; a hospital licensed by any not-for-profit corporation qualified under s. 501(c)(3) of the United States Internal Revenue Code; or a continuing care retirement community that is certified under chapter 651 and that receives an exemption from ad valorem taxes under chapter 196.

4. For the purposes of this subsection, the term "nonhomestead property" means property that is not homestead property.

5. Effective 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 June 30, 2008, may continue to be covered by the corporation until the end of the policy term. However, such dwellings that are insured by the corporation and become ineligible for coverage due to the provisions of this subparagraph may reapply and obtain coverage in the high-risk account and be considered "nonhomestead property" if the property owner provides the corporation with a sworn affidavit from one or more insurance agents, on a form provided by the corporation, stating that the agents have made their best efforts to obtain coverage and that the property has been rejected for coverage by at least one authorized insurer and at least three surplus lines insurers. If such conditions are met, the dwelling may be insured by the corporation for up to 3 years, after which time the dwelling is ineligible for coverage. The office shall approve the method used by the corporation for valuing the dwelling replacement cost for the purposes of this subparagraph. If a policyholder is insured by the corporation prior to being determined to be ineligible pursuant to this subparagraph and such policyholder files a lawsuit challenging the determination, the policyholder may remain insured by the corporation until the conclusion of the litigation.

6. For properties constructed on or after January 1, 2009, the corporation may not insure any property located within 2,500 feet landward of the coastal construction control line created pursuant to s. 161.053 unless the property meets the requirements of the code-plus building standards developed by the Florida Building Commission.

7. It is the intent of the Legislature that policyholders, applicants, and agents of the corporation receive service and treatment of the highest possible level but never less than that generally provided in the voluntary market. It also is intended that the corporation be held to service standards no less than those applied to insurers in the voluntary market by the office with respect to responsiveness, timeliness, customer courtesy, and overall dealings with policyholders, applicants, or agents of the corporation.

8. *Effective January 1, 2009, a personal lines residential structure that is located in the "wind-borne debris region," as defined in s. 1609.2, International Building Code (2006), and that has an insured value on the structure of \$750,000 or more is not eligible for coverage by the corporation unless the structure has opening protections as required under the Florida Building Code for a newly constructed residential structure in that area.*

Section 7. *From the funds appropriated to the My Safe Florida Home Program by section 42 of chapter 2006-12, Laws of Florida, the Department of Financial Services shall transfer \$1 million from the Insurance Regulatory Trust Fund to the Energy Consumption Trust Fund within the Department of Community Affairs for the purpose of funding the Low-income Emergency Home Repair Program under s. 420.36, Florida Statutes. Notwithstanding s. 420.36(3)(b), Florida Statutes, administrative expenses of the program may not exceed 5 percent of the total funds appropriated by this section.*

Section 8. This act shall take effect upon becoming a law.
And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to hurricane damage mitigation; amending s. 215.5586, F.S.; redesignating the Florida Comprehensive Hurricane Damage Mitigation Program as the "My Safe Florida Home Program"; providing additional duties of the Department of Financial Services; providing additional legislative intent; revising criteria and requirements for hurricane mitigation inspections; requiring the department to contract with certain entities to provide hurricane mitigation inspections; revising the requirements for such inspections; providing for a hurricane resistance rating scale as adopted by the Financial Services Commission; revising the requirements for an entity to be selected by the department to perform inspections; providing requirements for a homeowner with respect to applying for an inspection; revising requirements for mitigation grants; authorizing inspectors to participate as contractors under certain circumstances; limiting the purposes for which a grant may be used; providing for priorities of grants; requiring the department to develop a grant applications verification and collection process; requiring the department to transfer certain appropriated funds to Volunteer Florida Foundation, Inc., for certain purposes; specifying duties of Volunteer Florida Foundation, Inc.; authorizing the department to undertake a statewide consumer information campaign; requiring the advisory council to advise and assist the department in administering the program; expanding the department's authorization to enhance financial resource funding of the program; revising the department's rulemaking authority; deleting provisions authorizing the department to contract with not-for-profit corporations; requiring the department to maintain a list of authorized hurricane mitigation inspectors; authorizing the department to develop a no-interest loan program; providing program requirements and limitations; requiring the department to pay certain creditors from funds appropriated for the program; providing loan eligibility criteria; authorizing the department to set aside certain funds for program purposes; requiring the department to adopt rules; providing for public outreach for contractors, real estate brokers, and licensed sales associates; authorizing the department to contract for grants management, inspection services, education outreach, and auditing services; providing additional legislative intent; requiring the department to make annual reports to the Legislature concerning the program; providing report requirements; amending s. 489.115, F.S.; including wind mitigation methodologies under certain continuing education requirements for contractors; amending ss. 4, 39, and 42 of ch. 2006-12, Laws of Florida; providing conforming changes to the resignation of the Florida Comprehensive Hurricane Damage Mitigation Program; providing legislative intent; requiring the Office of Insurance Regulation, in consultation with the Department of Community Affairs and the Florida Building Commission, to conduct wind-loss mitigation studies; providing requirements for the studies; requiring reports to the Governor, the Legislature, the Chief Financial Officer, and the Commissioner of Insurance Regulation; creating s. 553.844, F.S.; providing legislative findings concerning the need to prevent property damage caused by hurricanes; requiring the Florida Building Commission to adopt amendments to the Florida Building Code, including requirements for certain buildings constructed before the implementation of the code; providing requirements for such amendments; providing requirements for buildings located in a wind-borne debris region; amending s. 627.351, F.S.; requiring that a residential structure located in a wind-borne debris region have certain opening protections required under the Florida Building Code in order to be eligible for coverage by the Citizens Property Insurance Corporation; providing appropriations; providing an effective date.

MOTION

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

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

Amendment 1A (903314)—On page 24, line 14, after the period (.) insert: *A residential structure shall be deemed to comply with the requirements of this subparagraph if it has shutters or opening protections on all openings and if such opening protections complied with the Florida Building Code at the time they were installed.*

Amendment 1 as amended was adopted.

On motion by Senator Posey, by two-thirds vote **CS for HB 7057** as amended 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

SPECIAL ORDER CALENDAR, continued

On motion by Senator Aronberg, by two-thirds vote **CS for HB 1285** was withdrawn from the Committee on Regulated Industries.

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

CS for HB 1285—A bill to be entitled An act relating to construction liens; amending s. 255.05, F.S.; requiring a performance bond for certain contracts with private entities for specified public works projects; requiring that certain notices by claimants be in writing; revising requirements relating to when claimants must provide certain notices; amending s. 713.01, F.S.; defining the term “final furnishing”; revising the definition of the term “furnish materials”; creating s. 713.012, F.S.; requiring that certain notices, demands, or requests be in writing; amending s. 713.015, F.S.; requiring that certain notices pertaining to direct contracts greater than \$2,500 for improvements to certain property be in writing; amending s. 713.02, F.S.; providing for an owner and contractor to agree to the furnishing of a payment bond; exempting an owner who agrees from certain statutory provisions; amending s. 713.07, F.S.; providing for the recommencement of construction following the termination of certain contracts; amending s. 713.08, F.S.; requiring that certain claims of lien be prepared and sworn to or affirmed by the lienor or various agents of the lienor; revising and conforming certain exceptions to a time limitation on recording of a claim of lien; amending s. 713.13, F.S.; revising the form for notices of commencement to include an additional warning and notarized statements and signatures; providing that the failure of a person to make a specified statement under oath deprives the person of a lien; requiring that notices of commencement include the tax folio number; providing for the recording of amended notices of commencement; amending s. 713.135, F.S.; requiring that building permits contain certain written statements; amending s. 713.16, F.S.; requiring a statement of account be under oath; revising provisions relating to a lienor’s right to demand a statement of account; requiring that the claim of lien be recorded; deleting provisions relating to the failure to furnish the statement; amending s. 713.18, F.S.; providing procedures for service of notices and other instruments upon a limited liability company; amending s. 713.22, F.S.; extending the duration of certain liens for which amended claims of lien are filed; amending s. 713.31, F.S.; providing for the award of attorney’s fees and costs to prevailing parties in certain actions relating to fraudulent liens; repealing s. 713.36, F.S., relating to an effective date, to delete an obsolete provision; providing an effective date.

—a companion measure, was substituted for **CS for SB 2768** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1285** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lynn, by two-thirds vote **CS for HB 1** was withdrawn from the Committees on Health Policy; Community Affairs; and Criminal Justice.

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

CS for HB 1—A bill to be entitled An act relating to drug-related task forces; creating the Drug Paraphernalia Abatement Task Force within

the Executive Office of the Governor; prescribing task force membership; providing for meetings and duties of the task force; providing that meetings and records of the task force are subject to statutory public meetings and records requirements; providing for members of the task force to be reimbursed for per diem and travel expenses; requiring the Office of Drug Control within the Executive Office of the Governor to provide staff support; requiring reports; requiring cooperation by state agencies; abolishing the task force on a specified date; creating within the Executive Office of the Governor the Task Force for the Remediation of Illicit Drug Labs; prescribing the membership of the task force; providing for meetings and duties of the task force; requiring public hearings; providing for members of the task force to be reimbursed for per diem and travel expenses; requiring the Office of Drug Control within the Executive Office of the Governor and other specified state agencies to provide staff support; requiring that the task force file reports and recommendations to the Governor and the Legislature; requiring cooperation by state agencies; providing an effective date.

—a companion measure, was substituted for **CS for SB 270** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for CS for SB 2804** was deferred.

By Senator Webster—

CS for CS for SB 2380—A bill to be entitled An act relating to education; creating s. 1008.3455, F.S.; expressing the intent of the Legislature to create a program to enhance failing schools; requiring the Commissioner of Education to develop and submit such a program to the Legislature; prescribing elements of the program; requiring the creation of an advisory committee; requiring consultation with specified entities; requiring an annual report; amending s. 220.187, F.S.; providing legislative findings; revising program purposes; providing for eligibility of siblings of certain students; revising provisions relating to authorized uses of scholarship funds and expenditure of contributions received during the fiscal year; revising scholarship amounts and payments; clarifying that the tax credit program applies to students in families having limited financial resources; providing scholarship eligibility to students receiving opportunity scholarships during the 2006-2007 school year for a limited amount of time; providing that a scholarship funding organization may be approved to provide scholarships under two tax credit programs; requiring separate accounting; authorizing scholarship funding organizations to transfer surplus funds between two programs under specified circumstances; providing for the preservation of credits under certain circumstances; creating s. 220.1875, F.S.; providing a purpose; defining terms; prescribing obligations of school districts to inform parents about failing schools; requiring nonprofit scholarship-funding organizations to meet certain requirements; authorizing students at such schools to attend a high-performing school in the same district; providing a credit against the corporate income tax for contributions to nonprofit scholarship-funding organizations; providing limitations; providing for use of such contributions for scholarships for students attending certain failing schools to attend nonpublic schools or public schools in adjacent districts; providing requirements and limitations with respect to scholarships; providing for payment; establishing eligibility for nonpublic school participation and grounds for ineligibility to participate in the program; providing for administration by the Department of Revenue and the Department of Education; providing for rules; providing obligations of the Department of Education, including requirements for the verification of eligibility of program participants, establishment of a process for notification of violations, subsequent inquiry or investigation, certification of compliance by private schools, making site visits, and providing information relating to the research organization’s analysis of student performance data; providing authority and obligations of the Commissioner of Education, including the denial, suspension, or revocation of a private school’s participation in the scholarship program and procedures and timelines; authorizing the Department of Education’s Office of the Inspector General to release student records under certain circumstances; providing requirements for deposit of eligible contributions; amending s. 213.053, F.S.; conforming provisions to the creation of the tax credit scholarship program for families of students in failing schools; authorizing the Department of Revenue to share certain

tax information with the Department of Education; amending s. 220.02, F.S.; revising legislative intent with respect to the order in which corporate income tax credits are applied to conform to the creation of the tax credit scholarship program for families of students in failing schools; amending s. 220.13, F.S.; redefining the term “adjusted federal income” to account for the creation of the tax credit scholarship program for families of students in failing schools; providing for the credit to be an addition to taxable income; amending s. 220.701, F.S.; directing the Department of Revenue to deposit moneys received through the corporate income tax into the Corporate Income Tax Trust Fund rather than the General Revenue Fund; providing for unencumbered trust fund balances to be transferred into the General Revenue Fund; prescribing how transferred funds may be expended; amending s. 1001.10, F.S.; conforming provisions to the repeal of the Opportunity Scholarship Program; authorizing the Commissioner of Education to prepare and publish reports related to specified tax credit programs; amending ss. 1001.42 and 1002.20, F.S.; conforming provisions to the repeal of the Opportunity Scholarship Program and the creation of the tax credit program for families of students attending schools failing to make adequate progress; repealing s. 1002.38, F.S., which authorizes the Opportunity Scholarship Program; amending s. 1002.39, F.S., to conform to the repeal of the Opportunity Scholarship Program; amending s. 1002.421, F.S.; providing additional requirements for schools participating in the program under s. 220.1875, F.S.; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Webster moved the following amendment which was adopted:

Amendment 1 (755510)(with title amendment)—On page 55, lines 26-29, delete those lines and insert: Fund of the state. *However, such transferred funds shall not be expended for programs established pursuant to Article IX of the State Constitution.*

And the title is amended as follows:

On page 4, lines 2 and 3, delete those lines and insert: Revenue Fund; providing a limitation on how transferred funds may be expended; amending s. 1001.10, F.S.;

The vote was:

Yeas—22

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|---------------|---------------------|----------|
| Mr. President | Diaz de la Portilla | Peadar |
| Alexander | Dockery | Posey |
| Atwater | Fasano | Saunders |
| Baker | Gaetz | Storms |
| Bennett | Garcia | Webster |
| Carlton | Haridopolos | Wise |
| Constantine | King | |
| Crist | Oelrich | |

Nays—17

| | | |
|----------|----------|------------|
| Aronberg | Jones | Rich |
| Bullard | Joyner | Ring |
| Dawson | Justice | Siplin |
| Deutch | Lawson | Villalobos |
| Geller | Lynn | Wilson |
| Hill | Margolis | |

THE PRESIDENT PRESIDING

MOTION

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

Senator Webster moved the following amendments which were adopted:

Amendment 2 (355466)(with title amendment)—On page 10, lines 24-27, delete those lines.

And the title is amended as follows:

On page 1, lines 24-26, delete those lines.

Amendment 3 (875680)(with title amendment)—On page 29, line 23 through page 55, line 18, delete those lines and insert:

(13) DEPOSITS OF ELIGIBLE CONTRIBUTIONS.—All eligible contributions received by an eligible nonprofit scholarship-funding organization shall be deposited in a manner consistent with s. 17.57(2).

(14) PRESERVATION OF CREDIT.—*If any provision or portion of subsection (5) or the application thereof to any person or circumstance is held unconstitutional by any court, or is otherwise invalid, the unconstitutionality or invalidity shall not affect any credit earned under subsection (5) by any taxpayer with respect to any contribution paid to an eligible nonprofit scholarship-funding organization before the date of a determination of unconstitutionality or invalidity. Such credit shall be allowed at such time and in such a manner as if a determination of unconstitutionality or invalidity had not been made if nothing in this subsection by itself or in combination with any other provision of law results in the allowance of any credit to any taxpayer in excess of one dollar of credit for each dollar paid to an eligible nonprofit scholarship-funding organization.*

And the title is amended as follows:

On page 1, line 27 through page 3, line 26, delete those lines and insert: providing for the preservation of credits under certain circumstances; amending s.

Amendment 4 (310270)—On page 56, line 29, delete “ss. 220.187 and 220.1875” and insert: s. 220.187

Amendment 5 (415338)(with title amendment)—On page 57, line 20; and on page 58, line 28, delete “220.1875” and insert: 220.187

And the title is amended as follows:

On page 4, lines 10-13, delete those lines and insert: the Opportunity Scholarship Program; repealing s. 1002.38, F.S.,

Amendment 6 (125306)(with title amendment)—On page 75, lines 11-24, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 4, lines 17-20, delete those lines and insert: Program; providing an effective date.

Amendment 7 (924888)(with title amendment)—On page 75, between lines 24 and 25, insert:

Section 14. Subsection (5) is added to section 1001.23, Florida Statutes, to read:

1001.23 Specific powers and duties of the Department of Education.—In addition to all other duties assigned to it by law or by rule of the State Board of Education, the department shall:

(5) *Notify parents of all eligible students about the scholarship programs in chapter 1002 and s. 220.187.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 20, after the semicolon (;) insert: amending s. 1001.23, F.S.; requiring the Department of Education to notify parents about scholarship programs;

SENATOR CARLTON PRESIDING

MOTION

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

Senator Fasano moved the following amendment:

Amendment 8 (811276)(with title amendment)—On page 75, between lines 24 and 25, insert:

Section 14. Subsection (7) of section 1001.51, Florida Statutes, is amended to read:

1001.51 Duties and responsibilities of district school superintendent.—The district school superintendent shall exercise all powers and perform all duties listed below and elsewhere in the law, provided that, in so doing, he or she shall advise and counsel with the district school board. The district school superintendent shall perform all tasks necessary to make sound recommendations, nominations, proposals, and reports required by law to be acted upon by the district school board. All such recommendations, nominations, proposals, and reports by the district school superintendent shall be either recorded in the minutes or shall be made in writing, noted in the minutes, and filed in the public records of the district school board. It shall be presumed that, in the absence of the record required in this section, the recommendations, nominations, and proposals required of the district school superintendent were not contrary to the action taken by the district school board in such matters.

(7) PERSONNEL.—Be responsible, as required herein, for directing the work of the personnel, subject to the requirements of chapter 1012. *Notwithstanding any other provision of law to the contrary, a district school superintendent may directly dismiss administrative personnel as defined in s. 1012.01(3)(a) and (b).*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 4, line 20, following the semicolon (;) insert: amending s. 1001.51, F.S.; providing power of district school superintendents with respect to dismissal of administrative personnel;

POINT OF ORDER

Senator Lynn raised a point of order that pursuant to Rule 7.1 **Amendment 8 (811276)** contained language of a bill not reported favorably by a Senate committee and was therefore out of order.

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

Further consideration of **CS for CS for SB 2380** with pending **Amendment 8 (811276)** and pending point of order was deferred.

Consideration of **CS for SB 2382** was deferred.

On motion by Senator Jones, by two-thirds vote **CS for HB 1047** was withdrawn from the Committees on Regulated Industries; Finance and Tax; and General Government Appropriations; and by two-thirds vote placed on the Special Order Calendar.

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

CS for HB 1047—A bill to be entitled An act relating to slot machine gaming, as authorized by Section 23 of Article X of the State Constitution; amending s. 551.102, F.S.; defining the term “nonredeemable credits”; redefining the term “slot machine revenues”; amending s. 551.103, F.S.; deleting a requirement that the Division of Pari-mutuel Wagering annually adjust the amount of the bond supplied by a slot machine licensee; establishing the annual amount of bond required; providing for procedures for drug testing; amending s. 551.104, F.S.; providing for implementation of a drug-testing program; amending s. 551.1045, F.S.; providing procedures for temporary occupational licenses; deleting provisions for temporary licensees to be adopted within 180 days; amending s. 551.106, F.S.; establishing when payment of the annual slot machine license fee must be made by a licensee; amending s. 551.107, F.S.; authorizing the division to adopt rules to create a single occupational license; providing for validity; providing for additional disciplinary actions and civil fines; amending s. 551.109, F.S.; exempting slot machine manufacturers and distributors, certain educational facilities, the division, and the Department of Law Enforcement from certain prohibitions against possessing slot machines at a place other than the licensee’s facility under certain circumstances; authorizing agency rulemaking; amending s. 551.114, F.S.; increasing the number of slot machines a licensee may make available for play; amending s. 551.116, F.S.; increasing the hours

that slot machine gaming areas may be open; amending s. 551.121, F.S.; authorizing automatic teller machines in certain areas of a pari-mutuel facility; revising prohibition against cashing checks to allow cashing checks outside the designated slot machine gaming area; authorizing the linking of machines within the slot machine facility for the purpose of progressive games; amending s. 849.15, F.S.; clarifying the authority to legally ship slot machines into the state under certain circumstances; providing an appropriation; providing an effective date.

—was read the second time by title.

On motion by Senator Jones, further consideration of **CS for HB 1047** was deferred.

By Senator Deutch—

CS for SB 2148—A bill to be entitled An act relating to limited liability companies; amending s. 608.406, F.S.; eliminating authorization to use the words “limited company,” the abbreviation “L.C.,” or the designation “L.C.” as a company name; requiring a limited liability company name to be distinguishable on databases maintained by the Division of Corporations of the Department of State; providing an exception; deleting a name-recording requirement for the department; amending s. 608.407, F.S.; requiring the name of a limited liability company in the company’s articles of organization to satisfy certain requirements; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2148** was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

CS for CS for SB 518—A bill to be entitled An act relating to controlled substances; creating s. 831.311, F.S.; prohibiting the sale, manufacture, alteration, delivery, uttering, or possession of counterfeit-resistant prescription blanks for controlled substances with the intent to injure or defraud; providing penalties; amending s. 893.04, F.S.; providing additional requirements for the dispensing of a controlled substance listed in Schedule II, Schedule III, or Schedule IV; specifying circumstances under which a pharmacist who dispenses controlled substances by mail is exempt from certain requirements governing patient identification; providing requirements and limitations for dispensing controlled substances upon an oral prescription; creating s. 408.0611, F.S.; providing legislative intent; providing definitions; requiring the Agency for Health Care Administration to create a clearinghouse of information on electronic prescribing; requiring the agency to monitor and report on the implementation of electronic prescribing; creating s. 893.065, F.S.; requiring the department to develop and adopt by rule the form and content for a counterfeit-proof prescription blank for voluntary use by physicians in prescribing a controlled substance listed in Schedule II, Schedule III, or Schedule IV; providing that penalties shall become effective only upon adoption of rules; prescribing duties of law enforcement agencies and medical examiners when a person dies of an apparent drug overdose; providing an 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 518 to HB 1155**.

Pending further consideration of **CS for CS for SB 518** as amended, on motion by Senator Saunders, by two-thirds vote **HB 1155** was withdrawn from the Committees on Health Regulation; Criminal Justice; and Governmental Operations.

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

HB 1155—A bill to be entitled An act relating to drugs; amending s. 465.022, F.S.; requiring pharmacies doing business by Internet to receive, display, and maintain a specified certifying seal of approval; amending s. 893.147, F.S.; providing that the use or possession of drug paraphernalia with intent to undertake certain activities concerning the manufacture or production of methamphetamine is a felony of the sec-

ond degree; creating s. 408.0611, F.S.; providing legislative intent; providing definitions; requiring the Agency for Health Care Administration to create a clearinghouse of information on electronic prescribing; requiring the agency to monitor and report on the implementation of electronic prescribing; creating s. 831.311, F.S.; prohibiting the sale, manufacture, alteration, delivery, uttering, or possession of counterfeit-resistant prescription blanks for controlled substances; providing penalties; amending s. 893.04, F.S.; authorizing electronic recording of oral prescriptions for a controlled substance; providing additional requirements for the dispensing of a controlled substance listed in Schedule II, Schedule III, or Schedule IV; creating s. 893.065, F.S.; requiring the Department of Health to develop and adopt by rule the form and content for a counterfeit-resistant prescription blank for voluntary use by practitioners to prescribe a controlled substance listed in Schedule II, Schedule III, or Schedule IV; providing contingent applicability of penalties; requiring reports of law enforcement agencies and medical examiners to include specified information if a person dies of an apparent overdose of a controlled substance listed in Schedule II, Schedule III, or Schedule IV; authorizing Agency for Health Care Administration to seek federal grant moneys for specified purposes; providing legislative intent concerning resources for implementation of the act; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 518** as amended and by two-thirds vote read the second time by title.

MOTION

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

Senator Saunders moved the following amendment which was adopted:

Amendment 1 (461802)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 831.311, Florida Statutes, is created to read:

831.311 Unlawful sale, manufacture, alteration, delivery, uttering, or possession of counterfeit-resistant prescription blanks for controlled substances.—

(1) *It is unlawful for any person having the intent to injure or defraud any person or to facilitate any violation of s. 893.13 to sell, manufacture, alter, deliver, utter, or possess with intent to injure or defraud any person, or to facilitate any violation of s. 893.13, any counterfeit-resistant prescription blanks for controlled substances, the form and content of which are adopted by rule of the Department of Health pursuant to s. 893.065.*

(2) *Any person who violates this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

Section 2. Section 893.04, Florida Statutes, is amended to read:

893.04 Pharmacist and practitioner.—

(1) A pharmacist, in good faith and in the course of professional practice only, may dispense controlled substances upon a written or oral prescription of a practitioner, under the following conditions:

(a) Oral prescriptions must be promptly reduced to writing by the pharmacist or recorded electronically if permitted by federal law.

(b) The written prescription must be dated and signed by the prescribing practitioner on the day when issued.

(c) There shall appear on the face of the prescription or written record thereof for the controlled substance the following information:

1. The full name and address of the person for whom, or the owner of the animal for which, the controlled substance is dispensed.

2. The full name and address of the prescribing practitioner and the practitioner's federal controlled substance registry number shall be printed thereon.

3. If the prescription is for an animal, the species of animal for which the controlled substance is prescribed.

4. The name of the controlled substance prescribed and the strength, quantity, and directions for use thereof.

5. The number of the prescription, as recorded in the prescription files of the pharmacy in which it is filled.

6. The initials of the pharmacist filling the prescription and the date filled.

(d) The prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of 2 years.

