



# Journal of the Senate

Number 3—Special Session C

Friday, October 5, 2007

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## CALL TO ORDER

The Senate was called to order by President Pruitt at 9:00 a.m. A quorum present—37:

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

Excused: Senators Oelrich, Rich and Saunders

## PRAYER

The following prayer was offered by Senator Gaetz:

Winston Churchill said, "A great man in small times is a waste, a tragedy", but to be put in the center of things when all that you know and care for hangs in the balance, that, he says, "is a gift to a great man from a generous providence".

Dear Lord, you must be a generous guy for you surely have put us in the center of things. So much in our little world hangs in the balance of decisions we are now called to make.

By your grace, assembled in this chamber are great women and great men. By your gifts, some bring intellect; Others, wisdom borne of experience, moral courage, compassion, insight. And every man and every woman here has a good heart and a willing spirit.

So please forgive our weaknesses, use our strength, hold our hands, and help us remember we volunteered for this job.

Bless and keep our President, Ken Pruitt. Thank you for the gift of this opportunity to do our best for this state and its people whom we love and serve and care for. Amen.

## PLEDGE

Senator Dean led the Senate in the pledge of allegiance to the flag of the United States of America.

## SPECIAL RECOGNITION

The President recognized Senator Baker for having won the Pistol and Rifle Competition recently in the "Adjutant General of Florida's Battle Focus Combat Marksmanship Match." Senator Baker and his team came in first and will compete next week at a national competition in Little Rock, Arkansas.

## SPECIAL ORDER CALENDAR

**SB 2-C**—A bill to be entitled An act making special appropriations; providing appropriations and reductions in appropriations for the 2007-2008 fiscal year, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

—was read the second time by title.

Senators Alexander, Lawson, Aronberg, Baker, Bennett, Jones, Gaetz and Storms offered the following amendment which was moved by Senator Alexander and adopted:

### Amendment 1 (998603)—

In Section: 06 On Page: 075 Specific Appropriation: 546A  
Delete Insert

FINANCIAL SERVICES, DEPARTMENT OF  
Program: Licensing And Consumer  
Protection  
Insurance Fraud

In Section 06 On Page 075  
546A Salaries And Benefits

Positions	0	16	
From Insurance Regulatory Trust Fund			824,386

Insert proviso immediately following Specific Appropriation 546A:

Funds in Specific Appropriations 546A, 546B, 546C, 546D, 546E, and 546F, authorize sixteen full-time equivalent positions as senior insurance fraud investigators and provide \$1,605,922 from the Insurance Regulatory Trust Fund. The associated salary rate is \$14,208. Personnel appointed to these positions must be certified law enforcement officers. These positions shall be included within the certified law enforcement collective bargaining unit and shall have a minimum annual salary of \$46,262. These positions are provided for investigation of insurance fraud in Tampa, Orlando, and Miami, including Broward and Palm Beach counties.

546B Expenses		
From Insurance Regulatory Trust Fund		265,840

546C Operating Capital Outlay		
From Insurance Regulatory Trust Fund		167,520

546D Special Categories		
Acquisition Of Motor Vehicles		

From Insurance Regulatory Trust Fund 316,800

Immediately preceding specific appropriation 290, following the words "APPROVED SALARY RATE", delete:

546E Special Categories Transfer To Department Of Management Services - Human Resources Services Purchased Per Statewide Contract

-58,992 and insert in lieu thereof: 51,008

From Insurance Regulatory Trust Fund 6,416

288A In Section 4 On Page 000 Special Categories State Attorney Operating Expenditures In Section 4 On Page 046

546F Special Categories Salary Incentive Payments

From Insurance Regulatory Trust Fund 24,960

From Grants And Donations Trust Fund 7,776

546G Special Categories Transfer To Justice Administration Commission For Prosecution Of Pip Fraud

Immediately following Specific Appropriation 288A, INSERT:

From Insurance Regulatory Trust Fund 470,056

From the funds provided in Specific Appropriation 288A, \$7,776 from the Grants and Donations Trust Fund is provided for prosecution of insurance fraud in consultation with the Division of Insurance Fraud in the Department of Financial Services.

Insert proviso immediately following Specific Appropriation 546G:

Amendment 3 (998602)—

Funds provided in Specific Appropriation 546G, are provided for transfer to the Justice Administration Commission for the prosecution of insurance fraud in Tampa, Orlando, and Miami.

In Section: 04 On Page: 046 Specific Appropriation: 290 Delete Insert

Program: Office Of Chief Financial Officer And Administration Information Technology

JUSTICE ADMINISTRATION State Attorneys Program: State Attorneys - Eleventh Judicial Circuit

529A In Section 06 On Page 073 Special Categories Aspire Project - Hardware/Software Maintenance

290 In Section 04 On Page 046 Salaries And Benefits

From Insurance Regulatory Trust Fund -539,136

Positions 0 2 From Grants And Donations Trust Fund 148,909

529 Expenses

Immediately following Specific Appropriation 290, INSERT:

From Insurance Regulatory Trust Fund -17,845 -1,554,687

From the positions and funds provided in Specific Appropriation 290, two full-time equivalent positions with associated salary rate of 110,000 and \$148,909 from the Grants and Donations Trust Fund are provided for prosecution of insurance fraud in consultation with the Division of Insurance Fraud in the Department of Financial Services.