(e) Affixed to the original container in which a controlled substance is delivered upon a prescription or authorized refill thereof, as hereinafter provided, there shall be a label bearing the following information:

1. The name and address of the pharmacy from which such controlled substance was dispensed.

2. The date on which the prescription for such controlled substance was filled.

3. The number of such prescription, as recorded in the prescription files of the pharmacy in which it is filled.

4. The name of the prescribing practitioner.

5. The name of the patient for whom, or of the owner and species of the animal for which, the controlled substance is prescribed.

6. The directions for the use of the controlled substance prescribed in the prescription.

7. A clear, concise warning that it is a crime to transfer the controlled substance to any person other than the patient for whom prescribed.

(f) A prescription for a controlled substance listed in Schedule II may be dispensed only upon a written prescription of a practitioner, except that in an emergency situation, as defined by regulation of the Department of Health, such controlled substance may be dispensed upon oral prescription *but is limited to a 72-hour supply*. A ~~No~~ prescription for a controlled substance listed in Schedule II may *not* be refilled.

(g) A ~~No~~ prescription for a controlled substance listed in ~~Schedule~~ *Schedules III, Schedule IV, or Schedule V may not be filled or refilled more than five times within a period of 6 months after the date on which the prescription was written unless the prescription is renewed by a practitioner.*

(2)(a) *A pharmacist may not dispense a controlled substance listed in Schedule II, Schedule III, or Schedule IV to any patient or patient's agent without first determining, in the exercise of her or his professional judgment, that the order is valid. The pharmacist may dispense the controlled substance, in the exercise of her or his professional judgment, when the pharmacist or pharmacist's agent has obtained satisfactory patient information from the patient or the patient's agent.*

(b) *Any pharmacist who dispenses by mail a controlled substance listed in Schedule II, Schedule III, or Schedule IV is exempt from the requirement to obtain suitable identification for the prescription dispensed by mail if the pharmacist has obtained the patient's identification through the patient's prescription benefit plan.*

(c) *Any controlled substance listed in Schedule III or Schedule IV may be dispensed by a pharmacist upon an oral prescription if, before filling the prescription, the pharmacist reduces it to writing or records the prescription electronically if permitted by federal law. Such prescriptions must contain the date of the oral authorization.*

(d) *Each written prescription prescribed by a practitioner in this state for a controlled substance listed in Schedule II, Schedule III, or Schedule IV must include both a written and a numerical notation of the quantity on the face of the prescription and a notation of the date, with the abbreviated month written out on the face of the prescription. A pharmacist may, upon verification by the prescriber, document any information required by this paragraph.*

(e) *A pharmacist may not dispense more than a 30-day supply of a controlled substance listed in Schedule III upon an oral prescription issued in this state.*

(f) A pharmacist may not knowingly fill a prescription that has been forged for a controlled substance listed in Schedule II, Schedule III, or Schedule IV.

(3)(2) Notwithstanding the provisions of subsection (1), a pharmacist may dispense a one-time emergency refill of up to a 72-hour supply of the prescribed medication for any medicinal drug other than a medicinal drug listed in Schedule II, in compliance with the provisions of s. 465.0275.

(4)(3) The legal owner of any stock of controlled substances in a pharmacy, upon discontinuance of dealing in controlled substances, may sell said stock to a manufacturer, wholesaler, or pharmacy. Such controlled substances may be sold only upon an order form, when such an order form is required for sale by the drug abuse laws of the United States or this state, or regulations pursuant thereto.

Section 3. Section 408.0611, Florida Statutes, is created to read:

408.0611 *Electronic prescribing clearinghouse.*—

(1) It is the intent of the Legislature to promote the implementation of electronic prescribing by health care practitioners, health care facilities, and pharmacies in order to prevent prescription drug abuse, improve patient safety, and reduce unnecessary prescriptions. To that end, it is the intent of the Legislature to create a clearinghouse of information on electronic prescribing to convey the process and advantages of electronic prescribing; to provide information regarding the availability of electronic prescribing products, including no-cost or low-cost products; and to regularly convene stakeholders to assess and accelerate the implementation of electronic prescribing.

(2) As used in this section, the term:

(a) “Electronic prescribing” means, at a minimum, the electronic review of the patient’s medication history, the electronic generation of the patient’s prescription, and the electronic transmission of the patient’s prescription to a pharmacy.

(b) “Health care practitioner” means an individual authorized by law to prescribe drugs.

(3) The agency shall work in collaboration with private-sector electronic prescribing initiatives and relevant stakeholders to create a clearinghouse of information on electronic prescribing for health care practitioners, health care facilities, and pharmacies. These stakeholders shall include organizations that represent health care practitioners; organizations that represent health care facilities; organizations that represent pharmacies; organizations that operate electronic prescribing networks; organizations that create electronic prescribing products; and regional health information organizations. Specifically, the agency shall, by October 1, 2007:

(a) Provide on its website:

1. Information regarding the process of electronic prescribing and the availability of electronic prescribing products, including no-cost or low-cost products;

2. Information regarding the advantages of electronic prescribing, including using medication history data to prevent drug interactions, prevent allergic reactions, and deter doctor and pharmacy shopping for controlled substances;

3. Links to federal and private-sector websites that provide guidance on selecting an appropriate electronic prescribing product; and

4. Links to state, federal, and private-sector incentive programs for the implementation of electronic prescribing.

(b) Convene quarterly meetings of the stakeholders to assess and accelerate the implementation of electronic prescribing.

(4) Pursuant to s. 408.061, the agency shall monitor the implementation of electronic prescribing by health care practitioners, health care facilities, and pharmacies. By January 31 of each year, the agency shall report on the progress of implementation of electronic prescribing to the Governor and the Legislature. Information reported pursuant to this subsection shall include federal and private-sector electronic prescribing

initiatives and, to the extent that data is readily available from organizations that operate electronic prescribing networks, the number of health care practitioners using electronic prescribing and the number of prescriptions electronically transmitted.

Section 4. Section 893.065, Florida Statutes, is created to read:

893.065 *Counterfeit-resistant prescription blanks for controlled substances listed in Schedule II, Schedule III, or Schedule IV.*—The Department of Health shall develop and adopt by rule the form and content for a counterfeit-resistant prescription blank which may be used by practitioners for the purpose of prescribing a controlled substance listed in Schedule II, Schedule III, or Schedule IV. The Department of Health may require the prescription blanks to be printed on distinctive, watermarked paper and to bear the preprinted name, address, and category of professional licensure of the practitioner and that practitioner’s federal registry number for controlled substances. The prescription blanks may not be transferred.

Section 5. The penalties created in s. 831.311(2), Florida Statutes, by this act shall be effective only upon the adoption of the rules required pursuant to s. 893.065, Florida Statutes, as created by this act.

Section 6. If a person dies of an apparent drug overdose:

(1) A law enforcement agency shall prepare a report identifying each prescribed controlled substance listed in Schedule II, Schedule III, or Schedule IV of s. 893.03, Florida Statutes, which is found on or near the deceased or among the deceased’s possessions. The report must identify the person who prescribed the controlled substance, if known or ascertainable. Thereafter, the law enforcement agency shall submit a copy of the report to the medical examiner.

(2) A medical examiner who is preparing a report pursuant to s. 406.11, Florida Statutes, shall include in the report information identifying each prescribed controlled substance listed in Schedule II, Schedule III, or Schedule IV of s. 893.03, Florida Statutes, that was found in, on, or near the deceased or among the deceased’s possessions.

Section 7. 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 drugs; creating s. 831.311, F.S.; prohibiting the sale, manufacture, alteration, delivery, uttering, or possession of counterfeit-resistant prescription blanks for controlled substances with the intent to injure or defraud; providing penalties; amending s. 893.04, F.S.; providing additional requirements for the dispensing of a controlled substance listed in Schedule II, Schedule III, or Schedule IV; specifying circumstances under which a pharmacist who dispenses controlled substances by mail is exempt from certain requirements governing patient identification; providing requirements and limitations for dispensing controlled substances upon an oral prescription; creating s. 408.0611, F.S.; providing legislative intent; providing definitions; requiring the Agency for Health Care Administration to create a clearinghouse of information on electronic prescribing; requiring the agency to monitor and report on the implementation of electronic prescribing; creating s. 893.065, F.S.; requiring the department to develop and adopt by rule the form and content for a counterfeit-proof prescription blank for voluntary use by physicians in prescribing a controlled substance listed in Schedule II, Schedule III, or Schedule IV; providing that penalties shall become effective only upon adoption of rules; prescribing duties of law enforcement agencies and medical examiners when a person dies of an apparent drug overdose; providing an effective date.

Pursuant to Rule 4.19, **HB 1155** as amended was placed on the calendar of Bills on Third Reading.

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

CS for HB 1047—A bill to be entitled An act relating to slot machine gaming, as authorized by Section 23 of Article X of the State Constitution; amending s. 551.102, F.S.; defining the term “nonredeemable credits”; redefining the term “slot machine revenues”; amending s. 551.103, F.S.; deleting a requirement that the Division of Pari-mutuel Wagering annually adjust the amount of the bond supplied by a slot machine licensee; establishing the annual amount of bond required; providing for

procedures for drug testing; amending s. 551.104, F.S.; providing for implementation of a drug-testing program; amending s. 551.1045, F.S.; providing procedures for temporary occupational licenses; deleting provisions for temporary licensees to be adopted within 180 days; amending s. 551.106, F.S.; establishing when payment of the annual slot machine license fee must be made by a licensee; amending s. 551.107, F.S.; authorizing the division to adopt rules to create a single occupational license; providing for validity; providing for additional disciplinary actions and civil fines; amending s. 551.109, F.S.; exempting slot machine manufacturers and distributors, certain educational facilities, the division, and the Department of Law Enforcement from certain prohibitions against possessing slot machines at a place other than the licensee's facility under certain circumstances; authorizing agency rulemaking; amending s. 551.114, F.S.; increasing the number of slot machines a licensee may make available for play; amending s. 551.116, F.S.; increasing the hours that slot machine gaming areas may be open; amending s. 551.121, F.S.; authorizing automatic teller machines in certain areas of a pari-mutuel facility; revising prohibition against cashing checks to allow cashing checks outside the designated slot machine gaming area; authorizing the linking of machines within the slot machine facility for the purpose of progressive games; amending s. 849.15, F.S.; clarifying the authority to legally ship slot machines into the state under certain circumstances; providing an appropriation; providing an effective date.

—which was previously considered this day.

Pursuant to Rule 4.19, **CS for HB 1047** was placed on the calendar of Bills on Third Reading.

CS for SB 492—A bill to be entitled An act relating to the investigations of law enforcement and correctional officers; amending s. 112.532, F.S.; requiring that all identifiable witnesses to a complaint against an officer be interviewed, whenever possible, prior to the investigative interview of the accused officer; requiring that the accused officer be furnished with the complaint and witness statements prior to the investigative interview; providing for waiver of the right to review witness statements and provide a statement by an officer; providing for tolling of the limitations period during an emergency or natural disaster; providing an effective date.

—was read the second time by title.

Senator Fasano moved the following amendment:

Amendment 1 (270242)(with title amendment)—On page 3, between lines 21 and 22, insert:

Section 2. Subsection (1) of section 112.533, Florida Statutes, is amended to read:

112.533 Receipt and processing of complaints.—

(1)(a) Every law enforcement agency and correctional agency shall establish and put into operation a system for the receipt, investigation, and determination of complaints received by such agency from any person, which shall be the procedure for investigating a complaint against a law enforcement and correctional officer and for determining whether to proceed with disciplinary action or to file disciplinary charges, notwithstanding any other law or ordinance to the contrary. This subsection does not preclude the Criminal Justice Standards and Training Commission from exercising its authority under chapter 943.

(b)1. Any political subdivision that initiates or receives a complaint against a law enforcement officer or correctional officer must, within 48 hours after receiving the complaint, forward the complaint to the employing agency of the officer who is the subject of the complaint for review or investigation by such employing agency.

2. For purposes of this paragraph, the term "political subdivision" means a separate agency or unit of local government created or established by law or ordinance and the officers thereof and includes, but is not limited to, an authority, board, branch, bureau, city, commission, consolidated government, county, department, district, institution, metropolitan government, municipality, office, officer, public corporation, town, or village.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 15, after the semicolon (;) insert: amending s. 112.533, F.S.; requiring a political subdivision that initiates or receives a complaint against a law enforcement officer or correctional officer to forward the complaint to the officer's employer within a specified period; providing a definition;

On motion by Senator Fasano, further consideration of **CS for SB 492** with pending **Amendment 1 (270242)** was deferred.

On motion by Senator Wilson, by two-thirds vote **HB 1421** was withdrawn from the Committees on Education Pre-K - 12; and Commerce.

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

HB 1421—A bill to be entitled An act relating to the Digital Divide Council; amending s. 445.049, F.S.; recreating the council in the Department of Education; revising the membership of the council; providing for terms of office; requiring an initial meeting and at specified times thereafter; conforming references; deleting requirements for certain pilot programs; providing objectives of the council; requiring an annual report to the Governor and the Legislature; providing an effective date.

—a companion measure, was substituted for **SB 2304** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 1421** was placed on the calendar of Bills on Third Reading.

By Senator King—

CS for CS for SB 432—A bill to be entitled An act relating to transportation; amending s. 311.22, F.S.; revising funding for certain dredging projects; amending s. 320.20, F.S.; prescribing when certain funds will become subject to appropriation; revising the distribution of license tax moneys deposited in the State Transportation Trust Fund for the funding of the Florida Seaport Transportation and Economic Development Program and certain seaport intermodal access projects; requiring the Florida Seaport Transportation and Economic Development Council to submit a list of certain freight mobility projects to the Department of Transportation; requiring that the council and the department agree upon the projects selected for funding; requiring the department to include the selected projects for funding in the tentative work program; providing that specified bonds shall be issued by the Division of Bond Finance at the request of the department; providing for funding the construction of wharves and docks; creating s. 311.23, F.S.; creating the Florida Seaport Finance Corporation; providing for membership of its board of directors; providing its powers and duties; authorizing the issuance and validation of bonds; exempting the corporation from taxation; declaring that the corporation is not a special district; authorizing inter-local agreements; exempting board members and employees of the corporation from liability for certain acts; providing that this act does not affect the validity of specified Florida Ports Financing Commission bonds; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 432** was placed on the calendar of Bills on Third Reading.

By Senator Bennett—

CS for SB 2176—A bill to be entitled An act relating to inland navigation districts; amending s. 374.975, F.S.; providing that operation and maintenance by the inland navigation districts of the intracoastal waterway and certain other public navigation channels are in the public interest; amending s. 374.976, F.S.; adding nonmember counties that contain any part of the intracoastal waterway within their boundaries to the list of governmental entities with which a district can aid and cooperate; authorizing the Department of Environmental Protection to develop and maintain a list of flocculants for certain uses; amending s. 403.813, F.S.; specifying a mixing zone for turbidity under certain circumstances; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2176** was placed on the calendar of Bills on Third Reading.

On motion by Senator Jones—

CS for CS for SB 846—A bill to be entitled An act relating to motor vehicle financial responsibility; creating s. 324.023, F.S.; requiring proof of increased financial responsibility for bodily injury or death caused by owners or operators found guilty of a DUI offense or who had a license or driving privilege revoked or suspended under a specified provision; amending ss. 316.646 and 320.02, F.S.; conforming provisions; amending s. 627.733, F.S.; providing an additional cross-reference concerning motor vehicle security following motor vehicle license or registration suspension; amending s. 627.7261, F.S.; prohibiting an insurer from taking certain actions solely because an insured or specified person serves as a volunteer driver for a nonprofit agency or charitable organization; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 846** to **CS for CS for HB 359**.

Pending further consideration of **CS for CS for SB 846** as amended, on motion by Senator Jones, by two-thirds vote **CS for CS for HB 359** was withdrawn from the Committees on Transportation; and Banking and Insurance.

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

CS for CS for HB 359—A bill to be entitled An act relating to motor vehicle financial responsibility; creating s. 324.023, F.S.; requiring proof of increased financial responsibility for bodily injury or death caused by owners or operators found guilty of, or who entered a plea of guilty or nolo contendere to, regardless of adjudication of guilt, a DUI offense or who had a license or driving privilege revoked or suspended under a specified provision; providing an exemption if specified conditions are met; amending ss. 316.646 and 320.02, F.S.; conforming provisions; amending s. 627.733, F.S.; providing additional cross-references concerning motor vehicle security following motor vehicle license or registration suspension; amending s. 627.7261, F.S.; prohibiting an insurer from taking certain actions solely because an insured or specified person serves as a volunteer driver for a nonprofit agency or charitable organization; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 846** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 359** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1728** and **CS for SB 2544** was deferred.

On motion by Senator Ring, by two-thirds vote **CS for HB 1315** was withdrawn from the Committees on Community Affairs; and Governmental Operations.

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

CS for HB 1315—A bill to be entitled An act relating to local government boundaries; amending ss. 7.06 and 7.50, F.S.; extending and enlarging the boundaries of Broward County to include certain lands in Palm Beach County; decreasing the boundaries of Palm Beach County; extending and enlarging the corporate boundaries of the City of Parkland in Broward County to annex specified unincorporated lands; providing for continuation of certain land use regulations; providing for transfer of roads and rights-of-way; providing for county and municipal powers; providing for continuation of contracts; superseding chapters 96-542 and 99-447, Laws of Florida, relating to annexation of unincorporated areas into municipalities; providing for payment or apportionment of public debt; providing for severability; providing a contingent effective date.

—a companion measure, was substituted for **CS for SB 2752** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1315** was placed on the calendar of Bills on Third Reading.

By Senator Bennett—

SR 1860—A resolution in support of the “25 by ’25” initiative and the increased production of renewable energy by the agricultural community.

WHEREAS, the role of agriculture as an energy producer has the potential to positively influence national security and trade imbalances, and

WHEREAS, an affordable, reliable, and plentiful energy supply is critical to the economy of Florida, which ranks third nationally in total energy consumption and possesses vast resources of renewable energy, and

WHEREAS, the development of a broad spectrum of renewable energy sources, including biodiesel, biomass, methane digesters, and ethanol, is not only immensely beneficial to the environment but also provides multiple benefits to rural communities and agricultural sectors by spawning additional markets for agricultural commodities; increasing farm income; creating added-value uses for crops, livestock, and their byproducts; using marginal lands more productively; resolving air, water, and soil quality problems that often arise from agricultural operations; improving wildlife habitat; and creating new job opportunities, and

WHEREAS, American agriculture is strategically positioned to play an expanded role in developing and implementing new energy solutions; and, with appropriate technological innovation, incentives, and investments, this country’s farms and ranches could well become the factories that produce a new generation of fuels to help meet the nation’s energy needs, and

WHEREAS, “25 by ’25” is an initiative that envisions American farms and ranches meeting 25 percent of America’s energy demand by the year 2025, while continuing to produce abundant, safe, and affordable food and fiber, and

WHEREAS, “Farm to Fuel” is an initiative designed to encourage the use of Florida crops and biomass for production of energy for the state’s future energy stability, protection of its environment, and continued viability of its agriculture industry, NOW, THEREFORE,

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

That the Senate supports the vision of “25 by ’25,” and encourages the production of renewable energy and fuels by farms and ranches to help meet future energy needs.

—was read the second time in full. On motion by Senator Bennett, **SR 1860** was adopted.

By Senator Aronberg—

CS for SB 2534—A bill to be entitled An act relating to the offense of voyeurism; amending s. 810.145, F.S.; providing that it is a third-degree felony for certain persons who are responsible for the welfare of a child younger than 16 years of age to commit the offense of video voyeurism, video voyeurism dissemination, or commercial video voyeurism dissemination against that child; providing criminal penalties; providing that it is a third-degree felony for a person employed at a school to commit the offense of video voyeurism, video voyeurism dissemination, or commercial video voyeurism dissemination against a student of the school; providing criminal penalties; providing that it is a second-degree felony for a person who was previously convicted of or adjudicated delinquent for video voyeurism, video voyeurism dissemination, or commercial video voyeurism dissemination to commit any such third-degree felony against a child younger than 16 years of age or a student; providing criminal penalties; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2534** was placed on the calendar of Bills on Third Reading.

By Senator Alexander—

CS for SB 1152—A bill to be entitled An act relating to the Florida Government Accountability Act; amending s. 11.902, F.S.; redefining the term “committee” and defining the term “joint committee” for purposes of the act; amending s. 11.903, F.S.; providing for the Senate and the House of Representatives to jointly appoint a Legislative Sunset Advisory Committee to oversee the review process required under the act; providing terms of office for commission members; amending s. 11.904, F.S.; providing for staff of a committee; requiring the Auditor General to assist review committees and a joint committee upon request; amending s. 11.905, F.S.; revising the schedule for reviewing state agencies and advisory committees; amending s. 11.9055, F.S.; providing duties of an agency or advisory committee if the Legislature fails to take action to continue the agency or committee by the required date; amending s. 11.906, F.S.; revising the date before a review by which the agency is required to provide a report; revising the requirements for the report; amending ss. 11.907 and 11.908, F.S.; revising the procedures for a review of an agency; revising the duties of the Office of Program Policy Analysis and Government Accountability; requiring the Legislative Sunset Review Committee to propose legislation if necessary; amending s. 11.910, F.S.; revising certain criteria for the review of an agency and its advisory committees; amending s. 11.911, F.S.; requiring that the Legislative Sunset Review Committee provide proposed legislation; amending s. 11.918, F.S.; authorizing the committee to exercise any powers vested in a standing committee of the Legislature; amending s. 11.919, F.S.; authorizing the committee to access and request information from state agencies and officers; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1152** was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

CS for CS for SB 2380—A bill to be entitled An act relating to education; creating s. 1008.3455, F.S.; expressing the intent of the Legislature to create a program to enhance failing schools; requiring the Commissioner of Education to develop and submit such a program to the Legislature; prescribing elements of the program; requiring the creation of an advisory committee; requiring consultation with specified entities; requiring an annual report; amending s. 220.187, F.S.; providing legislative findings; revising program purposes; providing for eligibility of siblings of certain students; revising provisions relating to authorized uses of scholarship funds and expenditure of contributions received during the fiscal year; revising scholarship amounts and payments; clarifying that the tax credit program applies to students in families having limited financial resources; providing scholarship eligibility to students receiving opportunity scholarships during the 2006-2007 school year for a limited amount of time; providing that a scholarship funding organization may be approved to provide scholarships under two tax credit programs; requiring separate accounting; authorizing scholarship funding organizations to transfer surplus funds between two programs under specified circumstances; providing for the preservation of credits under certain circumstances; creating s. 220.1875, F.S.; providing a purpose; defining terms; prescribing obligations of school districts to inform parents about failing schools; requiring nonprofit scholarship-funding organizations to meet certain requirements; authorizing students at such schools to attend a high-performing school in the same district; providing a credit against the corporate income tax for contributions to nonprofit scholarship-funding organizations; providing limitations; providing for use of such contributions for scholarships for students attending certain failing schools to attend nonpublic schools or public schools in adjacent districts; providing requirements and limitations with respect to scholarships; providing for payment; establishing eligibility for nonpublic school participation and grounds for ineligibility to participate in the program; providing for administration by the Department of Revenue and the Department of Education; providing for rules; providing obligations of the Department of Education, including requirements for

the verification of eligibility of program participants, establishment of a process for notification of violations, subsequent inquiry or investigation, certification of compliance by private schools, making site visits, and providing information relating to the research organization’s analysis of student performance data; providing authority and obligations of the Commissioner of Education, including the denial, suspension, or revocation of a private school’s participation in the scholarship program and procedures and timelines; authorizing the Department of Education’s Office of the Inspector General to release student records under certain circumstances; providing requirements for deposit of eligible contributions; amending s. 213.053, F.S.; conforming provisions to the creation of the tax credit scholarship program for families of students in failing schools; authorizing the Department of Revenue to share certain tax information with the Department of Education; amending s. 220.02, F.S.; revising legislative intent with respect to the order in which corporate income tax credits are applied to conform to the creation of the tax credit scholarship program for families of students in failing schools; amending s. 220.13, F.S.; redefining the term “adjusted federal income” to account for the creation of the tax credit scholarship program for families of students in failing schools; providing for the credit to be an addition to taxable income; amending s. 220.701, F.S.; directing the Department of Revenue to deposit moneys received through the corporate income tax into the Corporate Income Tax Trust Fund rather than the General Revenue Fund; providing for unencumbered trust fund balances to be transferred into the General Revenue Fund; prescribing how transferred funds may be expended; amending s. 1001.10, F.S.; conforming provisions to the repeal of the Opportunity Scholarship Program; authorizing the Commissioner of Education to prepare and publish reports related to specified tax credit programs; amending ss. 1001.42 and 1002.20, F.S.; conforming provisions to the repeal of the Opportunity Scholarship Program and the creation of the tax credit program for families of students attending schools failing to make adequate progress; repealing s. 1002.38, F.S., which authorizes the Opportunity Scholarship Program; amending s. 1002.39, F.S., to conform to the repeal of the Opportunity Scholarship Program; amending s. 1002.421, F.S.; providing additional requirements for schools participating in the program under s. 220.1875, F.S.; providing an effective date.

—which was previously considered and amended this day with pending **Amendment 8 (811276)** by Senator Fasano and pending point of order.

RULING ON POINT OF ORDER

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

Pending further consideration of **CS for CS for SB 2380** as amended, on motion by Senator Webster, by two-thirds vote **HB 7145** was withdrawn from the Committees on Education Pre-K - 12; and Finance and Tax.

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

HB 7145—A bill to be entitled An act relating to scholarship programs; amending s. 220.187, F.S., relating to the Corporate Income Tax Credit Scholarship Program; providing legislative findings; revising program purposes; providing a definition; providing that specified students who have been in Department of Juvenile Justice education programs or who are currently or have been in foster care are eligible for participation in the scholarship program; providing income criteria for continuation of scholarships for students in foster care; providing for eligibility of siblings of certain students; revising provisions relating to authorized uses of scholarship funds and expenditure of contributions received during the fiscal year; revising scholarship amounts and payments; providing for preservation of credits under certain circumstances; amending s. 1002.39, F.S., relating to the John M. McKay Scholarships for Students with Disabilities Program; revising scholarship ineligibility and private school eligibility provisions to exempt certain students from regular class attendance requirements under certain circumstances; revising Department of Education obligations relating to cross-check of student enrollment; providing private school requirements relating to discovery of duplicative enrollment and penalties under certain circumstances; requiring a private school to maintain a physical location in this state where case management services are provided to students subject to the regular class attendance exemption; requiring a private school to employ

a case manager; specifying case manager qualifications and responsibilities; specifying the timeframe for parents to provide documentation for the regular class attendance exemption; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2380** and by two-thirds vote 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:

Amendment 1 (971380)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 1008.3455, Florida Statutes, is created to read:

1008.3455 Improvement program for schools failing to make adequate progress.—

(1) It is the intent of the Legislature that the state develop and implement a comprehensive strategic program to facilitate the improvement of schools that are failing to make adequate progress based on the school performance grading categories established by law. The Legislature finds that achieving meaningful and lasting progress in these schools will take a number of years. Thus, it is the further intent of the Legislature that the program developed under this section include a multiyear design and implementation schedule, with measurable goals and objectives for these schools.

(2) In coordination with the responsibilities prescribed in s. 1008.345, the Commissioner of Education shall develop and submit to the President of the Senate and the Speaker of the House of Representatives, no later than February 1, 2008, a multifaceted program of policies and practices targeted specifically toward schools in the "F" grade category under s. 1008.34.

(a) At a minimum, the program must include an assessment of the extent to which new policies, or enhancements to existing policies, in the following areas would facilitate improvement at these schools:

- 1. Capital improvements to school facilities;*
- 2. Salaries for teachers and staff;*
- 3. Incentives for outstanding faculty and staff to transfer to these schools;*
- 4. Equipment and supplies;*
- 5. Technology infrastructure, hardware, or software;*
- 6. Incentives to encourage parental or other family participation; and*
- 7. Mentoring and other community participation.*

(b) The program must include a suggested order of priority and timeline for enacting, funding, and implementing policies and practices over a 5-year period. The program shall identify those elements of the program which can be accomplished within existing statutory authority and those elements that will require new statutory authority. The program must include specific recommendations for action by the Legislature.

(3)(a) To assist in development and implementation of the program required by this section, the commissioner shall create an advisory committee comprised of at least two teachers, two staff persons, and two parents of students from one or more schools that are failing to make adequate progress based on the school performance grading categories, as well as any other individuals the commissioner deems appropriate.

(b) In developing and implementing the program, the commissioner shall consult with:

- 1. The Office of Program Policy Analysis and Government Accountability; and*
- 2. The district community assessment teams assigned under s. 1008.345.*

(4) The program shall be developed in coordination with, and shall be consistent with, other strategic planning initiatives of the Department of Education or the State Board of Education.

(5) The commissioner shall report annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives on implementation of the program.

Section 2. Section 220.187, Florida Statutes, is amended to read:

220.187 Credits for contributions to nonprofit scholarship-funding organizations; families that have limited financial resources.—

(1) *FINDINGS AND PURPOSE.*—

(a) The Legislature finds that:

1. It has the inherent power to determine subjects of taxation for general or particular public purposes.

2. Expanding educational opportunities and improving the quality of educational services within the state are valid public purposes that the Legislature may promote using its sovereign power to determine subjects of taxation and exemptions from taxation.

3. Ensuring that all parents, regardless of means, may exercise and enjoy their basic right to educate their children as they see fit is a valid public purpose that the Legislature may promote using its sovereign power to determine subjects of taxation and exemptions from taxation.

4. The existence of programs that provide expanded educational opportunities in this state has not been shown to reduce funding to or otherwise harm public schools within the state, and, to the contrary, per-student funding in public schools has risen each year since the first inception of those programs in 1999.

5. Expanded educational opportunities and the healthy competition they promote are critical to improving the quality of education in the state and to ensuring that all children receive the high-quality education to which they are entitled.

(b) The purpose of this section is to:

1.(a) Enable taxpayers to make ~~Encourage~~ private, voluntary contributions to nonprofit scholarship-funding organizations in order to promote the general welfare.

2.(b) Promote the general welfare by expanding ~~Expand~~ educational opportunities for children of families that have limited financial resources.

3.(c) Enable children in this state to achieve a greater level of excellence in their education.

4. Provide taxpayers who wish to help parents having limited resources exercise their basic right to educate their children as they see fit with a means to do so.

5. Improve the quality of education in this state, both by expanding educational opportunities for children and by creating incentives for schools to achieve excellence.

(2) *DEFINITIONS.*—As used in this section, the term:

(a) "Department" means the Department of Revenue.

(b) "Eligible contribution" means a monetary contribution from a taxpayer, subject to the restrictions provided in this section, to an eligible nonprofit scholarship-funding organization. The taxpayer making the contribution may not designate a specific child as the beneficiary of the contribution.

(c) "Eligible nonprofit scholarship-funding organization" means a charitable organization that:

1. Is exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code;

2. Is a Florida entity formed under chapter 607, chapter 608, or chapter 617 and whose principal office is located in the state; and

3. Complies with the provisions of subsection (6).

(d) "Eligible private school" means a private school, as defined in s. 1002.01(2), located in Florida which offers an education to students in any grades K-12 and that meets the requirements in subsection (8).

(e) "Owner or operator" includes:

1. An owner, president, officer, or director of an eligible nonprofit scholarship-funding organization or a person with equivalent decision-making authority over an eligible nonprofit scholarship-funding organization.

2. An owner, operator, superintendent, or principal of an eligible private school or a person with equivalent decisionmaking authority over an eligible private school.

(3) PROGRAM; SCHOLARSHIP ELIGIBILITY.—The Corporate Income Tax Credit Scholarship Program is established.

(a) A student is eligible for a corporate income tax credit scholarship if the student qualifies for free or reduced-price school lunches under the National School Lunch Act and:

1.(a) Was counted as a full-time equivalent student during the previous state fiscal year for purposes of state per-student funding;

2.(b) Received a scholarship from an eligible nonprofit scholarship-funding organization or from the State of Florida during the previous school year; or

3.(c) Is eligible to enter kindergarten or first grade.

(b) A student is eligible for a corporate income tax credit scholarship if the student:

1. Has spent the prior school year in attendance at a public school that has been designated under s. 1008.34 as performance grade category "F," failing to make adequate progress, and that has had 2 school years in a 4-year period of such low performance, and the student's attendance occurred during a school year in which such designation was in effect;

2. Has been in attendance elsewhere in the public school system and has been assigned to such school for the next school year; or

3. Is entering kindergarten or first grade and has been notified that the student has been assigned to such school for the next school year.

Contingent upon available funds, a student may continue in the scholarship program as long as the student's family income level does not exceed 200 percent of the federal poverty level. A sibling of a student who is continuing in the program and resides in the same household as the student shall also be eligible as a first-time corporate income tax credit scholarship recipient as long as the student's and sibling's family income level does not exceed 200 percent of the federal poverty level.

(4) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for a scholarship while he or she is:

(a) Enrolled in a school operating for the purpose of providing educational services to youth in Department of Juvenile Justice commitment programs;

(b) Receiving a scholarship from another eligible nonprofit scholarship-funding organization under this section;

(c) Receiving an educational scholarship pursuant to chapter 1002;

(d) Participating in a home education program as defined in s. 1002.01(1);

(e) Participating in a private tutoring program pursuant to s. 1002.43;

(f) Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation unless the participation is limited to no more than two courses per school year; or

(g) Enrolled in the Florida School for the Deaf and the Blind.

(5) AUTHORIZATION TO GRANT SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.—

(a) There is allowed a credit of 100 percent of an eligible contribution against any tax due for a taxable year under this chapter. However, such a credit may not exceed 75 percent of the tax due under this chapter for the taxable year, after the application of any other allowable credits by the taxpayer. The credit granted by this section shall be reduced by the difference between the amount of federal corporate income tax taking into account the credit granted by this section and the amount of federal corporate income tax without application of the credit granted by this section.

(b) The total amount of tax credits and carryforward of tax credits which may be granted each state fiscal year under this section is \$88 million. At least 1 percent of the total statewide amount authorized for the tax credit shall be reserved for taxpayers who meet the definition of a small business provided in s. 288.703(1) at the time of application.

(c) A taxpayer who files a Florida consolidated return as a member of an affiliated group pursuant to s. 220.131(1) may be allowed the credit on a consolidated return basis; however, the total credit taken by the affiliated group is subject to the limitation established under paragraph (a).

(d) Effective for tax years beginning January 1, 2006, a taxpayer may rescind all or part of its allocated tax credit under this section. The amount rescinded shall become available for purposes of the cap for that state fiscal year under this section to an eligible taxpayer as approved by the department if the taxpayer receives notice from the department that the rescindment has been accepted by the department and the taxpayer has not previously rescinded any or all of its tax credit allocation under this section more than once in the previous 3 tax years. Any amount rescinded under this paragraph shall become available to an eligible taxpayer on a first-come, first-served basis based on tax credit applications received after the date the rescindment is accepted by the department.

(6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.—An eligible nonprofit scholarship-funding organization:

(a) Must comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.

(b) Must comply with the following background check requirements:

1. All owners and operators as defined in subparagraph (2)(c)1. are, upon employment or engagement to provide services, subject to level 2 background screening as provided under chapter 435. The fingerprints for the background screening must be electronically submitted to the Department of Law Enforcement and can be taken by an authorized law enforcement agency or by an employee of the eligible nonprofit scholarship-funding organization or a private company who is trained to take fingerprints. However, the complete set of fingerprints of an owner or operator may not be taken by the owner or operator. The results of the state and national criminal history check shall be provided to the Department of Education for screening under chapter 435. The cost of the background screening may be borne by the eligible nonprofit scholarship-funding organization or the owner or operator.

2. Every 5 years following employment or engagement to provide services or association with an eligible nonprofit scholarship-funding organization, each owner or operator must meet level 2 screening standards as described in s. 435.04, at which time the nonprofit scholarship-funding organization shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for level 2 screening. If the fingerprints of an owner or operator are not retained by the Department of Law Enforcement under subparagraph 3., the owner or operator must electronically file a complete set of fingerprints with the Department of Law Enforcement. Upon submission of fingerprints for this purpose, the eligible nonprofit scholarship-funding organization shall request that the Department of Law Enforcement forward the fingerprints to the Federal Bureau of Investigation for level 2 screening, and the fingerprints shall be retained by the Department of Law Enforcement under subparagraph 3.

3. Beginning July 1, 2007, all fingerprints submitted to the Department of Law Enforcement as required by this paragraph must be retained by the Department of Law Enforcement in a manner approved by rule and entered in the statewide automated fingerprint identification system authorized by s. 943.05(2)(b). The fingerprints must thereafter be available for all purposes and uses authorized for arrest fingerprint cards entered in the statewide automated fingerprint identification system pursuant to s. 943.051.

4. Beginning July 1, 2007, the Department of Law Enforcement shall search all arrest fingerprint cards received under s. 943.051 against the fingerprints retained in the statewide automated fingerprint identification system under subparagraph 3. Any arrest record that is identified with an owner's or operator's fingerprints must be reported to the Department of Education. The Department of Education shall participate in this search process by paying an annual fee to the Department of Law Enforcement and by informing the Department of Law Enforcement of any change in the employment, engagement, or association status of the owners or operators whose fingerprints are retained under subparagraph 3. The Department of Law Enforcement shall adopt a rule setting the amount of the annual fee to be imposed upon the Department of Education for performing these services and establishing the procedures for the retention of owner and operator fingerprints and the dissemination of search results. The fee may be borne by the owner or operator of the nonprofit scholarship-funding organization.

5. A nonprofit scholarship-funding organization whose owner or operator fails the level 2 background screening shall not be eligible to provide scholarships under this section.

6. A nonprofit scholarship-funding organization whose owner or operator in the last 7 years has filed for personal bankruptcy or corporate bankruptcy in a corporation of which he or she owned more than 20 percent shall not be eligible to provide scholarships under this section.

(c) Must not have an owner or operator who owns or operates an eligible private school that is participating in the scholarship program.

(d) Must provide scholarships, from eligible contributions, to eligible students for:

1. Tuition, or textbook expenses, or registration fees for, or transportation to, an eligible private school. *The amount of the scholarship shall be the maximum allowed by law or the amount of the private school's textbook expenses and published tuition and registration fees, whichever is less; At least 75 percent of the scholarship funding must be used to pay tuition expenses; or*

2. Transportation expenses to a Florida public school that is located outside the district in which the student resides or to a lab school as defined in s. 1002.32.

(e) Must give priority to eligible students who received a scholarship from an eligible nonprofit scholarship-funding organization or from the State of Florida during the previous school year or who received an opportunity scholarship under former s. 1002.38 during the final quarter of the 2006-2007 school year.

(f) Must provide a scholarship to an eligible student on a first-come, first-served basis unless the student qualifies for priority pursuant to paragraph (e).

(g) May not restrict or reserve scholarships for use at a particular private school or provide scholarships to a child of an owner or operator.

(h) Must allow an eligible student to attend any eligible private school and must allow a parent to transfer a scholarship during a school year to any other eligible private school of the parent's choice.

(i) ~~Must expend for annual or partial-year scholarships an amount equal to or greater than 75 percent of the eligible contributions received during the fiscal year such contributions are collected. No more than 25 percent of such eligible contributions may be carried forward to the succeeding fiscal year. Any amounts carried forward shall be expended for obligate, in the same fiscal year in which the contribution was received, 100 percent of the eligible contribution to provide annual or partial-year scholarships; however, up to 25 percent of the total contribution may be carried forward for expenditure in the following state fiscal year. A scholarship-funding organization must, before granting a scholarship~~

for an academic year, document each scholarship student's eligibility for that academic year. A scholarship-funding organization may not grant multiyear scholarships in one approval process. No portion of eligible contributions may be used for administrative expenses. All interest accrued from contributions must be used for scholarships.

(j) Must maintain separate accounts for scholarship funds and operating funds.

(k) With the prior approval of the Department of Education, may transfer funds to another eligible nonprofit scholarship-funding organization if additional funds are required to meet scholarship demand at the receiving nonprofit scholarship-funding organization. A transfer shall be limited to the greater of \$500,000 or 20 percent of the total contributions received by the nonprofit scholarship-funding organization making the transfer. All transferred funds must be deposited by the receiving nonprofit scholarship-funding organization into its scholarship accounts. All transferred amounts received by any nonprofit scholarship-funding organization must be separately disclosed in the annual financial and compliance audit required in this section.

(l) Must provide to the Auditor General and the Department of Education an annual financial and compliance audit of its accounts and records conducted by an independent certified public accountant and in accordance with rules adopted by the Auditor General. The audit must be conducted in compliance with generally accepted auditing standards and must include a report on financial statements presented in accordance with generally accepted accounting principles set forth by the American Institute of Certified Public Accountants for not-for-profit organizations and a determination of compliance with the statutory eligibility and expenditure requirements set forth in this section. Audits must be provided to the Auditor General and the Department of Education within 180 days after completion of the eligible nonprofit scholarship-funding organization's fiscal year.

(m) Must prepare and submit quarterly reports to the Department of Education pursuant to paragraph (9)(m). In addition, an eligible nonprofit scholarship-funding organization must submit in a timely manner any information requested by the Department of Education relating to the scholarship program.

Any and all information and documentation provided to the Department of Education and the Auditor General relating to the identity of a taxpayer that provides an eligible contribution under this section shall remain confidential at all times in accordance with s. 213.053.

(7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—

(a) The parent must select an eligible private school and apply for the admission of his or her child.

(b) The parent must inform the child's school district when the parent withdraws his or her child to attend an eligible private school.

(c) Any student participating in the scholarship program must remain in attendance throughout the school year unless excused by the school for illness or other good cause.

(d) Each parent and each student has an obligation to the private school to comply with the private school's published policies.

(e) The parent shall ensure that the student participating in the scholarship program takes the norm-referenced assessment offered by the private school. The parent may also choose to have the student participate in the statewide assessments pursuant to s. 1008.22. If the parent requests that the student participating in the scholarship program take statewide assessments pursuant to s. 1008.22, the parent is responsible for transporting the student to the assessment site designated by the school district.

(f) Upon receipt of a scholarship warrant from the eligible nonprofit scholarship-funding organization, the parent to whom the warrant is made must restrictively endorse the warrant to the private school for deposit into the account of the private school. The parent may not designate any entity or individual associated with the participating private school as the parent's attorney in fact to endorse a scholarship warrant. A participant who fails to comply with this paragraph forfeits the scholarship.

(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible private school may be sectarian or nonsectarian and must:

(a) Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to s. 1002.421.

(b) Provide to the eligible nonprofit scholarship-funding organization, upon request, all documentation required for the student's participation, including the private school's and student's fee schedules.

(c) Be academically accountable to the parent for meeting the educational needs of the student by:

1. At a minimum, annually providing to the parent a written explanation of the student's progress.

2. Annually administering or making provision for students participating in the scholarship program to take one of the nationally norm-referenced tests identified by the Department of Education. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school must report a student's scores to the parent and to the independent research organization selected by the Department of Education as described in paragraph (9)(j).

3. Cooperating with the scholarship student whose parent chooses to participate in the statewide assessments pursuant to s. 1008.32.

(d) Employ or contract with teachers who have regular and direct contact with each student receiving a scholarship under this section at the school's physical location.

The inability of a private school to meet the requirements of this subsection shall constitute a basis for the ineligibility of the private school to participate in the scholarship program as determined by the Department of Education.

(9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of Education shall:

(a) Annually submit to the department, by March 15, a list of eligible nonprofit scholarship-funding organizations that meet the requirements of paragraph (2)(c).

(b) Annually verify the eligibility of nonprofit scholarship-funding organizations that meet the requirements of paragraph (2)(c).

(c) Annually verify the eligibility of private schools that meet the requirements of subsection (8).

(d) Annually verify the eligibility of expenditures as provided in paragraph (6)(d) using the audit required by paragraph (6)(l).

(e) Establish a toll-free hotline that provides parents and private schools with information on participation in the scholarship program.

(f) Establish a process by which individuals may notify the Department of Education of any violation by a parent, private school, or school district of state laws relating to program participation. The Department of Education shall conduct an inquiry of any written complaint of a violation of this section, or make a referral to the appropriate agency for an investigation, if the complaint is signed by the complainant and is legally sufficient. A complaint is legally sufficient if it contains ultimate facts that show that a violation of this section or any rule adopted by the State Board of Education has occurred. In order to determine legal sufficiency, the Department of Education may require supporting information or documentation from the complainant. A department inquiry is not subject to the requirements of chapter 120.

(g) Require an annual, notarized, sworn compliance statement by participating private schools certifying compliance with state laws and shall retain such records.

(h) Cross-check the list of participating scholarship students with the public school enrollment lists to avoid duplication.

(i) In accordance with State Board of Education rule, identify and select the nationally norm-referenced tests that are comparable to the norm-referenced provisions of the Florida Comprehensive Assessment Test (FCAT) provided that the FCAT may be one of the tests selected.

However, the Department of Education may approve the use of an additional assessment by the school if the assessment meets industry standards of quality and comparability.

(j) Select an independent research organization, which may be a public or private entity or university, to which participating private schools must report the scores of participating students on the nationally norm-referenced tests administered by the private school. The independent research organization must annually report to the Department of Education on the year-to-year improvements of participating students. The independent research organization must analyze and report student performance data in a manner that protects the rights of students and parents as mandated in 20 U.S.C. s. 1232g, the Family Educational Rights and Privacy Act, and must not disaggregate data to a level that will disclose the academic level of individual students or of individual schools. To the extent possible, the independent research organization must accumulate historical performance data on students from the Department of Education and private schools to describe baseline performance and to conduct longitudinal studies. To minimize costs and reduce time required for third-party analysis and evaluation, the Department of Education shall conduct analyses of matched students from public school assessment data and calculate control group learning gains using an agreed-upon methodology outlined in the contract with the third-party evaluator. The sharing of student data must be in accordance with requirements of 20 U.S.C. s. 1232g, the Family Educational Rights and Privacy Act, and shall be for the sole purpose of conducting the evaluation. All parties must preserve the confidentiality of such information as required by law.

(k) Notify an eligible nonprofit scholarship-funding organization of any of the organization's identified students who are receiving educational scholarships pursuant to chapter 1002.

(l) Notify an eligible nonprofit scholarship-funding organization of any of the organization's identified students who are receiving corporate income tax credit scholarships from other eligible nonprofit scholarship-funding organizations.

(m) Require quarterly reports by an eligible nonprofit scholarship-funding organization regarding the number of students participating in the scholarship program, the private schools at which the students are enrolled, and other information deemed necessary by the Department of Education.

(n)1. Conduct random site visits to private schools participating in the Corporate Tax Credit Scholarship Program. The purpose of the site visits is solely to verify the information reported by the schools concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results. The Department of Education may not make more than seven random site visits each year and may not make more than one random site visit each year to the same private school.

2. Annually, by December 15, report to the Governor, the President of the Senate, and the Speaker of the House of Representatives the Department of Education's actions with respect to implementing accountability in the scholarship program under this section and s. 1002.421, any substantiated allegations or violations of law or rule by an eligible private school under this program concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results and the corrective action taken by the Department of Education.

(10) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

(a) The Commissioner of Education shall deny, suspend, or revoke a private school's participation in the scholarship program if it is determined that the private school has failed to comply with the provisions of this section. However, in instances in which the noncompliance is correctable within a reasonable amount of time and in which the health, safety, or welfare of the students is not threatened, the commissioner may issue a notice of noncompliance that shall provide the private school with a timeframe within which to provide evidence of compliance prior to taking action to suspend or revoke the private school's participation in the scholarship program.

(b) The commissioner's determination is subject to the following:

1. If the commissioner intends to deny, suspend, or revoke a private school's participation in the scholarship program, the Department of Education shall notify the private school of such proposed action in writing by certified mail and regular mail to the private school's address of record with the Department of Education. The notification shall include the reasons for the proposed action and notice of the timelines and procedures set forth in this paragraph.

2. The private school that is adversely affected by the proposed action shall have 15 days from receipt of the notice of proposed action to file with the Department of Education's agency clerk a request for a proceeding pursuant to ss. 120.569 and 120.57. If the private school is entitled to a hearing under s. 120.57(1), the Department of Education shall forward the request to the Division of Administrative Hearings.

3. Upon receipt of a request referred pursuant to this paragraph, the director of the Division of Administrative Hearings shall expedite the hearing and assign an administrative law judge who shall commence a hearing within 30 days after the receipt of the formal written request by the division and enter a recommended order within 30 days after the hearing or within 30 days after receipt of the hearing transcript, whichever is later. Each party shall be allowed 10 days in which to submit written exceptions to the recommended order. A final order shall be entered by the agency within 30 days after the entry of a recommended order. The provisions of this subparagraph may be waived upon stipulation by all parties.

(c) The commissioner may immediately suspend payment of scholarship funds if it is determined that there is probable cause to believe that there is:

1. An imminent threat to the health, safety, and welfare of the students; or

2. Fraudulent activity on the part of the private school. Notwithstanding s. 1002.22(3), in incidents of alleged fraudulent activity pursuant to this section, the Department of Education's Office of Inspector General is authorized to release personally identifiable records or reports of students to the following persons or organizations:

a. A court of competent jurisdiction in compliance with an order of that court or the attorney of record in accordance with a lawfully issued subpoena, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

b. A person or entity authorized by a court of competent jurisdiction in compliance with an order of that court or the attorney of record pursuant to a lawfully issued subpoena, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

c. Any person, entity, or authority issuing a subpoena for law enforcement purposes when the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.

The commissioner's order suspending payment pursuant to this paragraph may be appealed pursuant to the same procedures and timelines as the notice of proposed action set forth in paragraph (b).

(11) SCHOLARSHIP AMOUNT AND PAYMENT.—

(a) The amount of a scholarship provided to any student for any single school year by an eligible nonprofit scholarship-funding organization from eligible contributions shall not exceed the following annual limits:

1. Three thousand seven hundred fifty dollars for a scholarship awarded to a student enrolled in *kindergarten through grade 5* in an eligible private school.

2. *Four thousand dollars for a scholarship awarded to a student enrolled in grades 6 through 8 in an eligible private school.*

3. *Four thousand two hundred fifty dollars for a scholarship awarded to a student enrolled in grades 9 through 12 in an eligible private school.*

4.2. Five hundred dollars for a scholarship awarded to a student enrolled in a Florida public school that is located outside the district in which the student resides or in a lab school as defined in s. 1002.32.

(b) Payment of the scholarship by the eligible nonprofit scholarship-funding organization shall be by individual warrant made payable to the student's parent. If the parent chooses that his or her child attend an eligible private school, the warrant must be delivered by the eligible nonprofit scholarship-funding organization to the private school of the parent's choice, and the parent shall restrictively endorse the warrant to the private school. An eligible nonprofit scholarship-funding organization shall ensure that the parent to whom the warrant is made restrictively endorsed the warrant to the private school for deposit into the account of the private school.

(c) An eligible nonprofit scholarship-funding organization shall obtain verification from the private school of a student's continued attendance at the school ~~for prior to~~ each period covered by a scholarship payment.

(d) Payment of the scholarship shall be made by the eligible nonprofit scholarship-funding organization no less frequently than on a quarterly basis.

(12) ADMINISTRATION; RULES.—

(a) If the credit granted pursuant to this section is not fully used in any one year because of insufficient tax liability on the part of the corporation, the unused amount may be carried forward for a period not to exceed 3 years; however, any taxpayer that seeks to carry forward an unused amount of tax credit must submit an application for allocation of tax credits or carryforward credits as required in paragraph (d) in the year that the taxpayer intends to use the carryforward. This carryforward applies to all approved contributions made after January 1, 2002. A taxpayer may not convey, assign, or transfer the credit authorized by this section to another entity unless all of the assets of the taxpayer are conveyed, assigned, or transferred in the same transaction.

(b) An application for a tax credit pursuant to this section shall be submitted to the department on forms established by rule of the department.

(c) The department and the Department of Education shall develop a cooperative agreement to assist in the administration of this section.

(d) The department shall adopt rules necessary to administer this section, including rules establishing application forms and procedures and governing the allocation of tax credits and carryforward credits under this section on a first-come, first-served basis.

(e) The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section as it relates to the roles of the Department of Education and the Commissioner of Education.

(13) DEPOSITS OF ELIGIBLE CONTRIBUTIONS.—All eligible contributions received by an eligible nonprofit scholarship-funding organization shall be deposited in a manner consistent with s. 17.57(2).

(14) PRESERVATION OF CREDIT.—*If any provision or portion of subsection (5) or the application thereof to any person or circumstance is held unconstitutional by any court, or is otherwise invalid, the unconstitutionality or invalidity shall not affect any credit earned under subsection (5) by any taxpayer with respect to any contribution paid to an eligible nonprofit scholarship-funding organization before the date of a determination of unconstitutionality or invalidity. Such credit shall be allowed at such time and in such a manner as if a determination of unconstitutionality or invalidity had not been made if nothing in this subsection by itself or in combination with any other provision of law results in the allowance of any credit to any taxpayer in excess of one dollar of credit for each dollar paid to an eligible nonprofit scholarship-funding organization.*

Section 3. Section 220.701, Florida Statutes, is amended to read:

220.701 Collection authority.—The department shall collect the taxes imposed by this chapter and shall pay all moneys received by it into the *Corporate Income Tax Trust Fund* created under s. 220.7015. *Unencumbered balances in this trust fund shall be transferred monthly into the General Revenue Fund of the state. However, such transferred*

funds shall not be expended for programs established pursuant to Article IX of the State Constitution.

Section 4. Subsection (13) of section 1001.10, Florida Statutes, is amended to read:

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

(13) To prepare and publish annually reports giving statistics and other useful information pertaining to the *tax credit programs under s. 220.187 Opportunity Scholarship Program.*

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

Section 5. Subsection (18) of section 1001.42, Florida Statutes, is amended to read:

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

(18) ~~CORPORATE INCOME TAX CREDIT SCHOLARSHIP PROGRAM; FAMILIES OF STUDENTS ATTENDING FAILING SCHOOLS OPPORTUNITY SCHOLARSHIPS.~~—Adopt policies allowing students attending schools that have been designated with a grade of "F," failing to make adequate progress, for 2 school years in a 4-year period to attend a higher performing public school in the same district ~~or an adjoining district~~ or be granted a state ~~opportunity~~ scholarship to transport the student to a public school in an adjoining district or a scholarship to attend a private school, in conformance with s. 220.187 ~~s. 1002.38~~ and State Board of Education rule.

Section 6. Subsection (6) of section 1002.20, Florida Statutes, is amended to read:

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

(6) EDUCATIONAL CHOICE.—

(a) Public school choices.—Parents of public school students may seek whatever public school choice options that are applicable to their students and are available to students in their school districts. These options may include controlled open enrollment, lab schools, charter schools, charter technical career centers, magnet schools, alternative schools, special programs, advanced placement, dual enrollment, International Baccalaureate, International General Certificate of Secondary Education (pre-AICE), Advanced International Certificate of Education, early admissions, credit by examination or demonstration of competency, the New World School of the Arts, the Florida School for the Deaf and the Blind, and the Florida Virtual School. These options may also

include the public school choice options of the *corporate income tax credit scholarship programs Opportunity Scholarship Program* and the McKay Scholarships for Students with Disabilities Program.

(b) Private school choices.—Parents of public school students may seek private school choice options under certain programs.

1. Under the *corporate income tax credit scholarship program for families of students attending schools failing to make adequate progress Opportunity Scholarship Program*, the parent of a student in a failing public school may seek a request and receive an opportunity scholarship from an eligible nonprofit scholarship-funding organization for the student to attend a private school in accordance with s. 220.187 ~~the provisions of s. 1002.38.~~

2. Under the McKay Scholarships for Students with Disabilities Program, the parent of a public school student with a disability who is dissatisfied with the student's progress may request and receive a McKay Scholarship for the student to attend a private school in accordance with ~~the provisions of s. 1002.39.~~

3. Under the corporate income tax credit scholarship program for families that have limited financial resources, the parent of a student who qualifies for free or reduced-price school lunch may seek a scholarship from an eligible nonprofit scholarship-funding organization for the student to attend a private school in accordance with ~~the provisions of s. 220.187.~~

(c) Home education.—The parent of a student may choose to place the student in a home education program in accordance with ~~the provisions of s. 1002.41.~~

(d) Private tutoring.—The parent of a student may choose to place the student in a private tutoring program in accordance with ~~the provisions of s. 1002.43(1).~~

Section 7. *Section 1002.38, Florida Statutes, is repealed.*

Section 8. Section 1002.39, Florida Statutes, is amended to read:

1002.39 The John M. McKay Scholarships for Students with Disabilities Program.—There is established a program that is ~~separate and distinct from the Opportunity Scholarship Program~~ and is named the John M. McKay Scholarships for Students with Disabilities Program.

(1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH DISABILITIES PROGRAM.—The John M. McKay Scholarships for Students with Disabilities Program is established to provide the option to attend a public school other than the one to which assigned, or to provide a scholarship to a private school of choice, for students with disabilities for whom an individual education plan has been written in accordance with rules of the State Board of Education. Students with disabilities include K-12 students who are documented as having a mental handicap, including trainable, profound, or educable; a speech or language impairment; a hearing impairment, including deafness; a visual impairment, including blindness; a dual sensory impairment; a physical impairment; a serious emotional disturbance, including an emotional handicap; a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; a traumatic brain injury; or autism.

(2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.—The parent of a public school student with a disability who is dissatisfied with the student's progress may request and receive from the state a John M. McKay Scholarship for the child to enroll in and attend a private school in accordance with this section if:

(a) The student has spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind. Prior school year in attendance means that the student was:

1. Enrolled and reported by a school district for funding during the preceding October and February Florida Education Finance Program surveys in kindergarten through grade 12, which shall include time spent in a Department of Juvenile Justice commitment program if funded under the Florida Education Finance Program;

2. Enrolled and reported by the Florida School for the Deaf and the Blind during the preceding October and February student membership surveys in kindergarten through grade 12; or

3. Enrolled and reported by a school district for funding during the preceding October and February Florida Education Finance Program surveys, was at least 4 years old when so enrolled and reported, and was eligible for services under s. 1003.21(1)(e).

However, a dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country pursuant to a parent's permanent change of station orders is exempt from this paragraph but must meet all other eligibility requirements to participate in the program.

(b) The parent has obtained acceptance for admission of the student to a private school that is eligible for the program under subsection (8) and has requested from the department a scholarship at least 60 days prior to the date of the first scholarship payment. The request must be through a communication directly to the department in a manner that creates a written or electronic record of the request and the date of receipt of the request. The Department of Education must notify the district of the parent's intent upon receipt of the parent's request.

(3) JOHN M. MCKAY SCHOLARSHIP PROHIBITIONS.—A student is not eligible for a John M. McKay Scholarship while he or she is:

(a) Enrolled in a school operating for the purpose of providing educational services to youth in Department of Juvenile Justice commitment programs;

(b) Receiving a corporate income tax credit scholarship under s. 220.187;

(c) Receiving an educational scholarship pursuant to this chapter;

(d) Participating in a home education program as defined in s. 1002.01(1);

(e) Participating in a private tutoring program pursuant to s. 1002.43;

(f) Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation unless the participation is limited to no more than two courses per school year;

(g) Enrolled in the Florida School for the Deaf and the Blind; or

(h) Not having regular and direct contact with his or her private school teachers at the school's physical location.

(4) TERM OF JOHN M. MCKAY SCHOLARSHIP.—

(a) For purposes of continuity of educational choice, a John M. McKay Scholarship shall remain in force until the student returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first.

(b) Upon reasonable notice to the department and the school district, the student's parent may remove the student from the private school and place the student in a public school in accordance with this section.

(c) Upon reasonable notice to the department, the student's parent may move the student from one participating private school to another participating private school.

(5) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

(a)1. By April 1 of each year and within 10 days after an individual education plan meeting, a school district shall notify the parent of the student of all options available pursuant to this section, inform the parent of the availability of the department's telephone hotline and Internet website for additional information on John M. McKay Scholarships, and offer that student's parent an opportunity to enroll the student in another public school within the district.

2. The parent is not required to accept the offer of enrolling in another public school in lieu of requesting a John M. McKay Scholarship to a private school. However, if the parent chooses the public school option, the student may continue attending a public school chosen by the parent until the student graduates from high school.

3. If the parent chooses a public school consistent with the district school board's choice plan under s. 1002.31, the school district shall

provide transportation to the public school selected by the parent. The parent is responsible to provide transportation to a public school chosen that is not consistent with the district school board's choice plan under s. 1002.31.

(b)1. For a student with disabilities who does not have a matrix of services under s. 1011.62(1)(e), the school district must complete a matrix that assigns the student to one of the levels of service as they existed prior to the 2000-2001 school year.

2.a. Within 10 school days after it receives notification of a parent's request for a John M. McKay Scholarship, a school district must notify the student's parent if the matrix of services has not been completed and inform the parent that the district is required to complete the matrix within 30 days after receiving notice of the parent's request for a John M. McKay Scholarship. This notice should include the required completion date for the matrix.

b. The school district must complete the matrix of services for any student who is participating in the John M. McKay Scholarships for Students with Disabilities Program and must notify the department of the student's matrix level within 30 days after receiving notification of a request to participate in the scholarship program. The school district must provide the student's parent with the student's matrix level within 10 school days after its completion.

c. The department shall notify the private school of the amount of the scholarship within 10 days after receiving the school district's notification of the student's matrix level.

d. A school district may change a matrix of services only if the change is to correct a technical, typographical, or calculation error.

(c) A school district shall provide notification to parents of the availability of a reevaluation at least every 3 years of each student who receives a John M. McKay Scholarship.

(d) If the parent chooses the private school option and the student is accepted by the private school pending the availability of a space for the student, the parent of the student must notify the department 60 days prior to the first scholarship payment and before entering the private school in order to be eligible for the scholarship when a space becomes available for the student in the private school.

(e) The parent of a student may choose, as an alternative, to enroll the student in and transport the student to a public school in an adjacent school district which has available space and has a program with the services agreed to in the student's individual education plan already in place, and that school district shall accept the student and report the student for purposes of the district's funding pursuant to the Florida Education Finance Program.

(f) For a student who participates in the John M. McKay Scholarships for Students with Disabilities Program whose parent requests that the student take the statewide assessments under s. 1008.22, the district in which the student attends private school shall provide locations and times to take all statewide assessments.

(6) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department shall:

(a) Establish a toll-free hotline that provides parents and private schools with information on participation in the John M. McKay Scholarships for Students with Disabilities Program.

(b) Annually verify the eligibility of private schools that meet the requirements of subsection (8).

(c) Establish a process by which individuals may notify the department of any violation by a parent, private school, or school district of state laws relating to program participation. The department shall conduct an inquiry of any written complaint of a violation of this section, or make a referral to the appropriate agency for an investigation, if the complaint is signed by the complainant and is legally sufficient. A complaint is legally sufficient if it contains ultimate facts that show that a violation of this section or any rule adopted by the State Board of Education has occurred. In order to determine legal sufficiency, the department may require supporting information or documentation from the complainant. A department inquiry is not subject to the requirements of chapter 120.

(d) Require an annual, notarized, sworn compliance statement by participating private schools certifying compliance with state laws and shall retain such records.

(e) Cross-check the list of participating scholarship students with the public school enrollment lists prior to each scholarship payment to avoid duplication.

(f)1. Conduct random site visits to private schools participating in the John M. McKay Scholarships for Students with Disabilities Program. The purpose of the site visits is solely to verify the information reported by the schools concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results, which information is required by rules of the State Board of Education, subsection (8), and s. 1002.421. The Department of Education may not make more than three random site visits each year and may not make more than one random site visit each year to the same private school.

2. Annually, by December 15, report to the Governor, the President of the Senate, and the Speaker of the House of Representatives the Department of Education's actions with respect to implementing accountability in the scholarship program under this section and s. 1002.421, any substantiated allegations or violations of law or rule by an eligible private school under this program concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results and the corrective action taken by the Department of Education.

(7) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

(a) The Commissioner of Education shall deny, suspend, or revoke a private school's participation in the scholarship program if it is determined that the private school has failed to comply with the provisions of this section. However, in instances in which the noncompliance is correctable within a reasonable amount of time and in which the health, safety, or welfare of the students is not threatened, the commissioner may issue a notice of noncompliance which shall provide the private school with a timeframe within which to provide evidence of compliance prior to taking action to suspend or revoke the private school's participation in the scholarship program.

(b) The commissioner's determination is subject to the following:

1. If the commissioner intends to deny, suspend, or revoke a private school's participation in the scholarship program, the department shall notify the private school of such proposed action in writing by certified mail and regular mail to the private school's address of record with the department. The notification shall include the reasons for the proposed action and notice of the timelines and procedures set forth in this paragraph.

2. The private school that is adversely affected by the proposed action shall have 15 days from receipt of the notice of proposed action to file with the department's agency clerk a request for a proceeding pursuant to ss. 120.569 and 120.57. If the private school is entitled to a hearing under s. 120.57(1), the department shall forward the request to the Division of Administrative Hearings.

3. Upon receipt of a request referred pursuant to this paragraph, the director of the Division of Administrative Hearings shall expedite the hearing and assign an administrative law judge who shall commence a hearing within 30 days after the receipt of the formal written request by the division and enter a recommended order within 30 days after the hearing or within 30 days after receipt of the hearing transcript, whichever is later. Each party shall be allowed 10 days in which to submit written exceptions to the recommended order. A final order shall be entered by the agency within 30 days after the entry of a recommended order. The provisions of this subparagraph may be waived upon stipulation by all parties.

(c) The commissioner may immediately suspend payment of scholarship funds if it is determined that there is probable cause to believe that there is:

1. An imminent threat to the health, safety, or welfare of the students; or

2. Fraudulent activity on the part of the private school. Notwithstanding s. 1002.22(3), in incidents of alleged fraudulent activity pursuant to this section, the Department of Education's Office of Inspector General is authorized to release personally identifiable records or reports of students to the following persons or organizations:

a. A court of competent jurisdiction in compliance with an order of that court or the attorney of record in accordance with a lawfully issued subpoena, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

b. A person or entity authorized by a court of competent jurisdiction in compliance with an order of that court or the attorney of record pursuant to a lawfully issued subpoena, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

c. Any person, entity, or authority issuing a subpoena for law enforcement purposes when the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.

The commissioner's order suspending payment pursuant to this paragraph may be appealed pursuant to the same procedures and timelines as the notice of proposed action set forth in paragraph (b).

(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be eligible to participate in the John M. McKay Scholarships for Students with Disabilities Program, a private school may be sectarian or nonsectarian and must:

(a) Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to s. 1002.421.

(b) Provide to the department all documentation required for a student's participation, including the private school's and student's fee schedules, at least 30 days before the first quarterly scholarship payment is made for the student.

(c) Be academically accountable to the parent for meeting the educational needs of the student by:

1. At a minimum, annually providing to the parent a written explanation of the student's progress.

2. Cooperating with the scholarship student whose parent chooses to participate in the statewide assessments pursuant to s. 1008.22.

(d) Maintain in this state a physical location where a scholarship student regularly attends classes.

The inability of a private school to meet the requirements of this subsection shall constitute a basis for the ineligibility of the private school to participate in the scholarship program as determined by the department.

(9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—A parent who applies for a John M. McKay Scholarship is exercising his or her parental option to place his or her child in a private school.

(a) The parent must select the private school and apply for the admission of his or her child.

(b) The parent must have requested the scholarship at least 60 days prior to the date of the first scholarship payment.

(c) Any student participating in the John M. McKay Scholarships for Students with Disabilities Program must remain in attendance throughout the school year unless excused by the school for illness or other good cause.

(d) Each parent and each student has an obligation to the private school to comply with the private school's published policies.

(e) If the parent requests that the student participating in the John M. McKay Scholarships for Students with Disabilities Program take all statewide assessments required pursuant to s. 1008.22, the parent is responsible for transporting the student to the assessment site designated by the school district.

(f) Upon receipt of a scholarship warrant, the parent to whom the warrant is made must restrictively endorse the warrant to the private school for deposit into the account of the private school. The parent may not designate any entity or individual associated with the participating private school as the parent's attorney in fact to endorse a scholarship warrant. A participant who fails to comply with this paragraph forfeits the scholarship.

(10) JOHN M. MCKAY SCHOLARSHIP FUNDING AND PAYMENT.—

(a)1. The maximum scholarship granted for an eligible student with disabilities shall be a calculated amount equivalent to the base student allocation in the Florida Education Finance Program multiplied by the appropriate cost factor for the educational program that would have been provided for the student in the district school to which he or she was assigned, multiplied by the district cost differential.

2. In addition, a share of the guaranteed allocation for exceptional students shall be determined and added to the calculated amount. The calculation shall be based on the methodology and the data used to calculate the guaranteed allocation for exceptional students for each district in chapter 2000-166, Laws of Florida. Except as provided in subparagraphs 3. and 4., the calculation shall be based on the student's grade, matrix level of services, and the difference between the 2000-2001 basic program and the appropriate level of services cost factor, multiplied by the 2000-2001 base student allocation and the 2000-2001 district cost differential for the sending district. Also, the calculated amount shall include the per-student share of supplemental academic instruction funds, instructional materials funds, technology funds, and other categorical funds as provided for such purposes in the General Appropriations Act.

3. The calculated scholarship amount for a student who is eligible under subparagraph (2)(a)2. shall be calculated as provided in subparagraphs 1. and 2. However, the calculation shall be based on the school district in which the parent resides at the time of the scholarship request.

4. Until the school district completes the matrix required by paragraph (5)(b), the calculation shall be based on the matrix that assigns the student to support level I of service as it existed prior to the 2000-2001 school year. When the school district completes the matrix, the amount of the payment shall be adjusted as needed.

(b) The amount of the John M. McKay Scholarship shall be the calculated amount or the amount of the private school's tuition and fees, whichever is less. The amount of any assessment fee required by the participating private school may be paid from the total amount of the scholarship.

(c)1. The school district shall report all students who are attending a private school under this program. The students with disabilities attending private schools on John M. McKay Scholarships shall be reported separately from other students reported for purposes of the Florida Education Finance Program.

2. For program participants who are eligible under subparagraph (2)(a)2., the school district that is used as the basis for the calculation of the scholarship amount as provided in subparagraph (a)3. shall:

a. Report to the department all such students who are attending a private school under this program.

b. Be held harmless for such students from the weighted enrollment ceiling for group 2 programs in s. 1011.62(1)(d)3.a. during the first school year in which the students are reported.

(d) Following notification on July 1, September 1, December 1, or February 1 of the number of program participants, the department shall transfer, from General Revenue funds only, the amount calculated under paragraph (b) from the school district's total funding entitlement under the Florida Education Finance Program and from authorized categorical accounts to a separate account for the scholarship program for quarterly disbursement to the parents of participating students. Funds may not be transferred from any funding provided to the Florida School for the Deaf and the Blind for program participants who are eligible under subparagraph (2)(a)2. For a student exiting a Department of Juvenile Justice commitment program who chooses to participate in the

scholarship program, the amount of the John M. McKay Scholarship calculated pursuant to paragraph (b) shall be transferred from the school district in which the student last attended a public school prior to commitment to the Department of Juvenile Justice. When a student enters the scholarship program, the department must receive all documentation required for the student's participation, including the private school's and student's fee schedules, at least 30 days before the first quarterly scholarship payment is made for the student.

(e) Upon notification by the department that it has received the documentation required under paragraph (d), the Chief Financial Officer shall make scholarship payments in four equal amounts no later than September 1, November 1, February 1, and April 1 of each academic year in which the scholarship is in force. The initial payment shall be made after department verification of admission acceptance, and subsequent payments shall be made upon verification of continued enrollment and attendance at the private school. Payment must be by individual warrant made payable to the student's parent and mailed by the department to the private school of the parent's choice, and the parent shall restrictively endorse the warrant to the private school for deposit into the account of the private school.

(f) Subsequent to each scholarship payment, the department shall request from the Department of Financial Services a sample of endorsed warrants to review and confirm compliance with endorsement requirements.

(11) LIABILITY.—No liability shall arise on the part of the state based on the award or use of a John M. McKay Scholarship.

(12) SCOPE OF AUTHORITY.—The inclusion of eligible private schools within options available to Florida public school students does not expand the regulatory authority of the state, its officers, or any school district to impose any additional regulation of private schools beyond those reasonably necessary to enforce requirements expressly set forth in this section.

(13) RULES.—The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section, including rules that school districts must use to expedite the development of a matrix of services based on an active individual education plan from another state or a foreign country for a transferring student with a disability who is a dependent child of a member of the United States Armed Forces. The rules must identify the appropriate school district personnel who must complete the matrix of services. For purposes of these rules, a transferring student with a disability is one who was previously enrolled as a student with a disability in an out-of-state or an out-of-country public or private school or agency program and who is transferring from out of state or from a foreign country pursuant to a parent's permanent change of station orders.

Section 9. 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 education; creating s. 1008.3455, F.S.; expressing the intent of the Legislature to create a program to enhance failing schools; requiring the Commissioner of Education to develop and submit such a program to the Legislature; prescribing elements of the program; requiring the creation of an advisory committee; requiring consultation with specified entities; requiring an annual report; amending s. 220.187, F.S.; providing legislative findings; revising program purposes; revising eligibility criteria; providing for eligibility of siblings of certain students; revising provisions relating to authorized uses of scholarship funds and expenditure of contributions received during the fiscal year; revising scholarship amounts and payments; clarifying that the tax credit program applies to students in families having limited financial resources; providing scholarship eligibility to students receiving opportunity scholarships during the 2006-2007 school year for a limited amount of time; providing for the preservation of credits under certain circumstances; amending s. 220.701, F.S.; directing the Department of Revenue to deposit moneys received through the corporate income tax into the Corporate Income Tax Trust Fund rather than the General Revenue Fund; providing for unencumbered trust fund balances to be transferred into the General Revenue Fund; providing a limitation on how transferred funds may be expended; amending s. 1001.10, F.S.; conforming provisions to the repeal of the Opportunity Scholarship Program; authorizing the Commissioner of Education to

prepare and publish reports related to specified tax credit programs; amending ss. 1001.42 and 1002.20, F.S.; conforming provisions to the repeal of the Opportunity Scholarship Program; repealing s. 1002.38, F.S., which authorizes the Opportunity Scholarship Program; amending s. 1002.39, F.S., to conform to the repeal of the Opportunity Scholarship Program; providing an effective date.

WHEREAS, the Corporate Income Tax Credit Scholarship Program has produced substantial cost savings by relieving the state of the expense of educating program participants in public schools at a cost in foregone tax revenue that is substantially less than the per-student cost of educating children in public schools, and

WHEREAS, the Corporate Income Tax Credit Scholarship Program and the John M. McKay Scholarships for Students with Disabilities Program have relieved public school class size by creating new classroom spaces in the public schools at no cost to the taxpayers, and

WHEREAS, empirical evidence is clear, overwhelming, and uncontroverted that expanding educational options produces improved educational outcomes, both for participating children and for public schools that are exposed to healthy competition as a result, and no study has ever documented any harm to public schools as a result of expanding educational options through programs like the Corporate Income Tax Credit Scholarship Program and the John M. McKay Scholarships for Students with Disabilities Program, and

WHEREAS, education is a fundamental value and a paramount duty of the state, and

WHEREAS, the State Constitution requires the state to provide for the free education of all children residing within its borders, and

WHEREAS, the Florida Supreme Court held in *Bush v. Holmes*, 2006 WL 20584 (Fla.), 31 Fla. L. Weekly S1, that the state must provide a system of uniform, efficient, safe, secure, and high-quality public schools to fulfill this constitutional requirement, and

WHEREAS, the Florida Supreme Court invalidated the Opportunity Scholarship Program because it allowed state funds to be disbursed to private schools, and

WHEREAS, the Legislature created the Opportunity Scholarship Program to ensure that all children have a chance to gain the knowledge and skills they need to succeed, and

WHEREAS, the state is committed to improving the quality of the education provided by the public school system, and

WHEREAS, there are some public schools that continue to fail to make adequate progress based on the school performance grading categories established by law, and

WHEREAS, respecting the constitutional mandate cited by the Florida Supreme Court, the Legislature intends for the state to develop and implement a comprehensive strategic program to facilitate the improvement of schools that are failing to make adequate progress, and

WHEREAS, facilitating the improvement in the performance of these schools is a multiyear endeavor, and progress will occur over an extended period of time, and

WHEREAS, students assigned to schools that are failing to make adequate progress should have the choice of attending a higher-performing school while the state continues to facilitate the improvement of these schools, and

WHEREAS, the Legislature intends to create a program to provide an educational safety net to students assigned to these schools, distinct from and without impeding the efforts to help these schools improve, NOW, THEREFORE,

MOTION

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

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

Amendment 1A (844400)(with title amendment)—On page 44, between lines 22 and 23, insert:

Section 9. Subsection (5) is added to section 1001.23, Florida Statutes, to read:

1001.23 Specific powers and duties of the Department of Education.—In addition to all other duties assigned to it by law or by rule of the State Board of Education, the department shall:

(5) *Notify parents of all eligible students about the scholarship programs in chapter 1002 and s. 220.187.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 46, line 14, after the semicolon (;) insert: amending s. 1001.23, F.S.; requiring the Department of Education to notify parents about scholarship programs;

Amendment 1B (145194)(with title amendment)—On page 5, line 27 through page 6, line 23, delete those lines and insert:

(3) PROGRAM; SCHOLARSHIP ELIGIBILITY.—The Corporate Income Tax Credit Scholarship Program is established. A student is eligible for a corporate income tax credit scholarship if the student qualifies for free or reduced-price school lunches under the National School Lunch Act and:

(a) Was counted as a full-time equivalent student during the previous state fiscal year for purposes of state per-student funding;

(b) Received a scholarship from an eligible nonprofit scholarship-funding organization or from the State of Florida during the previous school year; or

(c) Is eligible to enter kindergarten or first grade.

And the title is amended as follows:

On page 45, delete line 12 and insert: purposes;

Amendment 1 as amended was adopted.

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

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

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 SB 32, with amendment(s), and requests the concurrence of the Senate.

William S. Pittman III, Chief Clerk

CS for SB 32—A bill to be entitled An act relating to the South Broward Hospital District; providing for the relief of Sharon Jurgrau, wife of Mark Jurgrau, deceased, and Megan Jurgrau, minor child of Mark and Sharon Jurgrau; providing for an appropriation to compensate them for the death of Mark Jurgrau as a result of the negligence of the South Broward Hospital District; providing conditions for payment; providing an effective date.

House Amendment 1 (180921)(with title amendment)—

Remove everything after the enacting clause and insert:

Section 1. *The facts stated in the preamble to this act are found and declared to be true.*

Section 2. *The South Broward Hospital District is authorized and directed to appropriate from funds of the district not otherwise appropriated and to draw a warrant in the sum of \$500,000 payable to Sharon*

Jurgrau, wife of Mark Jurgrau, deceased, as compensation for the death of Mark Jurgrau as a result of the negligence of the South Broward Hospital District. After payment of fees, costs, and authorized expenses, 75 percent of the proceeds recovered through the passage of this act shall be apportioned to Sharon Jurgrau, wife of Mark Jurgrau, and 25 percent of the proceeds recovered through the passage of this act shall be deposited into the guardianship account of Megan Jurgrau, minor child of Mark and Sharon Jurgrau, for the exclusive use and benefit of Megan Jurgrau.

Section 3. *Payment for attorney's fees and costs incurred by the claimant's attorneys shall not exceed \$77,781. Payment for the professional services and costs of lobbyists advocating for passage of this claim shall not exceed \$5,000.*

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, line 1 through page 5, line 11, remove all of said lines, and insert:

A bill to be entitled An act for the relief of Sharon Jurgrau, wife of Mark Jurgrau, deceased, and Megan Jurgrau, minor child of Mark and Sharon Jurgrau, by the South Broward Hospital District; providing for an appropriation to compensate them for the death of Mark Jurgrau as a result of the negligence of the South Broward Hospital District; providing for attorney's fees, lobbyist's fees, and costs; providing an effective date.

WHEREAS, in the summer of 1999, Mark Jurgrau, an architect, 38 years of age and a resident of Broward County, underwent medical tests after exhibiting weakness and shortness of breath while engaging in athletic activity, and

WHEREAS, the tests revealed that Mark Jurgrau had a problem with the aortic valve of the heart, and as a result of the diagnosis, he was advised to have surgery to replace the aortic valve, and

WHEREAS, Mark Jurgrau's doctors recommended a surgical procedure known as the "Ross procedure" in which the patient's own pulmonic valve is used to replace the aortic valve, and

WHEREAS, the procedure, commonly used in younger patients, was chosen due to the fact that it is effective for a very long period of time and does not require the patient to take medications subsequent to surgery, and

WHEREAS, the Ross procedure was performed on Mark Jurgrau on September 2, 1999, at Memorial Hospital, part of the South Broward Hospital District, and

WHEREAS, Mark Jurgrau tolerated the procedure well and appeared to be doing fine, and

WHEREAS, the decision to replace Mark Jurgrau's aortic valve was a good decision, the choice of the Ross procedure was a sound choice, and the operation was performed ably and correctly, and

WHEREAS, however, one of the risks of this procedure is the possible occurrence of internal bleeding at the location of the operation, and

WHEREAS, internal bleeding following this procedure does occur from time to time, is easily recognizable and readily treatable, and is not an indication of negligence per se, and

WHEREAS, one of the primary reasons patients are kept in the hospital following this type of surgery is so they can be observed for complications, and

WHEREAS, the negligence in this case occurred in the failure of the employees of Memorial Hospital to provide Mark Jurgrau with appropriate postoperative care, and

WHEREAS, following his operation, the management of Mark Jurgrau's care was entrusted to a nurse, Kathy Kater, ARNP, and

WHEREAS, the surgeon who operated on Mark Jurgrau never saw him again, and Kathy Kater and the other hospital nurses became Mark Jurgrau's health care team, and

WHEREAS, from the time of Mark Jurgrau's operation on September 2, 1999, to the time of his death on September 6, 1999, Mark Jurgrau exhibited signs and symptoms of internal bleeding, and

WHEREAS, in order to monitor for internal bleeding, blood is drawn from a patient daily, and

WHEREAS, when a person is losing blood, laboratory values drop as blood contents are used up, and

WHEREAS, Mark Jurgrau's hematocrit, hemoglobin, and platelets were all dropping, each day registering much lower than the day before, and

WHEREAS, in the 5 days he was in Memorial Hospital, Mark Jurgrau's blood values fell to less than 30 percent of normal, and

WHEREAS, also, in order to determine if blood is accumulating in a patient's chest, X-rays are taken daily and the patient's breathing is monitored daily, and

WHEREAS, Mark Jurgrau's X-rays showed his lungs filling with blood, more each day than the day before, and

WHEREAS, his breathing decreased each day as the portions of his lungs which were full of blood could no longer transfer oxygen, and

WHEREAS, as Mark Jurgrau's blood became depleted and his lungs filled with blood, he became deprived of oxygen, which made him weak, dizzy, and disoriented, as evidenced by the fact that his oxygen saturation fell precipitously, and

WHEREAS, despite the fact that all appropriate tests were administered and all the results of those tests indicated problems, no intervention was ordered based upon Mark Jurgrau's test results, and

WHEREAS, by September 5, 1999, Mark Jurgrau was dying, slowly bleeding to death and drowning in his own blood, and

WHEREAS, as he became disoriented from lack of oxygen, the hospital nurses called Nurse Kater, and

WHEREAS, without coming in to the hospital to observe Mark Jurgrau, Nurse Kater diagnosed him as having a panic attack and, over the telephone, ordered Xanax to be administered to Mr. Jurgrau, and

WHEREAS, on September 6, 1999, Mark Jurgrau's condition became critical, and

WHEREAS, Mark Jurgrau was gasping for air, turning pale and cold, and writhing in pain, and

WHEREAS, Nurse Kater was again contacted, and again, via telephone, Nurse Kater diagnosed Mark Jurgrau as having a panic attack, and

WHEREAS, Mark Jurgrau arrested and a code blue was called, but it was too late, and

WHEREAS, Mark Jurgrau died at the age of 38, leaving his wife of 8 years, Sharon Jurgrau, and a 4-year-old daughter, Megan Jurgrau, and

WHEREAS, upon performing an autopsy, the medical examiner confirmed that Mark Jurgrau died from undiagnosed internal bleeding, and

WHEREAS, the case was also reviewed by a recognized authority in cardiac surgery, Dr. Dudley Johnson, regarded as the father of cardiac surgery and, along with Dr. Michael DeBakey, the co-inventor of the modern coronary bypass operation, and

WHEREAS, Dr. Johnson confirmed that Mark Jurgrau's death was unnecessary and unreasonable, and

WHEREAS, at the time of his death, Mark Jurgrau was in the beginning stages of a very successful career as an architect, and

WHEREAS, based on his age and proven earning potential, economic damages alone were over \$10 million, and

WHEREAS, Mark and Sharon Jurgrau's daughter, Megan Jurgrau, now 11 years of age, has experienced emotional distress as a result of the death of her father, and

WHEREAS, recognizing this as a case involving malpractice and catastrophic damages, the South Broward Hospital District settled the matter, tendering \$200,000 pursuant to the limits of liability established pursuant to section 768.28, Florida Statutes, and agreeing to support a claim bill in the amount of \$500,000, NOW, THEREFORE,

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

CS for SB 32 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—31

| | | |
|---------------------|-------------|----------|
| Mr. President | Dockery | Oelrich |
| Alexander | Fasano | Peaden |
| Argenziano | Geller | Posey |
| Aronberg | Haridopolos | Rich |
| Atwater | Hill | Ring |
| Bullard | Jones | Saunders |
| Constantine | Joyner | Siplin |
| Crist | Justice | Storms |
| Dawson | Lawson | Wilson |
| Deutch | Lynn | |
| Diaz de la Portilla | Margolis | |

Nays—8

| | | |
|---------|--------|---------|
| Baker | Gaetz | Webster |
| Bennett | Garcia | Wise |
| Carlton | King | |

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 38, with amendment(s), and requests the concurrence of the Senate.

William S. Pittman III, Chief Clerk

CS for SB 38—A bill to be entitled An act relating to the North Broward Hospital District; providing for the relief of Adam Susser, a minor, by and through his parents and natural guardians, Judith Susser and Gary Susser; providing for an appropriation to compensate him for injuries and damages sustained as a result of the negligence of the North Broward Hospital District, d.b.a. Coral Springs Medical Center; providing conditions for payment; providing an effective date.

House Amendment 1 (001615)(with title amendment)—

Remove everything after the enacting clause and insert:

Section 1. *The facts stated in the preamble to this act are found and declared to be true.*

Section 2. *The North Broward Hospital District is authorized and directed to appropriate from funds of the hospital district not otherwise appropriated and to draw a warrant in the sum of \$668,781.96, plus the interest that has accrued on those funds in the account maintained by the district, to purchase an annuity benefiting the special needs trust established for the care and benefit of Adam Susser, minor child of Judith Susser and Gary Susser, as compensation for injuries and damages sustained as a result of the negligence of the North Broward Hospital District.*

Section 3. *Payment for attorney's fees and costs incurred by the claimant's attorneys shall not exceed \$108,764. Payment for the professional services and costs of lobbyists advocating for passage of this claim shall not exceed \$6,688.*

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, line 1, through page 4, line 16, remove all of said lines, and insert:

A bill to be entitled An act for the relief of Adam Susser by the North Broward Hospital District; providing for the relief of Adam Susser, a minor, by and through his parents and natural guardians, Judith Susser and Gary Susser; providing for an appropriation to compensate him for injuries and damages sustained as a result of the negligence of the North Broward Hospital District, d.b.a. Coral Springs Medical Center; providing for purchase of an annuity to benefit the special needs trust; providing for payment of attorney's fees, lobbyist's fees, and costs; providing an effective date.

WHEREAS, in July 2000, Gary Susser, a lawyer, and his wife, Judith Susser, a paralegal, were residing in Boca Raton, Florida, and

WHEREAS, prior to her marriage to Gary Susser, Judith Susser was unable to have children, and

WHEREAS, after their marriage, Judith and Gary Susser badly wanted to have children, despite the fact that Judith Susser was 47 years of age, and

WHEREAS, Judith Susser went to a fertility expert and was finally able to become pregnant through in vitro fertilization, and

WHEREAS, prenatal tests revealed that Judith Susser was pregnant with twins, and consequently Judith and Gary Susser were looking forward to the birth of their twin boys, and

WHEREAS, Judith and Gary Susser sought out high-risk pregnancy experts who could guide them through Judith Susser's pregnancy in order to ensure that her pregnancy progressed safely and without complications, and

WHEREAS, Judith Susser kept all of her appointments and complied with all orders by her physicians, and

WHEREAS, at approximately 34 weeks gestation, Judith Susser's membrane on the sac holding Adam Susser ruptured, and

WHEREAS, Gary Susser immediately took his wife to the Coral Springs Medical Center where, on July 6, 2000, she was admitted by her obstetrician's office and where she remained until her discharge on July 12, 2000, and

WHEREAS, during the admission, a high-risk perinatal expert, Dr. Christine Edwards, as well as Dr. Kerry Kuhn and Dr. Carrie Green-span, Dr. Kuhn's partner, also saw Judith Susser, and

WHEREAS, despite a nonreassuring fetal heart pattern and despite the fact that the nurses kept having difficulties getting the fetal monitoring to perform properly, the pregnancy was allowed to continue for 4 and 1/2 days, with the nurses never reporting the abnormal test results or the difficulties they were having with the fetal monitoring equipment to the physicians, and

WHEREAS, two days into Judith Susser's labor, a biophysical profile was ordered to be performed by Dr. Edwards, and

WHEREAS, that biophysical profile yielded abnormal indications and, although they were not reported by the nurses, the obstetricians were aware of the abnormal results, and

WHEREAS, despite this, the obstetricians allowed Judith Susser's labor to continue, and

WHEREAS, finally, on the early morning of the fifth day of labor, Judith Susser was taken to the operating room for delivery, and

WHEREAS, the physician in charge was insistent on performing a vaginal delivery despite all the obvious needs for an emergency cesarean section, and

WHEREAS, when Dr. Kuhn reached the delivery room, he asked for fetal monitoring to be commenced and the nurses indicated that they could not bring the fetal monitoring machine into the delivery room because they did not have a fetal monitor for twins available, and

WHEREAS, Gary Susser then asked the nurses to get the fetal monitoring machine from the room that Judith Susser had previously been in for 4 days, which demand was also made by Dr. Kuhn, and the nurses said they could not remove the monitoring machine from the wall, and

WHEREAS, for the next hour there was only manual monitoring of Adam Susser, and Dr. Kuhn continued to wait, and

WHEREAS, on July 10, 2000, Adam Susser was born by vaginal delivery, and

WHEREAS, tragically, as a result of the extraordinary and egregious malpractice by the physicians and nurses at the Coral Springs Medical Center, Adam Susser was born severely depressed and oxygen-deprived, which led to severe brain damage, and

WHEREAS, Adam Susser cannot walk and will never be able to walk, cannot sit up on his own, cannot use his hands or arms, is cortically blind, needs to be fed through a feeding tube, and is severely mentally and physically impaired, and

WHEREAS, though by all accounts Adam Susser will have a normal life expectancy, which means that he should live into his 70's, Adam Susser will require medical care and treatment for the remainder of his life, and

WHEREAS, the negligent care administered by the Coral Springs Medical Center formed the basis of legal action against the North Broward Hospital District, d.b.a. Coral Springs Medical Center, and

WHEREAS, the matter was settled prior to trial with the overall settlement amount being \$9.8 million, and

WHEREAS, the hospital's private insurer, the Zurich Insurance Company, paid the claimants the amount of \$3,831,218.04 on behalf of the North Broward Hospital District, and

WHEREAS, the North Broward Hospital District paid \$200,000 for the benefit of Adam Susser pursuant to the limits of liability set forth in section 768.28, Florida Statutes, and

WHEREAS, in addition, the North Broward Hospital District fully supports the passage of a claim bill for the amount of \$668,781.96, NOW, THEREFORE,

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

CS for SB 38 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—30

| | | |
|---------------------|-------------|------------|
| Mr. President | Fasano | Oelrich |
| Alexander | Geller | Peaden |
| Argenziano | Haridopolos | Posey |
| Aronberg | Hill | Rich |
| Atwater | Jones | Ring |
| Bullard | Joyner | Saunders |
| Crist | Justice | Siplin |
| Dawson | Lawson | Storms |
| Deutch | Lynn | Villalobos |
| Diaz de la Portilla | Margolis | Wilson |

Nays—10

| | | |
|-------------|---------|---------|
| Baker | Dockery | King |
| Bennett | Gaetz | Webster |
| Carlton | Garcia | Wise |
| Constantine | | |

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 44, with amendment(s), and requests the concurrence of the Senate.

William S. Pittman III, Chief Clerk

CS for SB 44—A bill to be entitled An act relating to the City of Fernandina Beach; providing for the relief of Verlin C. Weaver for injuries sustained as a result of the negligence of an employee of the City of

Fernandina Beach; providing for an appropriation; providing for a limitation on payment of fees and costs; providing an effective date.

House Amendment 1 (203389)(with title amendment)—

Remove everything after the enacting clause and insert:

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2. The City of Fernandina Beach is authorized and directed to appropriate from funds of the city not otherwise encumbered the amount of \$400,000 payable to Verlin C. Weaver as compensation for injuries and damages suffered as a result of the negligence of a former employee of the city. Furthermore, in accordance with the release and settlement, Verlin C. Weaver is responsible for all expenses, including, but not limited to, attorney's fees, associated with the legislative claim bill process.

Section 3. Payment for the combined total of professional services and costs incurred by attorneys, lobbyists, and agents or representatives of attorneys or lobbyists shall not exceed \$60,000.

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, line 1, through page 2, line 9, remove all of said lines, and insert:

A bill to be entitled An act for the relief of Verlin C. Weaver by the City of Fernandina Beach; providing for an appropriation to compensate him for injuries sustained as a result of the negligence of an employee of the City of Fernandina Beach; providing for attorney's fees, lobbyist's fees, and costs; providing an effective date.

WHEREAS, on November 11, 2002, Verlin C. Weaver was seriously injured when a garbage truck owned by the City of Fernandina Beach and operated by one of the city's employees rolled over Mr. Weaver's pickup truck, and

WHEREAS, after the accident, the Florida Highway Patrol issued a citation for careless driving to the city employee who was driving the garbage truck, and

WHEREAS, as a result of the accident, Verlin C. Weaver suffered multiple fractured bones, and

WHEREAS, after the collision, Verlin C. Weaver spent a month in the hospital, during which time he was in and out of consciousness; he lost his spleen, spent 2 months in rehabilitation, and suffered hearing loss; and he can no longer work full-time, and

WHEREAS, Verlin C. Weaver's medical expenses to date total more than \$400,000, and

WHEREAS, Verlin C. Weaver filed suit against the City of Fernandina Beach (Case No. 03-251-CA-A) in the Circuit Court of the Fourth Judicial Circuit in and for Nassau County, and

WHEREAS, subsequently, the parties agreed to settle the case, and, on June 1, 2004, they entered into a consent final judgment in which the City of Fernandina Beach agreed to pay to Verlin C. Weaver the sum of \$500,000, including a payment to be made out of insurance proceeds in the amount of \$100,000, the limit payable under section 768.28, Florida Statutes, and an additional \$400,000 upon the Legislature's passage of a claim bill, which the city agreed to actively support, and

WHEREAS, this claim bill is being filed in accordance with the consent final judgment in this matter, NOW, THEREFORE,

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

CS for SB 44 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—31

| | | |
|---------------|------------|---------|
| Mr. President | Argenziano | Atwater |
| Alexander | Aronberg | Bullard |

| | | |
|---------------------|----------|------------|
| Constantine | Jones | Rich |
| Crist | Joyner | Ring |
| Dawson | Justice | Saunders |
| Deutch | Lawson | Siplin |
| Diaz de la Portilla | Lynn | Storms |
| Fasano | Margolis | Villalobos |
| Geller | Oelrich | Wilson |
| Haridopolos | Peaden | |
| Hill | Posey | |
| Nays—9 | | |
| Baker | Dockery | King |
| Bennett | Gaetz | Webster |
| Carlton | Garcia | Wise |

serious injury to and the subsequent death of passenger Diana M. Kautz, and

WHEREAS, at the time of the accident, Maria E. Abrahantes was operating the school bus as an employee of the District School Board of Palm Beach County in a southbound direction on Hall Boulevard, and

WHEREAS, at its intersection with Orange Boulevard, a stop sign was visible on Hall Boulevard and five sets of “rumble strips” were in place on the southbound lane leading up to the stop sign, and

WHEREAS, Maria E. Abrahantes negligently operated the school bus by traveling over the rumble strips without braking, thus running the stop sign and entering Orange Boulevard, violating the right-of-way of east-west traffic and causing the truck operated by Jeffrey Schwartz to hit the school bus, which rolled over and caused serious injury to and the subsequent death of Diana M. Kautz, and

WHEREAS, the school district has agreed to pay the claimants, Claudia and Jeffrey Kautz, parents of decedent Diana M. Kautz, the sum of \$200,000, the maximum amount payable under the waiver of sovereign immunity provided under s. 768.28, Florida Statutes, and

WHEREAS, the amount remaining under the claim for damages in the amount of \$1.1 million is \$900,000, a sum that the District School Board of Palm Beach County has agreed to pay, and

WHEREAS, the school district does not oppose the passage of this act, NOW, THEREFORE,

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

CS for SB 48 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—31

| | | |
|---------------------|-------------|------------|
| Mr. President | Fasano | Peaden |
| Alexander | Geller | Posey |
| Argenziano | Haridopolos | Rich |
| Aronberg | Hill | Ring |
| Atwater | Jones | Saunders |
| Bullard | Joyner | Siplin |
| Constantine | Justice | Storms |
| Crist | Lawson | Villalobos |
| Dawson | Lynn | Wilson |
| Deutch | Margolis | |
| Diaz de la Portilla | Oelrich | |
| Nays—9 | | |
| Baker | Dockery | King |
| Bennett | Gaetz | Webster |
| Carlton | Garcia | Wise |

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 48, with amendment(s), and requests the concurrence of the Senate.

William S. Pittman III, Chief Clerk

CS for SB 48—A bill to be entitled An act relating to Palm Beach County; providing for the relief of Claudia Kautz, mother of decedent Diana M. Kautz, and Jeffrey Kautz, father of the decedent, for injuries and damages sustained as a result of the negligence of an employee of the District School Board of Palm Beach County; providing for an appropriation; providing for attorney’s fees and costs; limiting fees and costs; providing an effective date.

House Amendment 1 (483355)(with title amendment)—

Remove everything after the enacting clause and insert:

Section 1. *The facts stated in the preamble to this act are found and declared to be true.*

Section 2. *The District School Board of Palm Beach County is authorized and directed to appropriate from funds of the school board not otherwise appropriated and to draw a warrant in the sum of \$900,000 payable to Claudia and Jeffrey Kautz, parents of Diana M. Kautz, deceased, as compensation for injuries and damages sustained as a result of the negligence of an employee of the District School Board of Palm Beach County. The settlement shall be paid as a single, one-time payment, and, after payment of lobbying fees, attorney’s fees, and costs as limited by this act, the remaining moneys shall be distributed as follows:*

(1) *Fifty percent shall be paid to Claudia Kautz, mother of Diana M. Kautz, deceased; and*

(2) *Fifty percent shall be paid to Jeffrey Kautz, father of Diana M. Kautz, deceased.*

Section 3. *Payment for the combined total of professional services and costs incurred by attorneys, lobbyists, and agents or representatives of attorneys or lobbyists shall not exceed \$161,410.*

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, line 1, through page 2, line 16, remove all of said lines, and insert:

A bill to be entitled An act relating to Palm Beach County; providing for the relief of Claudia Kautz, mother of Diana M. Kautz, deceased, and Jeffrey Kautz, father of Diana M. Kautz, deceased; providing for an appropriation to compensate them for injuries and damages sustained as a result of the negligence of an employee of the District School Board of Palm Beach County; providing for lobbying fees, attorney’s fees, and costs; providing an effective date.

WHEREAS, on November 11, 2004, Maria E. Abrahantes negligently operated a school bus at the intersection of Orange Boulevard and Hall Boulevard in Royal Palm Beach, Palm Beach County, Florida, so that the school bus collided with another vehicle and rolled over, causing

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 56, with amendment(s), and requests the concurrence of the Senate.

William S. Pittman III, Chief Clerk

CS for SB 56—A bill to be entitled An act for the relief of Katherine Selva, a minor, by and through Maria Alcobar, as parent and natural guardian of Katherine Selva, by the City of Miami; providing for an appropriation to compensate her for injuries sustained as a result of the negligence of the City of Miami; providing conditions for payment; providing an effective date.

House Amendment 1 (764937)(with title amendment)—

On page 5, lines 20 through 29, remove all of said lines and insert:

Katherine Selva, minor child of Aldo Selva and Maria Alcobar. After payment of attorney’s fees, costs, and lobbying fees as provided in section

3, and any outstanding liens, the remainder shall be placed in a Special Needs Trust created for the exclusive use and benefit of Katherine Selva, a minor, as compensation for injuries and damages sustained.

Section 3. This award is intended to provide the sole compensation for any and all present and future claims arising out of the factual situation in connection with the injury to the claimant. Not more than \$515,199 may be paid by the claimants for attorney's fees, lobbying fees, costs, or other similar expenses.

And the title is amended as follows:

On page 1, line 8, remove all of said line and insert: providing conditions for payment; providing for payment of attorney's fees, costs, and lobbying fees; providing an

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

CS for SB 56 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—31

| | | |
|---------------------|-------------|------------|
| Mr. President | Fasano | Peaden |
| Alexander | Geller | Posey |
| Argenziano | Haridopolos | Rich |
| Aronberg | Hill | Ring |
| Atwater | Jones | Saunders |
| Bullard | Joyner | Siplin |
| Constantine | Justice | Storms |
| Crist | Lawson | Villalobos |
| Dawson | Lynn | Wilson |
| Deutch | Margolis | |
| Diaz de la Portilla | Oelrich | |

Nays—8

| | | |
|---------|---------|---------|
| Baker | Dockery | Webster |
| Bennett | Gaetz | Wise |
| Carlton | King | |

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed SB 70, with amendment(s), and requests the concurrence of the Senate.

William S. Pittman III, Chief Clerk

SB 70—A bill to be entitled An act for the relief of Anthony John Angelillo by Miami-Dade County; authorizing and directing Miami-Dade County to compensate Anthony John Angelillo for injuries suffered due to the negligence of Miami-Dade County; providing an effective date.

House Amendment 1 (428969)(with title amendment)—

Remove everything after the enacting clause and insert:

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2. Miami-Dade County is authorized and directed to appropriate from funds of the county not otherwise encumbered and to pay to Anthony John Angelillo the sum of \$250,000 as compensation for injuries suffered due to the negligence of an employee of Miami-Dade County.

Section 3. Payment for the combined total of professional services and costs incurred by attorneys, lobbyists, and agents or representatives of attorneys or lobbyists shall not exceed \$40,000.

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, line 1, through page 2, line 22, remove all of said lines and insert:

A bill to be entitled An act for the relief of Anthony John Angelillo by Miami-Dade County; authorizing and directing Miami-Dade County to compensate Anthony John Angelillo for injuries suffered due to the negligence of Miami-Dade County; providing for attorney's fees, lobbyist's fees, and costs; providing an effective date.

WHEREAS, on April 30, 2002, Anthony John Angelillo was driving his motorcycle and Miami-Dade Police Officer Barry Savage was driving an automobile owned by Miami-Dade County, and

WHEREAS, Officer Savage was on duty and was an agent and employee of Miami-Dade County and acting within the scope of his authority, and

WHEREAS, on April 30, 2002, a collision between the motorcycle driven by Anthony John Angelillo and the automobile driven by Officer Savage occurred at the intersection of Northwest 107th Avenue and Northwest 58th Street in Medley, Miami-Dade County, when Officer Savage turned his automobile onto Northwest 107th Avenue from Northwest 58th Street, and

WHEREAS, as a result of the accident, Anthony John Angelillo suffered severe bodily injury to his right arm, right elbow, and right shoulder, which are now permanently impaired; a broken clavicle; an impaired lung, which required surgery; and an injured left foot, which necessitated a muscle graft and which foot is permanently impaired, all of which required numerous medical procedures and operations, and

WHEREAS, as a result of the injuries, Anthony John Angelillo has constant pain that requires consistent medication; he is required to use a cane to walk; and he will need further medical procedures to his left foot and to his right extremity to allow him to fully straighten it and possibly use his right arm and shoulder for normal everyday activities in the future, and

WHEREAS, as a result of this accident, a legal action was filed by Anthony John Angelillo against Miami-Dade County in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County (Case No. 01-11002-CA-20) alleging negligence on the part of Miami-Dade County, and

WHEREAS, Anthony John Angelillo and Miami-Dade County voluntarily settled this claim and lawsuit for the sum of \$450,000, and

WHEREAS, since the maximum amount that may be awarded and voluntarily paid under s. 768.28, Florida Statutes, the sum of \$200,000, has been paid, Anthony John Angelillo petitions the Legislature for further payment in the amount of \$250,000, and

WHEREAS, in the Settlement and Release of All Claims executed by the parties in the lawsuit filed in this matter, Miami-Dade County agreed not to object to a claim bill presented to the Florida Legislature in the amount of \$250,000, NOW, THEREFORE,

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

SB 70 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—30

| | | |
|---------------|---------------------|------------|
| Mr. President | Diaz de la Portilla | Lynn |
| Alexander | Fasano | Oelrich |
| Argenziano | Garcia | Peaden |
| Aronberg | Geller | Posey |
| Atwater | Haridopolos | Rich |
| Bullard | Hill | Ring |
| Constantine | Jones | Siplin |
| Crist | Joyner | Storms |
| Dawson | Justice | Villalobos |
| Deutch | Lawson | Wilson |

Nays—8

| | | |
|---------|---------|---------|
| Baker | Dockery | Webster |
| Bennett | Gaetz | Wise |
| Carlton | King | |

Vote after roll call:

Yea—Saunders

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 72, with amendment(s), and requests the concurrence of the Senate.

William S. Pittman III, Chief Clerk

CS for SB 72—A bill to be entitled An act relating to the Palm Beach County Sheriff's Office; providing for the relief of Jennifer Graham to compensate her for injuries sustained as a result of the negligence of a deputy sheriff of the sheriff's office; providing for an appropriation; providing limitations on fees; requiring the purchase of a structured annuity and structured educational fund; providing an effective date.

House Amendment 1 (452003)(with title amendment)—

Remove everything after the enacting clause and insert:

Section 1. *The facts stated in the preamble to this act are found and declared to be true.*

Section 2. *The Palm Beach County Sheriff's Office is authorized and directed to pay to Jennifer Graham, out of insurance proceeds or out of moneys appropriated by the sheriff's office from funds of the sheriff's office not otherwise encumbered, the sum of \$850,000 for injuries and damages sustained due to the negligence of the Palm Beach County Sheriff's Office in the following manner, as agreed to by the parties in their settlement agreement:*

(1) *Three hundred fifty thousand dollars, paid within 20 days after notice to the Palm Beach County Sheriff's Office upon the effective date of this act;*

(2) *Two hundred fifty thousand dollars, paid 1 year following the date of the payment of the first payment of \$350,000; and*

(3) *Two hundred fifty thousand dollars, paid 2 years following the date of the first payment of \$350,000.*

Section 3. (1) *Within 20 days of the effective date of this act, Jennifer Graham shall purchase a structured settlement annuity at a cost of no less than \$75,000 for the exclusive use and benefit of her minor children, Ashley Graham, Tyler Graham, and Hunter Graham. Pursuant to the terms of the annuity, each child shall be guaranteed monthly payments beginning on the month following the effective date of this act and ending on each child's 18th birthday. Such funds are to follow the children regardless of who their legal custodians are, where the children are living, or Jennifer Graham's legal status as a parent, and shall be in addition to any child support payments that may be owed or owing by Jennifer Graham.*

(2) *Within 13 months of the effective date of this act, Jennifer Graham shall purchase a structured educational fund at a cost to Jennifer Graham of no less than \$45,000. Such fund shall provide a semiannual benefit to each of her three minor children, Ashley Graham, Tyler Graham, and Hunter Graham, for 4 years each, beginning on each child's 18th birthday. Such funds are to follow the children regardless of who their legal custodians are, where the children are living, or Jennifer Graham's legal status as a parent, and shall be in addition to any child support payments that may be owed or owing by Jennifer Graham.*

Section 4. *Payment for attorney's fees and costs incurred by the claimant's attorneys shall not exceed \$128,988. Payment for the professional services and costs of lobbyists advocating for passage of this claim shall not exceed \$8,500.*

Section 5. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, line 1, through page 3, line 11, remove all of said lines, and insert:

A bill to be entitled An act for the relief of Jennifer Graham by the Palm Beach County Sheriff's Office; providing for an appropriation to compen-

sate Jennifer Graham for injuries sustained as a result of the negligence of the sheriff's office; requiring the purchase of a specified structured annuity and structured educational fund; providing for attorney's fees, lobbyist's fees, and costs; providing an effective date.

WHEREAS, on June 15, 2003, 29-year-old Jennifer Graham was seated on a park bench on the southwest corner of Park Avenue located in Palm Beach County, Florida, and

WHEREAS, a deputy sheriff of the Palm Beach County Sheriff's Office was traveling westbound on Park Avenue at approximately 60 to 70 miles per hour according to an eyewitness, and

WHEREAS, when the deputy sheriff attempted to make a left turn at this high rate of speed, he lost control of his vehicle and collided with the park bench and Jennifer Graham, and

WHEREAS, Ms. Graham was thrown approximately 30 feet due to the collision and landed on a concrete sidewalk, and

WHEREAS, the Palm Beach County Sheriff's Office investigated the accident and determined that the deputy sheriff was the sole contributing cause of the accident by exceeding a safe speed and losing control of the vehicle while attempting to make a left turn, and

WHEREAS, Ms. Graham suffered multiple pelvic fractures and a bladder rupture, for which she had immediate surgery; a left acetabulum fracture; a right sacroiliac joint fracture; a pelvic hematoma; and an open laceration from her stomach to her pubic bone, and

WHEREAS, as a result of her injuries, Ms. Graham later underwent multiple surgeries to repair a hernia, a left shoulder joint, and the pelvic and iliosacral fractures, the latter requiring hardware and screw fixation, and

WHEREAS, Ms. Graham was admitted to two rehabilitation facilities for a total of approximately 5 months where she was diagnosed with chronic pain, gait dysfunction, and depression, and

WHEREAS, as a result of the accident, Ms. Graham sustained a 40-percent permanent functional impairment and permanent gait dysfunction, and

WHEREAS, due to the severity of her injuries, Ms. Graham cannot maintain employment and will require future medical care over her lifetime and an additional surgery to remove the hardware that was placed in her pelvis and iliosacral joint, and

WHEREAS, Ms. Graham's medical expenses resulting from this accident were \$266,462.44 and the Palm Beach County Health Care District has paid a portion of the outstanding medical expenses, but has imposed a lien in the amount of \$87,937.31, and

WHEREAS, the present value of Ms. Graham's total economic damages over her lifetime was calculated to be \$1,018,988.40; however, the expert economist hired by the Palm Beach County Sheriff's Office calculated the value to be \$771,670, and

WHEREAS, Ms. Graham is also entitled to collect damages for her past and future pain and suffering, mental anguish, disability, and loss of enjoyment of life resulting from the devastating injuries and severe impairment she incurred as a result of the accident, and

WHEREAS, Ms. Graham filed a lawsuit against the Palm Beach County Sheriff's Office, and a trial was set to begin on July 18, 2005, and

WHEREAS, on July 13, 2005, Ms. Graham and the Palm Beach County Sheriff's Office entered into an agreement to settle the lawsuit in the amount of \$950,000, of which the sheriff's office paid \$100,000 at the time the settlement agreement was signed by all parties, NOW, THEREFORE,

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

CS for SB 72 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—31

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|---------------------|-------------|------------|
| Mr. President | Fasano | Peadar |
| Alexander | Geller | Posey |
| Argenziano | Haridopolos | Rich |
| Aronberg | Hill | Ring |
| Atwater | Jones | Saunders |
| Bullard | Joyner | Siplin |
| Constantine | Justice | Storms |
| Crist | Lawson | Villalobos |
| Dawson | Lynn | Wilson |
| Deutch | Margolis | |
| Diaz de la Portilla | Oelrich | |

Nays—9

| | | |
|---------|---------|---------|
| Baker | Dockery | King |
| Bennett | Gaetz | Webster |
| Carlton | Garcia | Wise |

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 74, with amendment(s), and requests the concurrence of the Senate.

William S. Pittman III, Chief Clerk

CS for SB 74—A bill to be entitled An act relating to the Pinellas County School Board; providing for the compensation of the estate of Brooke Ingoldsby and for the relief of Michelle Allen, parent and natural guardian of Brooke Ingoldsby, a minor, for the wrongful death of her daughter, which was due in part to the negligent failure of a county school bus driver to secure the safety of children who exit the school bus; providing for the payment of damages; providing legislative intent; limiting fees and costs; providing an effective date.

House Amendment 1 (661777)(with title amendment)—

Remove everything after the enacting clause and insert:

Section 1. *The facts stated in the preamble to this act are found and declared to be true.*

Section 2. *The Pinellas County School Board is authorized and directed to appropriate from funds of the school board not otherwise encumbered and to draw a warrant payable to the estate of Brooke Ingoldsby, decedent minor, for the total amount of \$100,000 as compensation to the estate of Brooke Ingoldsby for the wrongful death of Brooke Ingoldsby as a result of the negligence of the Pinellas County School Board.*

Section 3. *The Pinellas County School Board is authorized and directed to appropriate from funds of the school board not otherwise encumbered and to draw a warrant payable to Michelle Allen, parent and natural guardian of Brooke Ingoldsby, her deceased minor child, for the total amount of \$1.2 million for the wrongful death of her daughter, Brooke Ingoldsby, as a result of the negligence of the Pinellas County School Board.*

Section 4. *Payment for attorney’s fees and costs incurred by the claimant’s attorneys shall not exceed \$280,237. Payment for the professional services and costs of lobbyists advocating for passage of this claim shall not exceed \$13,000.*

Section 5. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, line 1, through page 3, line 9, remove all of said lines, and insert:

A bill to be entitled An act for the relief of the estate of Brooke Ingoldsby, deceased minor child of Michelle Allen, and Michelle Allen, parent and natural guardian of Brooke Ingoldsby, individually, by the Pinellas County School Board; providing for an appropriation to compensate the estate of Brooke Ingoldsby, and Michelle Allen, individually, for the wrongful death of Brooke Ingoldsby, which was due in part to the negligent failure of a county school bus driver to secure the safety of children

who exit the school bus; providing for limitation on attorney’s fees and lobbying fees; providing an effective date.

WHEREAS, on February 11, 2005, Brooke Ingoldsby, an 8-year-old third grader at James B. Sanderlin Elementary School, was being transported home on a school bus of the Pinellas County School Board which was driven by an inadequately trained substitute bus driver employed by the school board, and

WHEREAS, rather than depositing Brooke Ingoldsby, who was the last student on the bus, at her appointed bus stop where her grandmother was waiting for her, the substitute bus driver dropped Brooke Ingoldsby off on the corner of 90th Avenue and the east side of 9th Street North, an extremely busy thoroughfare in St. Petersburg, Pinellas County, Florida, and

WHEREAS, when the substitute bus driver dropped off Brooke Ingoldsby, he did not turn on the bus’s flashing lights or display its stop sign, and

WHEREAS, as Brooke Ingoldsby attempted to cross 9th Street North, another school bus of the Pinellas County School Board, which was also operated by an employee of the school board, was northbound on 9th Street North, and

WHEREAS, as that school bus was slowing to a stop at the intersection of 90th Avenue and 9th Street North, the driver did not turn on the red flashing lights or extend the stop sign on the side of the bus even though the driver saw southbound traffic approaching the intersection as Brooke Ingoldsby started to cross 9th Street North, and

WHEREAS, Brooke Ingoldsby was subsequently struck by a southbound sports utility vehicle in the west-most southbound lane of 9th Street North and was pronounced dead 3 hours later at Bayfront Medical Center, and

WHEREAS, Brooke Ingoldsby suffered multisystem trauma, head injury, bilateral closed femur injury, a closed right humerus fracture, and a severe abrasion to her right waistline, and

WHEREAS, it was later determined that the substitute bus driver was uncertain where to allow Brooke Ingoldsby to exit the school bus and was given an incomplete drop-off schedule, and

WHEREAS, before this accident, Brooke Ingoldsby’s mother, Michelle Allen, had made numerous complaints to the Pinellas County School Board regarding the lack of safety of the children in the school district’s transportation system, and

WHEREAS, the Pinellas County School Board admitted liability for Brooke Ingoldsby’s death and agreed to pay the total sum of \$2.5 million for the damages and losses sustained by the estate of Brooke Ingoldsby and for the losses suffered by Brooke Ingoldsby’s mother, Michelle Allen, and

WHEREAS, judgment was entered in the amount of \$2.5 million, including \$200,000 in damages and losses sustained by the estate of Brooke Ingoldsby and \$2.3 million for the losses suffered by Brooke Ingoldsby’s mother, Michelle Allen, and

WHEREAS, the school district has paid \$100,000 to the estate and \$100,000 for the losses suffered by Michelle Allen, thus exhausting the limits of the waiver of sovereign immunity, and

WHEREAS, the school district maintained a liability policy of \$1 million, which was paid to Michelle Allen, and

WHEREAS, the remaining sums owed under the judgment include \$100,000, which is owed to the estate, and \$1.2 million, which is owed to Michelle Allen, NOW, THEREFORE,

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

CS for SB 74 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—31

| | | |
|---------------------|-------------|------------|
| Mr. President | Fasano | Peaden |
| Alexander | Geller | Posey |
| Argenziano | Haridopolos | Rich |
| Aronberg | Hill | Ring |
| Atwater | Jones | Saunders |
| Bullard | Joyner | Siplin |
| Constantine | Justice | Storms |
| Crist | Lawson | Villalobos |
| Dawson | Lynn | Wilson |
| Deutch | Margolis | |
| Diaz de la Portilla | Oelrich | |

Nays—9

| | | |
|---------|---------|---------|
| Baker | Dockery | King |
| Bennett | Gaetz | Webster |
| Carlton | Garcia | Wise |

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 76, with amendment(s), and requests the concurrence of the Senate.

William S. Pittman III, Chief Clerk

CS for SB 76—A bill to be entitled An act relating to the City of Miami Beach; providing for the relief of Claude Tunc and Martine Tunc, individually and as co-personal representatives of the estate of Stephanie Tunc, deceased, and Sandrine Tunc, for the death of Stephanie Tunc and injuries and damages sustained by Sandrine Tunc due to the negligence of the City of Miami Beach; providing for an appropriation; providing for the use of such funds; providing for attorney’s fees and costs; providing a limitation on fees; providing an effective date.

House Amendment 1 (353877)(with title amendment)—

Remove everything after the enacting clause and insert:

Section 1. *The facts stated in the preamble to this act are found and declared to be true.*

Section 2. *The City of Miami Beach is authorized and directed to appropriate from funds not otherwise appropriated and to draw warrants in the amount of \$325,000 to be paid to Claude Tunc and Martine Tunc, individually and as co-personal representatives of the estate of Stephanie Tunc, deceased, and in the amount of \$975,000 to Sandrine Tunc, which amount is inclusive of costs and attorney’s fees as limited by this act, as compensation for injuries and damages sustained due to the negligence of the City of Miami Beach.*

Section 3. *Payment for the combined total of professional services and costs incurred by attorneys, lobbyists, and agents or representatives of attorneys or lobbyists shall not exceed \$280,000.*

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, line 1, through page 3, line 8, remove all of said lines, and insert:

A bill to be entitled An act for the relief of Claude Tunc, Martine Tunc, and Sandrine Tunc by the City of Miami Beach; providing for the relief of Claude Tunc and Martine Tunc, individually and as co-personal representatives of the estate of Stephanie Tunc, deceased, and Sandrine Tunc, sister of Stephanie Tunc, for the death of Stephanie Tunc and injuries and damages sustained by Sandrine Tunc due to the negligence of the City of Miami Beach; providing for an appropriation; providing for attorney’s fees, lobbyist’s fees, and costs; providing an effective date.

WHEREAS, on February 22, 2003, 27-year-old Sandrine Tunc and her 26-year-old sister, Stephanie Tunc, were sunbathing on the soft sand of Miami Beach on a sunny afternoon, and

WHEREAS, Officer George Varon, a police officer employed by the City of Miami Beach Police Department, while in the course and scope

of his duties as a City of Miami Beach police officer, drove a Miami Beach police vehicle on the soft sand of Miami Beach and negligently drove through an area of sunbathers near a lifeguard station, and in fact did drive over Stephanie Tunc and Sandrine Tunc with his police vehicle, proximately causing the death of Stephanie Tunc and serious permanent injuries to Sandrine Tunc, and

WHEREAS, Stephanie Tunc was crushed to death by the vehicle and died shortly after the incident, and Sandrine Tunc survived the accident and was transferred to the Ryder Trauma Center at the Jackson Memorial Hospital, and

WHEREAS, the parents of Stephanie Tunc, Claude Tunc and Martine Tunc, seek to recover damages for their mental pain and suffering, as well as future loss of support of services based on the death of their daughter, and

WHEREAS, Sandrine Tunc seeks damages for past pain and suffering, disability, impairment, disfigurement, mental anguish, inconvenience, and lost capacity to enjoy life; future pain and suffering, disability, impairment, disfigurement, mental anguish, inconvenience, and lost capacity to enjoy life; loss of future earning capacity; and future medical and psychiatric care and rehabilitation, and

WHEREAS, Sandrine Tunc was hospitalized from February 22, 2003, through February 28, 2003, at the Jackson Memorial Hospital for a lacerated liver, fractured ribs, punctured lung, contusions, and hematomas, and

WHEREAS, also as a result of the injuries incurred on February 22, 2003, Sandrine Tunc has disfiguring scars as well as a permanent hardened cyst-like hematoma in her lower left groin area, and

WHEREAS, Sandrine Tunc incurred medical expenses of \$37,624.20 for her treatment at the Jackson Memorial Hospital Ryder Trauma Center, and the decedent, Stephanie Tunc, incurred medical expenses of \$45,030.24 at the Jackson Memorial Hospital Ryder Trauma Center, and

WHEREAS, Sandrine Tunc is receiving continuous medical and psychiatric care due to the above injuries as well as the emotional trauma of watching her sister being crushed to death by the police vehicle while they were lying side-by-side on the beach, and

WHEREAS, as a result of a suit filed following the incident, the City Commission of the City of Miami Beach voluntarily agreed to a settlement of this cause in the amount of \$1,500,000, of which \$200,000 will be paid by the City of Miami Beach, and

WHEREAS, the remaining \$1,300,000 is to be paid subject to the passage of a claim bill introduced in the Legislature, and

WHEREAS, the City of Miami Beach has agreed to support this claim bill, NOW, THEREFORE,

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

CS for SB 76 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—31

| | | |
|---------------------|-------------|------------|
| Mr. President | Fasano | Peaden |
| Alexander | Geller | Posey |
| Argenziano | Haridopolos | Rich |
| Aronberg | Hill | Ring |
| Atwater | Jones | Saunders |
| Bullard | Joyner | Siplin |
| Constantine | Justice | Storms |
| Crist | Lawson | Villalobos |
| Dawson | Lynn | Wilson |
| Deutch | Margolis | |
| Diaz de la Portilla | Oelrich | |

Nays—9

| | | |
|---------|---------|---------|
| Baker | Dockery | King |
| Bennett | Gaetz | Webster |
| Carlton | Garcia | Wise |

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 486, with amendment(s), and requests the concurrence of the Senate.

William S. Pittman III, Chief Clerk

CS for SB 486—A bill to be entitled An act relating to the City of Tallahassee; providing for the relief of Sheryl D. Allen and George F. Allen, her husband; providing for an appropriation to compensate them for injuries and damages sustained as a result of an accident involving Sheryl D. Allen and an employee of the City of Tallahassee; providing for a limitation on payment of fees and costs; providing an effective date.

House Amendment 1 (662821)(with title amendment)—

Remove everything after the enacting clause and insert:

Section 1. *The facts stated in the preamble to this act are found and declared to be true.*

Section 2. *The City of Tallahassee is authorized and directed to appropriate from funds of the city not otherwise appropriated and to draw a warrant in the sum of \$775,000 payable to Sheryl D. Allen and George F. Allen as compensation for injuries and damages sustained due to the negligence of an employee of the city.*

Section 3. *Payment for attorney’s fees and costs incurred by the claimant’s attorneys shall not exceed \$117,946. Payment for the professional services and costs of lobbyists advocating for passage of this claim shall not exceed \$7,750.*

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, line 1, through page 2, line 14, remove all of said lines, and insert:

A bill to be entitled An act for the relief of Sheryl D. Allen and George F. Allen by the City of Tallahassee; providing for an appropriation to compensate Sheryl D. Allen and George F. Allen for injuries sustained as a result of an accident involving Sheryl D. Allen and an employee of the City of Tallahassee; providing for attorney’s fees, lobbyist’s fees, and costs; providing an effective date.

WHEREAS, on December 8, 2001, Sheryl D. Allen was in Tallahassee chaperoning her daughter’s Keystone Heights High School Band as they participated in the city’s 2001 Winter Festival parade, and

WHEREAS, Sheryl D. Allen was hit by a large trailer/float owned by the City of Tallahassee and driven by a City of Tallahassee employee when the trailer swung wide, leaving the parade disembarkment area, and

WHEREAS, the contact with the trailer knocked Sheryl D. Allen to the ground, resulting in a skull fracture and significant closed-head injury, and

WHEREAS, the accident of December 8, 2001, formed the basis of a negligence action filed against the City of Tallahassee in 2002, and

WHEREAS, the city, after extensive discovery during the litigation, admitted liability, and

WHEREAS, on April 7, 2004, the City of Tallahassee and Sheryl D. Allen and George F. Allen, husband of Sheryl D. Allen, mediated the case prior to trial and reached an agreement whereby the city agreed to pay Sheryl D. Allen and George F. Allen \$200,000, pursuant to the limits of liability set forth in s. 768.28, Florida Statutes, and to support the passage of a claims bill in the Legislature for an additional payment of \$775,000, and

WHEREAS, the Tallahassee City Commission and the Circuit Court in and for the Second Judicial Circuit approved the settlement agreement reached at mediation, and the city has paid \$200,000 to Sheryl D. Allen, George F. Allen, and their attorneys, and

WHEREAS, the City of Tallahassee has agreed to support the filing and passage of this bill and has agreed that, if this act becomes law, the City of Tallahassee, within 30 days after the effective date of this act, will pay an additional \$775,000 to Sheryl D. Allen and George F. Allen, NOW, THEREFORE,

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

CS for SB 486 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—31

| | | |
|---------------------|-------------|------------|
| Mr. President | Fasano | Peaden |
| Alexander | Geller | Posey |
| Argenziano | Haridopolos | Rich |
| Aronberg | Hill | Ring |
| Atwater | Jones | Saunders |
| Bullard | Joyner | Siplin |
| Constantine | Justice | Storms |
| Crist | Lawson | Villalobos |
| Dawson | Lynn | Wilson |
| Deutch | Margolis | |
| Diaz de la Portilla | Oelrich | |

Nays—9

| | | |
|---------|---------|---------|
| Baker | Dockery | King |
| Bennett | Gaetz | Webster |
| Carlton | Garcia | Wise |

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 2968, with amendment(s), and requests the concurrence of the Senate.

William S. Pittman III, Chief Clerk

CS for SB 2968—A bill to be entitled An act relating to the Department of Juvenile Justice; providing an appropriation to compensate Gina Jones and Robert Anderson, parents and natural guardians of Martin Lee Anderson, jointly, for the wrongful death of Martin Lee Anderson, which was due to the negligence of the Bay County Sheriff’s Office; providing conditions for payment; providing for attorney’s fees and lobbying fees; providing an effective date.

House Amendment 2 (943039)—

On page 2, lines 22 and 23, remove all of said lines and insert: *the death of Martin Lee Anderson. Not more than \$630,000 may be paid by the estate of Martin Lee Anderson,*

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

CS for SB 2968 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—27

| | | |
|---------------|---------|------------|
| Mr. President | Dockery | Margolis |
| Alexander | Fasano | Peaden |
| Argenziano | Geller | Rich |
| Aronberg | Hill | Ring |
| Atwater | Jones | Saunders |
| Bullard | Joyner | Siplin |
| Constantine | Justice | Storms |
| Dawson | Lawson | Villalobos |
| Deutch | Lynn | Wilson |

Nays—13

| | | |
|---------|---------|---------------------|
| Baker | Carlton | Diaz de la Portilla |
| Bennett | Crist | Gaetz |

| | | |
|-------------|---------|---------|
| Garcia | Oelrich | Webster |
| Haridopolos | Posey | Wise |
| King | | |

SPECIAL ORDER CALENDAR, continued

On motion by Senator Baker—

CS for SB 94—A bill to be entitled An act relating to state parks; amending s. 258.007, F.S.; deleting a penalty for a rule violation; creating s. 258.008, F.S.; creating penalties for the violation of rules adopted under ch. 258, F.S., and for specified activities within the boundaries of a state park; providing for fines to be deposited into the State Park Trust Fund; providing for court costs under certain circumstances; amending s. 258.014, F.S.; providing for a half-price admission fee to state parks for members of the Florida National Guard and their families; amending s. 316.212, F.S.; authorizing the operation of a golf cart within a state park under certain circumstances; amending s. 316.2125, F.S.; conforming a cross-reference; amending s. 316.2126, F.S.; authorizing state agencies to operate golf carts and utility vehicles on public roads for public purposes; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 94** to **CS for HB 981**.

Pending further consideration of **CS for SB 94** as amended, on motion by Senator Baker, by two-thirds vote **CS for HB 981** was withdrawn from the Committees on Environmental Preservation and Conservation; and Criminal Justice.

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

CS for HB 981—A bill to be entitled An act relating to the state parks; amending s. 258.007, F.S.; requiring that certain violations of rules of the Division of Recreation and Parks of the Department of Environmental Protection are punishable as noncriminal infractions; specifying violations punishable as a misdemeanor of the second degree for certain activities; providing fines and penalties; providing for the deposit of certain fines into the State Park Trust Fund; providing for the use of certain funds in the State Park Trust Fund; amending s. 258.014, F.S.; requiring that an active member of the Florida National Guard, or a dependent of such a member, be charged only half the price of admission to a state park; amending s. 316.212, F.S.; authorizing operation of golf carts on certain roads in state parks; correcting cross-references; amending s. 316.2125, F.S.; correcting cross-references; amending s. 316.2126, F.S.; authorizing the state to use golf carts and utility vehicles on certain roads; correcting cross-references; amending s. 259.1053, F.S.; authorizing the Legislature to appropriate funds from the Land Acquisition Trust Fund for use as state matching funds for capital improvement facility development; authorizing the placement of designations recognizing private donors at ranch facilities; specifying that certain activities relating to agriculture are not unduly prohibited or restricted; providing that tenant farming shall not be prohibited; providing that cypress harvesting remains subject to the discretion of the Board of Trustees; authorizing hunting on the preserve under certain conditions; requiring such hunting to be conducted under commission rules and regulations; authorizing hunting access fees for the general public; specifying that hunts for certain persons are a priority; providing purpose for hunting activities; providing an effective date.

—a companion measure, was substituted for **CS for SB 94** as amended and by two-thirds vote read the second time by title.

MOTION

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

Senator Baker moved the following amendment which was adopted:

Amendment 1 (563160)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (2) of section 258.007, Florida Statutes, is amended to read:

258.007 Powers of division.—

(2) The division has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring duties on it, and to impose penalties for the violation of any rule authorized by this section ~~shall be a misdemeanor and punishable accordingly.~~

Section 2. Section 258.008, Florida Statutes, is created to read:

258.008 Prohibited activities; penalties.—

(1) Except as provided in subsection (3), any person who violates or otherwise fails to comply with the rules adopted under this chapter commits a noncriminal infraction for which ejection from all property managed by the Division of Recreation and Parks and a fine of up to \$500 may be imposed by the division. Fines paid under this subsection shall be paid to the Department of Environmental Protection and deposited in the State Park Trust Fund.

(2) In addition to penalties imposed under subsection (1), any person who fails to sign a citation given under subsection (1), fails to appear in court in response to such citation, or fails to comply with the court's order commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) Any person who engages in any of the following activities within the boundaries of a state park without first obtaining the express permission of the Division of Recreation and Parks commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and shall be ejected from all property managed by the division:

(a) Cutting, carving, injuring, mutilating, moving, displacing, or breaking off any water-bottom formation or coral;

(b) Capturing, trapping, or injuring a wild animal;

(c) Collecting plant or animal specimens;

(d) Leaving the designated public roads in a vehicle; or

(e) Hunting.

Section 3. Subsection (3) is added to section 258.014, Florida Statutes, to read:

258.014 Fees for use of state parks.—

(3) A person who is a member of the Florida National Guard, or the spouse or minor child of such a person, shall be charged one-half the admission fee to a state park upon presentation of a valid card that identifies the person as being an active member of the Florida National Guard or a spouse or child of such a member.

Section 4. Subsection (13) of section 259.1053, Florida Statutes, is amended to read:

259.1053 Babcock Ranch Preserve; Babcock Ranch, Inc.; creation; membership; organization; meetings.—

(13) MISCELLANEOUS PROVISIONS.—

(a) Except for the powers of the commissioner provided in this section, and the powers of the commission provided in s. 9, Art. IV of the State Constitution, the preserve shall be managed by Babcock Ranch, Inc.

(b) Officers and employees of Babcock Ranch, Inc., are private employees. At the request of the board of directors, the commission and the department may provide state employees for the purpose of implementing this section. Any state employees provided to assist the directors in implementing this section for more than 30 days shall be provided on a reimbursable basis. Reimbursement to the commission and the department shall be made from the corporation's operating fund provided under this section and not from any funds appropriated to the corporation by the Legislature.

(c) Notwithstanding the prohibition or restrictions contained in the management agreement, areas of the ranch historically used for tenant farming may continue to be leased out by Babcock Ranch Management, LLC. Such leases, extensions or renewal periods shall be for a term of not

less than one year or more than four years, and shall not exceed the total amount of acreage covered by the tenant leases in existence on July 31, 2006.

(d) *Until the management plan developed pursuant to s. 253.034 and s. 259.032, is adopted, hunting for the purposes of reasonable wildlife population and habitat management shall be allowed on the preserve. Such purposes shall include prevention of overgrazing, disease, and overpopulation. All hunting shall be conducted pursuant to the rules and regulations of the Florida Fish and Wildlife Conservation Commission; however, Babcock Ranch Management, LLC., shall have the authority to charge reasonable access fees to the general public. Special opportunity hunts for persons with disabilities and those under 18 years of age shall be a priority. Until the management plan required by the management agreement is adopted, hunting for the purposes of reasonable wildlife population and habitat management shall be equivalent in purpose to any other recreational use on the preserve.*

(e) *The provisions of paragraphs (c) and (d) shall be contingent upon Babcock Ranch Management, LLC., meeting the requirements of s. 259.1053(11)(d). The Board of Trustees shall order an audit pursuant to section 27, part V of the management agreement.*

(f) *For the purposes of paragraphs (c) and (d) the management agreement is that document attached as Exhibit "E" to that certain agreement for sale and purchase approved by the Board of Trustees on November 22, 2005, and by Lee County on November 20, 2005.*

Section 5. Section 316.212, Florida Statutes, is amended to read:

316.212 Operation of golf carts on certain roadways.—The operation of a golf cart upon the public roads or streets of this state is prohibited except as provided herein:

(1) A golf cart may be operated only upon a county road that has been designated by a county, or a municipal street that has been designated by a municipality, for use by golf carts. Prior to making such a designation, the responsible local governmental entity must first determine that golf carts may safely travel on or cross the public road or street, considering factors including the speed, volume, and character of motor vehicle traffic using the road or street. Upon a determination that golf carts may be safely operated on a designated road or street, the responsible governmental entity shall post appropriate signs to indicate that such operation is allowed.

(2) A golf cart may be operated on a part of the State Highway System only under the following conditions:

(a) To cross a portion of the State Highway System which intersects a county road or municipal street that has been designated for use by golf carts if the Department of Transportation has reviewed and approved the location and design of the crossing and any traffic control devices needed for safety purposes.

(b) To cross, at midblock, a part of the State Highway System where a golf course is constructed on both sides of the highway if the Department of Transportation has reviewed and approved the location and design of the crossing and any traffic control devices needed for safety purposes.

(c) A golf cart may be operated on a state road that has been designated for transfer to a local government unit pursuant to s. 335.0415 if the Department of Transportation determines that the operation of a golf cart within the right-of-way of the road will not impede the safe and efficient flow of motor vehicular traffic. The department may authorize the operation of golf carts on such a road if:

1. The road is the only available public road along which golf carts may travel or cross or the road provides the safest travel route among alternative routes available; and

2. The speed, volume, and character of motor vehicular traffic using the road is considered in making such a determination.

Upon its determination that golf carts may be operated on a given road, the department shall post appropriate signs on the road to indicate that such operation is allowed.

(3) *Notwithstanding any other provision of this section. Any other provision of this section to the contrary notwithstanding, a golf cart may*

be operated for the purpose of crossing a street or highway where a single mobile home park is located on both sides of the street or highway and is divided by that street or highway, provided that the governmental entity having original jurisdiction over such street or highway shall review and approve the location of the crossing and require implementation of any traffic controls needed for safety purposes. This subsection shall apply only to residents or guests of the mobile home park. ~~Any other provision of law to the contrary notwithstanding,~~ If notice is posted at the entrance and exit of ~~to~~ any mobile home park ~~where~~ that residents of the park ~~operate~~ utilize golf carts or electric vehicles within the confines of the park it ~~is~~ shall not be necessary ~~for~~ that the park to have a gate or other device at the entrance and exit in order for such golf carts or electric vehicles to be lawfully operated in the park.

(4) *Notwithstanding any other provision of this section, if authorized by the Division of Recreation and Parks of the Department of Environmental Protection, a golf cart may be operated on a road that is part of the State Park Road System if the posted speed limit is 35 miles per hour or less.*

(5)(4) A golf cart may be operated only during the hours between sunrise and sunset, unless the responsible governmental entity has determined that a golf cart may be operated during the hours between sunset and sunrise and the golf cart is equipped with headlights, brake lights, turn signals, and a windshield.

(6)(5) A golf cart must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear.

(7)(6) A golf cart may not be operated on public roads or streets by any person under the age of 14.

(8)(7) A local governmental entity may enact an ordinance regarding golf cart operation and equipment which is more restrictive than those enumerated in this section. Upon enactment of ~~any~~ such ordinance, the local governmental entity shall post appropriate signs or otherwise inform the residents that such an ordinance exists and that it ~~will~~ shall be enforced within the local government's jurisdictional territory. An ordinance referred to in this section must apply only to an unlicensed driver.

(9)(8) A violation of this section is a noncriminal traffic infraction, punishable pursuant to chapter 318 as a moving violation for infractions of ~~subsections (1) through (5) subsection (1), subsection (2), subsection (3), subsection (4),~~ or a local ordinance corresponding thereto and enacted pursuant to subsection (8) (7), or punishable pursuant to chapter 318 as a nonmoving violation for infractions of subsection (6) (5), subsection (7) (6), or a local ordinance corresponding thereto and enacted pursuant to subsection (8) (7).

Section 6. Subsection (1) of section 316.2125, Florida Statutes, is amended to read:

316.2125 Operation of golf carts within a retirement community.—

(1) Notwithstanding the provisions of s. 316.212, the reasonable operation of a golf cart, equipped and operated as provided in s. 316.212 s. 316.212(4), (5), and (6), within any self-contained retirement community is permitted unless prohibited under subsection (2).

Section 7. Section 316.2126, Florida Statutes, is amended to read:

316.2126 Use of golf carts and utility vehicles by *governmental units municipalities.*—In addition to the powers granted by ss. 316.212 and 316.2125, *state agencies and municipalities are hereby* authorized to operate ~~utilize~~ golf carts and utility vehicles, as defined in s. 320.01, ~~upon any state, county, or municipal roads located within the corporate limits of such municipalities,~~ subject to the following conditions:

(1) Golf carts and utility vehicles must comply with the operational and safety requirements in ss. 316.212 and 316.2125, and with any more restrictive ordinances enacted by the local governmental entity pursuant to s. 316.212(8) s. 316.212(7), and shall ~~only~~ be operated ~~only~~ by *state or municipal employees for state or municipal purposes, including, but not limited to, police patrol, traffic enforcement, and inspection of public facilities.*

(2) In addition to the safety equipment *required under subsection (1) required in s. 316.212(5) and any more restrictive safety equipment*

required by the local governmental entity pursuant to s. 316.212(7), such golf carts and utility vehicles must be equipped with sufficient lighting and turn signal equipment.

(3) Golf carts and utility vehicles may ~~only~~ be operated *only* on state roads that have a posted speed limit of 30 miles per hour or less, *and, if operated by an employee of a municipality, only on a state, county, or municipal road located within the corporate limits of the municipality.*

(4) A state or municipal employee operating a golf cart or utility vehicle pursuant to this section must possess a valid driver's license as required by s. 322.03.

Section 8. 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 state parks; amending s. 258.007, F.S.; deleting a penalty for a rule violation; creating s. 258.008, F.S.; creating penalties for the violation of rules adopted under ch. 258, F.S., and for specified activities within the boundaries of a state park; providing for fines to be deposited into the State Park Trust Fund; providing for court costs under certain circumstances; amending s. 258.014, F.S.; providing for a half-price admission fee to state parks for members of the Florida National Guard and their families; amending s. 259.1053, F.S.; extending leases; providing for hunting; providing conditions; amending s. 316.212, F.S.; authorizing the operation of a golf cart within a state park under certain circumstances; amending s. 316.2125, F.S.; conforming a cross-reference; amending s. 316.2126, F.S.; authorizing state agencies to operate golf carts and utility vehicles on public roads for public purposes; providing an effective date.

Pursuant to Rule 4.19, **CS for HB 981** as amended was placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator King, by two-thirds vote **CS for SB 2094** was withdrawn from the Committee on General Government Appropriations.

MOTIONS

On motion by Senator King, a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Thursday, May 3.

On motion by Senator King, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Thursday, May 3.

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 Wednesday, May 2, 2007: **CS for SB 96**, **CS for SB 434**, **CS for SB 606**, **CS for SB 2084**, **CS for CS for SB 1822**, **SB 2120**, **CS for SB 2772**, **CS for SB 94**, **CS for SB 628**, **CS for SB 800**, **CS for CS for CS for SB 996** and **CS for SB 2666**, **SB 1492**, **CS for SB 1866**, **CS for SB 2768**, **CS for SB 270**, **CS for CS for CS for CS for SB 2804**, **CS for SB 2148**, **CS for CS for SB 518**, **CS for SB 492**, **SB 2304**, **CS for CS for SB 432**, **CS for SB 2176**, **CS for CS for SB 2380**, **CS for SB 2382**, **CS for CS for SB 846**, **CS for SB 1728**, **CS for SB 2544**, **CS for SB 2752**, **SR 1860**, **CS for SB 2534**, **CS for SB 1152**, **CS for HB 1047**

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

The Committee on Rules submits the following bills to be placed on the Local Bill Calendar for Wednesday, May 2, 2007: **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 1099**, **HB 1133**,

HB 1137, **HB 1153**, **HB 1157**, **CS for HB 1163**, **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 1515**, **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 1617**

Respectfully submitted,
James E. "Jim" King, Jr., Chair

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed **CS for HB 1**, **CS for HB 397**, **CS for HB 1269**, **CS for HB 1285**, **CS for HB 1315**, **HB 1421**, **HB 7127**; has passed as amended **CS for CS for HB 359**, **CS for HB 981**, **CS for HB 1047**, **HB 1155**, **CS for CS for HB 1325**, **HB 7077**, **CS for HB 7123**, **HB 7145**, **HB 7203**; has passed by the required constitutional two-thirds vote of the membership **CS for HB 1405**; has passed as amended by the required constitutional two-thirds vote of the membership **HB 7169** and requests the concurrence of the Senate.

William S. Pittman III, Chief Clerk

By the Safety and Security Council; and Representative Peterman—

CS for HB 1—A bill to be entitled An act relating to drug-related task forces; creating the Drug Paraphernalia Abatement Task Force within the Executive Office of the Governor; prescribing task force membership; providing for meetings and duties of the task force; providing that meetings and records of the task force are subject to statutory public meetings and records requirements; providing for members of the task force to be reimbursed for per diem and travel expenses; requiring the Office of Drug Control within the Executive Office of the Governor to provide staff support; requiring reports; requiring cooperation by state agencies; abolishing the task force on a specified date; creating within the Executive Office of the Governor the Task Force for the Remediation of Illicit Drug Labs; prescribing the membership of the task force; providing for meetings and duties of the task force; requiring public hearings; providing for members of the task force to be reimbursed for per diem and travel expenses; requiring the Office of Drug Control within the Executive Office of the Governor and other specified state agencies to provide staff support; requiring that the task force file reports and recommendations to the Governor and the Legislature; requiring cooperation by state agencies; providing an effective date.

—was referred to the Committees on Health Policy; Community Affairs; and Criminal Justice.

By the Healthcare Council; and Representative Anderson and others—

CS for HB 397—A bill to be entitled An act relating to caregivers for adults; authorizing the Department of Elderly Affairs to create a pilot program in specified counties to train persons to act as companions and provide certain services to frail adults in the community; specifying additional purposes of the pilot program; requiring an evaluation and report to the Legislature; providing an appropriation; providing an effective date.

—was referred to the Committee on Children, Families, and Elder Affairs.

By the Healthcare Council; and Representative Reed and others—

CS for HB 1269—A bill to be entitled An act relating to infant mortality; providing legislative intent relating to the black infant health practice initiative; providing definitions; providing objectives; providing for

administration of the initiative; requiring a local community to develop a team to serve as a part of a statewide practice collaborative; requiring healthy start coalitions to conduct case reviews; requiring certain public universities or colleges to provide technical assistance, to assist in determining certain criteria, and to present findings and make recommendations; requiring the Department of Health to distribute funding to the coalitions; providing duties of each participating coalition; requiring the department to award grants; requiring the department to conduct an annual evaluation of the initiative; requiring each coalition to submit a report to the Governor, the Legislature, and the department; providing immunity from liability to participating coalitions; requiring the department to adopt rules; providing a timeframe for reviewing cases; providing an appropriation; providing an effective date.

—was referred to the Committee on Health Policy.

By the Safety and Security Council; and Representative Altman—

CS for HB 1285—A bill to be entitled An act relating to construction liens; amending s. 255.05, F.S.; requiring a performance bond for certain contracts with private entities for specified public works projects; requiring that certain notices by claimants be in writing; revising requirements relating to when claimants must provide certain notices; amending s. 713.01, F.S.; defining the term “final furnishing”; revising the definition of the term “furnish materials”; creating s. 713.012, F.S.; requiring that certain notices, demands, or requests be in writing; amending s. 713.015, F.S.; requiring that certain notices pertaining to direct contracts greater than \$2,500 for improvements to certain property be in writing; amending s. 713.02, F.S.; providing for an owner and contractor to agree to the furnishing of a payment bond; exempting an owner who agrees from certain statutory provisions; amending s. 713.07, F.S.; providing for the recommencement of construction following the termination of certain contracts; amending s. 713.08, F.S.; requiring that certain claims of lien be prepared and sworn to or affirmed by the lienor or various agents of the lienor; revising and conforming certain exceptions to a time limitation on recording of a claim of lien; amending s. 713.13, F.S.; revising the form for notices of commencement to include an additional warning and notarized statements and signatures; providing that the failure of a person to make a specified statement under oath deprives the person of a lien; requiring that notices of commencement include the tax folio number; providing for the recording of amended notices of commencement; amending s. 713.135, F.S.; requiring that building permits contain certain written statements; amending s. 713.16, F.S.; requiring a statement of account be under oath; revising provisions relating to a lienor’s right to demand a statement of account; requiring that the claim of lien be recorded; deleting provisions relating to the failure to furnish the statement; amending s. 713.18, F.S.; providing procedures for service of notices and other instruments upon a limited liability company; amending s. 713.22, F.S.; extending the duration of certain liens for which amended claims of lien are filed; amending s. 713.31, F.S.; providing for the award of attorney’s fees and costs to prevailing parties in certain actions relating to fraudulent liens; repealing s. 713.36, F.S., relating to an effective date, to delete an obsolete provision; providing an effective date.

—was referred to the Committee on Regulated Industries.

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

CS for HB 1315—A bill to be entitled An act relating to local government boundaries; amending ss. 7.06 and 7.50, F.S.; extending and enlarging the boundaries of Broward County to include certain lands in Palm Beach County; decreasing the boundaries of Palm Beach County; extending and enlarging the corporate boundaries of the City of Parkland in Broward County to annex specified unincorporated lands; providing for continuation of certain land use regulations; providing for transfer of roads and rights-of-way; providing for county and municipal powers; providing for continuation of contracts; superseding chapters 96-542 and 99-447, Laws of Florida, relating to annexation of unincorporated areas into municipalities; providing for payment or apportionment of public debt; providing for severability; providing a contingent effective date.

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

By Representative Brisé and others—

HB 1421—A bill to be entitled An act relating to the Digital Divide Council; amending s. 445.049, F.S.; recreating the council in the Department of Education; revising the membership of the council; providing for terms of office; requiring an initial meeting and at specified times thereafter; conforming references; deleting requirements for certain pilot programs; providing objectives of the council; requiring an annual report to the Governor and the Legislature; providing an effective date.

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

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

HB 7127—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding the Public Employee Optional Retirement Program; amending s. 121.4501, F.S., which provides an exemption from public records requirements for personal identifying information of a participant in the Public Employee Optional Retirement Program contained in Florida Retirement System records held by the State Board of Administration or the Department of Management Services; making editorial changes; removing superfluous provisions; removing the scheduled repeal of the exemption under the Open Government Sunset Review Act; providing an effective date.

—was referred to the Committee on Governmental Operations.

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

CS for CS for HB 359—A bill to be entitled An act relating to motor vehicle financial responsibility; creating s. 324.023, F.S.; requiring proof of increased financial responsibility for bodily injury or death caused by owners or operators found guilty of, or who entered a plea of guilty or nolo contendere to, regardless of adjudication of guilt, a DUI offense or who had a license or driving privilege revoked or suspended under a specified provision; providing an exemption if specified conditions are met; amending ss. 316.646 and 320.02, F.S.; conforming provisions; amending s. 627.733, F.S.; providing additional cross-references concerning motor vehicle security following motor vehicle license or registration suspension; amending s. 627.7261, F.S.; prohibiting an insurer from taking certain actions solely because an insured or specified person serves as a volunteer driver for a nonprofit agency or charitable organization; providing an effective date.

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

By the Environment and Natural Resources Council; and Representative Culp—

CS for HB 981—A bill to be entitled An act relating to the state parks; amending s. 258.007, F.S.; requiring that certain violations of rules of the Division of Recreation and Parks of the Department of Environmental Protection are punishable as noncriminal infractions; specifying violations punishable as a misdemeanor of the second degree for certain activities; providing fines and penalties; providing for the deposit of certain fines into the State Park Trust Fund; providing for the use of certain funds in the State Park Trust Fund; amending s. 258.014, F.S.; requiring that an active member of the Florida National Guard, or a dependent of such a member, be charged only half the price of admission to a state park; amending s. 316.212, F.S.; authorizing operation of golf carts on certain roads in state parks; correcting cross-references; amending s. 316.2125, F.S.; correcting cross-references; amending s. 316.2126, F.S.; authorizing the state to use golf carts and utility vehicles on certain roads; correcting cross-references; amending s. 259.1053, F.S.; authorizing the Legislature to appropriate funds from the Land Acquisition Trust Fund for use as state matching funds for capital improvement facility development; authorizing the placement of designations recognizing private donors at ranch facilities; specifying that certain activities relating to agriculture are not unduly prohibited or restricted; providing

that tenant farming shall not be prohibited; providing that cypress harvesting remains subject to the discretion of the Board of Trustees; authorizing hunting on the preserve under certain conditions; requiring such hunting to be conducted under commission rules and regulations; authorizing hunting access fees for the general public; specifying that hunts for certain persons are a priority; providing purpose for hunting activities; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; and Criminal Justice.

By the Jobs and Entrepreneurship Council; and Representative Seiler and others—

CS for HB 1047—A bill to be entitled An act relating to slot machine gaming, as authorized by Section 23 of Article X of the State Constitution; amending s. 551.102, F.S.; defining the term “nonredeemable credits”; redefining the term “slot machine revenues”; amending s. 551.103, F.S.; deleting a requirement that the Division of Pari-mutuel Wagering annually adjust the amount of the bond supplied by a slot machine licensee; establishing the annual amount of bond required; providing for procedures for drug testing; amending s. 551.104, F.S.; providing for implementation of a drug-testing program; amending s. 551.1045, F.S.; providing procedures for temporary occupational licenses; deleting provisions for temporary licensees to be adopted within 180 days; amending s. 551.106, F.S.; establishing when payment of the annual slot machine license fee must be made by a licensee; amending s. 551.107, F.S.; authorizing the division to adopt rules to create a single occupational license; providing for validity; providing for additional disciplinary actions and civil fines; amending s. 551.109, F.S.; exempting slot machine manufacturers and distributors, certain educational facilities, the division, and the Department of Law Enforcement from certain prohibitions against possessing slot machines at a place other than the licensee’s facility under certain circumstances; authorizing agency rulemaking; amending s. 551.114, F.S.; increasing the number of slot machines a licensee may make available for play; amending s. 551.116, F.S.; increasing the hours that slot machine gaming areas may be open; amending s. 551.121, F.S.; authorizing automatic teller machines in certain areas of a pari-mutuel facility; revising prohibition against cashing checks to allow cashing checks outside the designated slot machine gaming area; authorizing the linking of machines within the slot machine facility for the purpose of progressive games; amending s. 849.15, F.S.; clarifying the authority to legally ship slot machines into the state under certain circumstances; providing an appropriation; providing an effective date.

—was referred to the Committees on Regulated Industries; Finance and Tax; and General Government Appropriations.

By Representative Glorioso and others—

HB 1155—A bill to be entitled An act relating to drugs; amending s. 465.022, F.S.; requiring pharmacies doing business by Internet to receive, display, and maintain a specified certifying seal of approval; amending s. 893.147, F.S.; providing that the use or possession of drug paraphernalia with intent to undertake certain activities concerning the manufacture or production of methamphetamine is a felony of the second degree; creating s. 408.0611, F.S.; providing legislative intent; providing definitions; requiring the Agency for Health Care Administration to create a clearinghouse of information on electronic prescribing; requiring the agency to monitor and report on the implementation of electronic prescribing; creating s. 831.311, F.S.; prohibiting the sale, manufacture, alteration, delivery, uttering, or possession of counterfeit-resistant prescription blanks for controlled substances; providing penalties; amending s. 893.04, F.S.; authorizing electronic recording of oral prescriptions for a controlled substance; providing additional requirements for the dispensing of a controlled substance listed in Schedule II, Schedule III, or Schedule IV; creating s. 893.065, F.S.; requiring the Department of Health to develop and adopt by rule the form and content for a counterfeit-resistant prescription blank for voluntary use by practitioners to prescribe a controlled substance listed in Schedule II, Schedule III, or Schedule IV; providing contingent applicability of penalties; requiring reports of law enforcement agencies and medical examiners to include specified information if a person dies of an apparent overdose of a controlled substance listed in Schedule II, Schedule III, or Schedule IV;

authorizing Agency for Health Care Administration to seek federal grant moneys for specified purposes; providing legislative intent concerning resources for implementation of the act; providing effective dates.

—was referred to the Committees on Health Regulation; Criminal Justice; and Governmental Operations.

By the Policy and Budget Council; Economic Expansion and Infrastructure Council; and Representative D. Davis and others—

CS for CS for HB 1325—A bill to be entitled An act relating to entertainment industry economic development; providing a short title; amending s. 288.1254, F.S.; revising the entertainment industry financial incentive program to provide corporate income tax and sales and use tax credits to qualified entertainment entities rather than reimbursements from appropriations; revising provisions relating to definitions, creation and scope, application procedures, approval process, eligibility, required documents, qualified and certified productions, and annual reports; providing duties and responsibilities of the Office of Film and Entertainment, the Office of Tourism, Trade, and Economic Development, and the Department of Revenue relating to the tax credits; providing criteria and limitations for awards of tax credits; providing a total amount available for tax credits; providing for uses, allocations, election, distributions, and carryforward of the tax credits; providing for use of consolidated returns; providing for partnership and noncorporate distributions of tax credits; providing for succession of tax credits; providing requirements for transfer of tax credits; requiring a purchaser of transferred tax credits to pay a percentage of the amount paid to fund specified film education grants; providing priority allocation of tax credits; providing for withdrawal of tax credit eligibility; establishing queues; authorizing the Office of Tourism, Trade, and Economic Development to adopt rules, policies, and procedures; authorizing the Department of Revenue to adopt rules and conduct audits; providing for revocation and forfeiture of tax credits; providing liability for reimbursement of certain costs and fees associated with a fraudulent claim; requiring an annual report to the Governor and the Legislature; providing for future repeal; creating s. 288.1256, F.S.; establishing the Florida Graduate Film Investment Fund; requiring administration by the Office of Film and Entertainment; providing for deposit of funds; requiring that funds be used for certain family-friendly films; amending s. 288.1252, F.S.; requiring the Florida Film and Entertainment Advisory Council to advise on films produced under the Florida Graduate Film Investment Fund; amending s. 220.02, F.S.; including tax credits enumerated in s. 288.1254, F.S., in the order of application of credits against certain taxes; amending s. 213.053, F.S.; authorizing the Department of Revenue to provide tax credit information to the Office of Film and Entertainment and the Office of Tourism, Trade, and Economic Development; amending s. 212.08, F.S.; requiring electronic funds transfer for the entertainment industry tax credit; providing procedures; repealing s. 288.1255, F.S., to remove the requirement that annual funding for the entertainment industry financial incentive program be subject to legislative appropriation; providing severability; providing an effective date.

—was referred to the Committees on Commerce; and Finance and Tax.

By the Jobs and Entrepreneurship Council; and Representative Reagan—

HB 7077—A bill to be entitled An act relating to insurance; amending s. 163.01, F.S.; correcting a cross-reference; amending s. 215.555, F.S.; revising certain reimbursement contract requirements; deleting an expiration provision relating to obtaining coverage for liquidated insurers; delaying repeal of an exemption of medical malpractice insurance premiums from emergency assessments; revising criteria, requirements, and limitations on temporary emergency options for additional coverage under the Florida Hurricane Catastrophe Fund; amending s. 215.5595, F.S.; providing an exception to certain surplus note limitations for certain manufactured housing insurers; amending s. 624.407, F.S.; revising an insurer criterion for capital funds requirements for new insurers; amending s. 624.408, F.S.; specifying an additional surplus to policyholder amount requirement for certain insurers; amending s. 626.9201, F.S.; defining the term “nonpayment of premium”; providing additional

criterion for cancellation for nonpayment of premium; amending s. 627.0613, F.S.; limiting application of certain annual report card preparation powers of the consumer advocate to personal residential property insurers; amending s. 627.062, F.S.; specifying application of certain “file and use” requirements to property insurance only; excluding certain motor vehicle coverages; amending s. 627.0655, F.S.; revising criteria for certain inclusion of discounts in certain premiums; amending s. 627.351, F.S.; revising legislative findings and intent; limiting application of the term “subject lines of business” to deficit assessments; revising a provision for determining eligibility of a risk for coverage; providing requirements for determining comparable coverage; revising requirements relating to senior management employees and members of the board of governors; authorizing the office to create a pilot program for the offering of optional sinkhole coverage in one or more counties or other territories of the corporation; revising rate filings provisions; amending s. 627.3511, F.S.; correcting a cross-reference; amending s. 627.3515, F.S.; revising criteria for an electronic database for a business plan; amending s. 627.3517, F.S.; deleting a provision specifying nonapplication for a certain period; amending s. 627.4035, F.S.; revising a premium payment plan option provision for certain insurers; amending s. 627.4133, F.S.; specifying requirements for notices of renewal premium of property insurance policies; authorizing the Financial Services Commission to adopt rules; amending s. 627.701, F.S.; revising requirements for deductibles for certain personal lines residential property insurance policies; amending s. 627.70131, F.S.; revising certain payment or denial of claim requirements; requiring an insurer to pay or deny a claim within a certain time period; providing requirements for payment of interest on overdue claims; prohibiting the expensing of interest paid in future rate filings; prohibiting contractual waivers, voidances, or nullifications; specifying regulatory action as an exclusive remedy for certain violations; amending s. 627.712, F.S.; limiting application of certain residential hurricane coverage requirements to property insurance policies; specifying separate coverage exclusion statements for policyholders that are natural persons and other than natural persons; specifying a period of application of certain exclusions; providing for implementation of changes to certain exclusions; amending s. 627.7277, F.S.; deleting certain notice of renewal premium requirements; deleting authority of the commission to adopt rules; amending s. 631.52, F.S.; expanding an exception to application to self insurance of provisions relating to Florida Insurance Guaranty of Payment; amending s. 631.57, F.S.; revising certain emergency assessment provisions relating to insurers rendered insolvent by the effects of hurricanes; amending s. 631.695, F.S.; deleting provisions limiting application of certain revenue bond issuance authority to certain counties; preserving certain Florida Building Code internal design options for certain building permits for a certain time; providing for retroactive application; providing severability; creating s. 624.46226; permitting two or more public housing authorities to create a self-insurance fund for specified purposes; providing effective dates.

—was referred to the Committee on Banking and Insurance.

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

CS for HB 7123—A bill to be entitled An act relating to energy; amending s. 196.175, F.S.; revising provisions for the renewable energy source exemption; excluding the assessed value of certain real property for determination of such exemption; amending s. 212.08, F.S.; revising the definition of “ethanol”; increasing the cap on the sales tax exemption for materials used in the distribution of biodiesel and ethanol fuels; specifying eligible items as limited to one refund; requiring a purchaser who receives a refund to notify a subsequent purchaser of such refund; creating s. 212.086, F.S.; establishing the Energy-Efficient Motor Vehicle Sales Tax Holiday; providing a sales tax exemption for the purchase of an alternative motor vehicle; specifying a period during which the sale of such vehicles is exempt from certain sales tax; providing eligibility requirements; requiring the department to adopt rules; providing an exclusion; providing for future repeal of the exemption; amending s. 220.192, F.S., relating to the renewable energy technologies investment tax credit; providing a definition; providing for the transferability of such tax credit; providing requirements and procedures therefor; providing rulemaking requirements and authority; amending s. 220.193, F.S.; providing a definition; providing that a taxpayer’s use of certain credits does not prohibit the use of other authorized credits; amending s. 255.251, F.S.; revising a short title; amending s. 255.252, F.S.; revising criteria for energy conservation and sustainability for state-owned

buildings; requiring buildings constructed and financed by the state to meet certain environmental standards subject to approval by the Department of Management Services; requiring state agencies to identify state-owned buildings that are suitable for guaranteed energy performance savings contracts; providing requirements and procedures therefor; requiring the Department of Management Services to evaluate identified facilities and develop an energy efficiency project schedule; providing criteria for such schedule; amending s. 255.253, F.S.; providing definitions; amending s. 255.254, F.S.; requiring certain state-owned buildings to meet sustainable building ratings; amending s. 255.255, F.S.; requiring the department to adopt rules and procedures for energy conservation performance guidelines based on sustainable building ratings; amending s. 287.064, F.S.; extending the period of time allowed for the repayment of funds for certain purchases relating to energy conservation measures; requiring guaranteed energy performance savings contractors to provide for the replacement or the extension of the useful life of the equipment during the term of a contract; amending s. 377.802, F.S.; providing for the annual designation of “Energy Efficiency and Conservation Month”; amending s. 377.803, F.S.; revising definitions; amending s. 377.804, F.S.; deleting provisions relating to bioenergy projects under the Renewable Energy Technologies Grants Program; amending s. 377.806, F.S.; revising rebate eligibility and application requirements for solar photovoltaic systems; requiring applicants to apply for rebate reservations and rebate payments; providing a limitation; revising rulemaking authority; creating s. 403.0874, F.S.; providing a definition; directing the Department of Environmental Protection to develop greenhouse gas inventories; providing requirements for such inventories; authorizing the department to require emission reports; requiring the department to adopt rules; amending s. 403.50663, F.S.; revising the requirements for notice of certain informational public meetings by local governments and regional planning councils relating to power plant siting; amending s. 403.50665, F.S.; authorizing local governments to determine incompleteness of information on certain siting applications as inconsistent with land use plans and zoning ordinances; revising provisions for the filing of certain petitions relating to land use; amending s. 403.508, F.S.; revising provisions for land use certification hearings relating to power plant siting; amending s. 403.509, F.S.; revising provisions for the final disposition of power plant siting applications; amending s. 403.5113, F.S.; revising provisions relating to power plant siting postcertification amendments and review; amending s. 403.5115, F.S.; revising provisions for public notice of activities relating to power plant siting; specifying requirements for such notice; amending s. 403.5252, F.S.; revising the timeframes for agencies and the Department of Environmental Protection to provide statements relating to the completeness of applications for power plant siting certification; amending s. 403.527, F.S.; revising the timeframe for the administrative law judge to cancel power plant siting certification hearings and relinquish jurisdiction to the Department of Environmental Protection upon request by the applicant or the department; amending s. 403.5271, F.S.; revising provisions relating to the completeness of applications for alternate corridors; amending s. 403.5272, F.S.; revising the requirements for local governments and regional planning councils to notice certain informational public meetings; amending s. 403.5317, F.S.; revising provisions for power plant siting postcertification activities; amending s. 403.5363, F.S.; revising provisions for public notices of power plant siting certification hearings; requiring local governments and regional planning councils to publish notice of certain informational meetings; providing requirements for such publication; amending s. 489.145, F.S.; revising provisions relating to guaranteed energy performance savings contracting to include energy consumption and energy-related operational savings; revising provisions for the financing of guaranteed energy performance savings contracts; revising criteria for proposed contracts; revising program administration and contract review provisions; requiring that consolidated financing of deferred payment commodity contracts be secured by certain funds; requiring the Chief Financial Officer to review proposed guaranteed energy performance savings contracts; creating s. 570.956, F.S.; establishing the Farm-to-Fuel Advisory Council within the Department of Agriculture and Consumer Services; providing membership requirements; providing for council duties; creating s. 570.957, F.S.; establishing the Farm-to-Fuel Grants Program within the Department of Agriculture and Consumer Services; providing definitions; specifying the use of renewable energy grants for projects relating to bioenergy; providing eligibility requirements; authorizing the department to adopt rules; providing criteria for grant award consideration; requiring the department to consult with the Department of Environmental Protection, the Office of Tourism, Trade, and Economic Development, and certain experts when evaluating applications; creating s. 570.958, F.S.; establishing the Biofuel Retail Sales

Incentive Program; establishing goals for replacing petroleum consumption; providing definitions; providing incentive payments to qualified retail dealers for increases in the amount of biofuels offered for sale; providing requirements and procedures therefor; creating s. 570.959, F.S.; establishing the Florida Biofuel Production Incentive Program; providing definitions; providing incentive payments to producers of certain biofuels; providing requirements and procedures therefor; authorizing the Department of Agriculture and Consumer Services to adopt rules; directing the Florida Building Commission to convene a workgroup to develop a model residential energy efficiency ordinance; requiring the commission to consult with specified entities to review the cost-effectiveness of energy efficiency measures in the construction of residential, commercial, and government buildings; requiring the commission to consult with specified entities to develop and implement a public awareness campaign; requiring the commission to provide reports to the Legislature; requiring all county, municipal, and public community college buildings to meet certain energy efficiency standards for construction; providing applicability; specifying a period during which the sale of energy-efficient products is exempt from certain tax; providing a limitation; providing a definition; authorizing the Department of Revenue to adopt rules; establishing standards for diesel fuel purchases for use by state-owned diesel vehicles and equipment to include biodiesel fuel purchase requirements; establishing standards for fuel purchases for use by state-owned flex-fuel vehicles to include ethanol purchase requirements; establishing standards for the use of biodiesel fuels by school district transportation services; providing legislative intent relating to the leverage of state funds for certain research and production; creating the Florida Energy, Aerospace, and Technology (F.E.A.T.) Fund; authorizing the Executive Office of the Governor to procure the services of a private business entity; providing requirements and procedures therefor; requiring that certain funds be deposited in the Grants and Donations Trust Fund; providing requirements and procedures therefor; providing for the construction and operation of a research and demonstration cellulosic ethanol plant; providing requirements and procedures therefor; requiring the Florida Energy Commission to conduct a study and recommend a renewable portfolio standard; providing requirements and procedures therefor; requiring the Florida Energy Commission to conduct a study to recommend the establishment of an energy efficiency and solar energy initiative; providing requirements and procedures therefor; requiring the Public Service Commission to submit a report to the Legislature on methods used to evaluate the conservation goals, plans, and programs of utilities subject to the Florida Energy Efficiency and Conservation Act; requiring the Department of Agriculture and Consumer Services to conduct a study and recommend a Florida Loan Guarantee Program for cellulosic ethanol facilities; requiring a report to the Legislature; requiring the Department of Community Affairs to convene a workgroup to identify and review certain energy conservation standards for specified products; providing requirements and procedures therefor; 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 appropriations; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; Environmental Preservation and Conservation; and Transportation and Economic Development Appropriations.

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

HB 7145—A bill to be entitled An act relating to scholarship programs; amending s. 220.187, F.S., relating to the Corporate Income Tax

Credit Scholarship Program; providing legislative findings; revising program purposes; providing a definition; providing that specified students who have been in Department of Juvenile Justice education programs or who are currently or have been in foster care are eligible for participation in the scholarship program; providing income criteria for continuation of scholarships for students in foster care; providing for eligibility of siblings of certain students; revising provisions relating to authorized uses of scholarship funds and expenditure of contributions received during the fiscal year; revising scholarship amounts and payments; providing for preservation of credits under certain circumstances; amending s. 1002.39, F.S., relating to the John M. McKay Scholarships for Students with Disabilities Program; revising scholarship ineligibility and private school eligibility provisions to exempt certain students from regular class attendance requirements under certain circumstances; revising Department of Education obligations relating to cross-check of student enrollment; providing private school requirements relating to discovery of duplicative enrollment and penalties under certain circumstances; requiring a private school to maintain a physical location in this state where case management services are provided to students subject to the regular class attendance exemption; requiring a private school to employ a case manager; specifying case manager qualifications and responsibilities; specifying the timeframe for parents to provide documentation for the regular class attendance exemption; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Finance and Tax.

By the Economic Expansion and Infrastructure Council; and Representative Cannon and others—

HB 7203—A bill to be entitled An act relating to growth management; amending s. 163.3164, F.S.; revising definitions; amending s. 163.3177, F.S.; revising certain criteria and requirements for elements of comprehensive plans; providing criteria for determining financial feasibility of comprehensive plans; amending s. 163.3180, F.S.; revising application of concurrency requirements to public transit facilities; revising certain transportation concurrency requirements relating to concurrency exception areas, developments of regional impact, and schools; providing application to Florida Quality Developments and certain areas; revising proportionate fair-share mitigation criteria; creating s. 163.3182, F.S.; providing for the creation of transportation concurrency backlog authorities; providing definitions; providing powers and responsibilities of such authorities; providing for transportation concurrency backlog plans; providing for the issuance of revenue bonds for certain purposes; providing for the establishment of a local trust fund within each county or municipality with an identified transportation concurrency backlog; providing exemptions from transportation concurrency requirements; providing for the satisfaction of concurrency requirements; providing for dissolution of transportation concurrency backlog authorities; amending s. 163.3187, F.S.; revising a criterion for application of amendments to certain small scale developments; amending s. 163.3191, F.S.; providing for nonapplication of a prohibition against certain proposed plan amendments to allow for integration of a port master plan in the coastal management plan element under certain conditions; amending s. 163.3229, F.S.; extending a time limitation on duration of development agreements; creating s. 163.32465, F.S.; providing for a pilot program to provide a plan review process for certain densely developed areas; providing legislative findings; providing for exempting certain local governments from compliance review by the state land planning agency; authorizing certain municipalities to not participate in the program; providing procedures and requirements for adopting comprehensive plan amendments in such areas; requiring public hearings; providing hearing requirements; providing requirements for local government transmittal of proposed plan amendments; providing for intergovernmental review; providing for regional, county, and municipal review; providing requirements for local government review of certain comments; providing requirements for adoption and transmittal of plan amendments; providing procedures and requirements for challenges to compliance of adopted plan amendments; providing for administrative hearings; providing for applicability of program provisions; requiring the Office of Program Policy Analysis and Governmental Accountability to evaluate the pilot program and prepare and submit a report to the Governor and Legislature; providing report requirements; establishing four full-time equivalent planning positions; providing an appropriation; amending s. 380.06, F.S.; extending development-of-regional-impact phase and buildout dates for certain projects under construction; providing that such exten-

sions are not substantial deviations and do not subject such projects to further review; providing an effective date.

—was referred to the Committee on Community Affairs.

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

CS for HB 1405—A bill to be entitled An act relating to public records; creating s. 267.076, F.S.; creating an exemption from public records requirements for information that identifies a donor or prospective donor to a publicly owned house museum designated by the United States Department of the Interior as a National Historic Landmark who desires to remain anonymous; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was referred to the Committee on Community Affairs.

By the Jobs and Entrepreneurship Council; and Representative Reagan and others—

HB 7169—A bill to be entitled An act relating to public records and public meetings exemptions; creating s. 627.3121, F.S.; providing an exemption from public records requirements for certain records of the Florida Workers' Compensation Joint Underwriting Association, Inc.; authorizing the release of confidential and exempt records under certain circumstances; providing an exemption from public meetings requirements for portions of a meeting of the association's board of governors or a subcommittee thereof during which confidential and exempt records are discussed; requiring that exempt portions of meetings be recorded, transcribed, and maintained for a specified period; providing an exemption from public records requirements for minutes and transcripts of exempt portions of meetings; providing for future legislative review and repeal of the exemptions under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was referred to the Committee on Governmental Operations.

RETURNING MESSAGES—FINAL ACTION

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed SB 90, CS for SB 116, CS for SB 124, SB 134, CS for SB 136, CS for CS for SB 156, CS for SB 174, CS for SB 184, SB 192, CS for CS for SB 248, SB 282, CS for SB 314, CS for CS for SB 392, CS for SB 400, CS for SB 404, CS for CS for CS for SB 506, CS for SB 590, SB 640, CS for SB 650, SB 666, SB 672, CS for SB 746, CS for SB 816, SB 886, CS for CS for SB 902, CS for CS for SB 920, CS for SB 988, SB 1014, CS for CS for SB 1026, CS for SB 1206, CS for SB 1424, SB 1448, SB 1452, CS for SB 1472, CS for SB 1508, CS for CS for SB 1604, CS for CS for SB 1624, CS for CS for CS for SB 1638, CS for SB 1644, CS for SB 1710, CS for SB 1770, CS for CS for SB 1792, CS for CS for SB 1818, CS for SB 1844, CS for CS for CS for SB 1894, CS for SB 1900, CS for CS for SB 1916, SB 1950, CS for CS for SB 2038, CS for CS for SB 2052, CS for CS for SB 2114, CS for SB 2142, CS for CS for SB 2162, CS for SB 2198, SB 2224, CS for CS for SB 2260, CS for SB 2312, CS for CS for SB 2346, CS for SB 2484, SB 2634, CS for SB 2766, CS for CS for SB 2858 and CS for SB 2866; adopted SM 1698 and SM 2770; and passed CS for SB 830, CS for SB 1848 and SB 1852 by the required constitutional two-thirds vote of the membership of the House.

William S. Pittman III, Chief Clerk

The bills contained in the foregoing messages were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 1 was corrected and approved.

RECESS

On motion by Senator King, the Senate recessed at 5:44 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Thursday, May 3 or upon call of the President.