Senator Crist moved the following amendments which were adopted:

Amendment 2 (998605)—

Immediately preceding specific appropriation 290, following the words "APPROVED SALARY RATE", delete:

In Section: 04 On Page: 046 Specific Appropriation: 288 Delete Insert

-2,040,909

JUSTICE ADMINISTRATION State Attorneys Program: State Attorneys - Ninth Judicial Circuit

and insert in lieu thereof:

-1,930,909

288 In Section 04 On Page 046 Salaries And Benefits

290A In Section 4 On Page 000 Special Categories State Attorney Operating Expenditures

Positions 0 2 From Grants And Donations Trust Fund 148,909

In Section 4 On Page 046 From Grants And Donations Trust Fund 7,776

Immediately following Specific Appropriation 288, INSERT:

Immediately following Specific Appropriation 290A, INSERT:

From the positions and funds provided in Specific Appropriation 288, two full-time equivalent positions with associated salary rate of 110,000 and \$148,909 from the Grants and Donations Trust Fund are provided for prosecution of insurance fraud in consultation with the Division of Insurance Fraud in the Department of Financial Services.

From the funds provided in Specific Appropriation 290A, \$7,776 from the Grants and Donations Trust Fund is provided for prosecution of insurance fraud in consultation with the Division of Insurance Fraud in the Department of Financial Services.

Amendment 4 (998604)—

In Section: 04 On Page: 046 Specific Appropriation: 292 Delete Insert

JUSTICE ADMINISTRATION
State Attorneys
Program: State Attorneys - Thirteenth
Judicial Circuit

Table with 3 columns: Description, 0, 2, 148,909. Includes 'Salaries And Benefits', 'Positions', 'From Grants And Donations Trust Fund'.

Immediately following Specific Appropriation 292, INSERT:
From the positions and funds provided in Specific Appropriation 292, two full-time equivalent positions with associated salary rate of 110,000 and \$148,909 from the Grants and Donations Trust Fund are provided for prosecution of insurance fraud in consultation with the Division of Insurance Fraud in the Department of Financial Services.

Immediately preceding specific appropriation 290, following the words "APPROVED SALARY RATE", delete:
-341,543

and insert in lieu thereof:

Table with 3 columns: Description, 0, 7,776. Includes 'Special Categories', 'State Attorney Operating Expenditures'.

Table with 3 columns: Description, 0, 7,776. Includes 'From Grants And Donations Trust Fund'.

Immediately following Specific Appropriation 292A, INSERT:
From the funds provided in Specific Appropriation 292A, \$7,776 from the Grants and Donations Trust Fund is provided for prosecution of insurance fraud in consultation with the Division of Insurance Fraud in the Department of Financial Services.

On motion by Senator Carlton, by two-thirds vote SB 2-C as amended was read the third time by title.

On motion by Senator Carlton, further consideration of SB 2-C as amended was deferred.

SB 4-C—A bill to be entitled An act implementing the 2007-2008 special appropriations act; providing legislative intent; requiring state agencies to submit to the Executive Office of the Governor requests for revisions, additions, or deletions to approved performance measures and standards related to implementing the reductions and other changes in appropriations for the 2007-2008 fiscal year; requiring the judicial branch to submit to the Legislature requests for revisions, additions, or deletions to approved performance measures and standards related to implementing the reductions and other changes in appropriations for the 2007-2008 fiscal year; requiring the Office of the Inspector General in each agency to review policies and procedures for the assignment and use of motor vehicles by agency employees in order to determine compliance with certain criteria and rules of the Department of Management Services; requiring each agency to update the information in the Equipment Management Information System; requiring a report to the Governor, the Legislature, and the Office of Program Policy Analysis and Government Accountability by a specified date; requiring that agencies adopt policies and procedures to maximize the efficient use of motor

vehicles; providing that proposed budget actions requested by the Department of Environmental Protection are subject to review and approval by the Legislative Budget Commission; providing for the effect of a veto of one or more specific appropriations or proviso to which implementing language refers; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Alexander, by two-thirds vote SB 4-C was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37
Mr. President Diaz de la Portilla Lynn
Alexander Dockery Margolis
Aronberg Fasano Peaden
Atwater Gaetz Posey
Baker Garcia Ring
Bennett Geller Siplin
Bullard Haridopolos Storms
Carlton Hill Villalobos
Constantine Jones Webster
Crist Joyner Wilson
Dawson Justice Wise
Dean King
Deutch Lawson

Nays—None

On motion by Senator Lynn, by unanimous consent—

CS for SB 10-C—A bill to be entitled An act relating to higher education; amending s. 1009.531, F.S.; revising the eligibility requirements for the Florida Bright Futures Scholarship Program; providing for the disbursement of funds under the program to students enrolled in the early admission program during the 2007-2008 second semester; amending s. 1009.534, F.S.; requiring that the amount awarded to Florida Academic Scholars for college-related expenses be specified by law or in the General Appropriations Act; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Lynn, by two-thirds vote CS for SB 10-C was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37
Mr. President Diaz de la Portilla Lynn
Alexander Dockery Margolis
Aronberg Fasano Peaden
Atwater Gaetz Posey
Baker Garcia Ring
Bennett Geller Siplin
Bullard Haridopolos Storms
Carlton Hill Villalobos
Constantine Jones Webster
Crist Joyner Wilson
Dawson Justice Wise
Dean King
Deutch Lawson

Nays—None

On motion by Senator Wise, by unanimous consent—

CS for SB 6-C—A bill to be entitled An act relating to adjustments to education appropriations; amending s. 1003.03, F.S.; authorizing the Commissioner of Education to recommend a reduction in the amount transferred to a school district's fixed capital outlay fund based on the reduction in the district's allocation for its class size operating categorical; amending s. 1011.62, F.S.; providing for a district school board to transfer certain categorical funds for academic classroom instruction; requiring the Department of Education to report to the Legislature the amounts transferred and the activities for which the funds were expended; requiring a district school board to report to the department if

the board transfers funds from its allocation for research-based reading instruction; requiring that the Legislature determine the percent of decline in funding for unweighted full-time equivalent students if funds are reduced during a fiscal year; providing for future expiration of certain provisions; amending s. 1011.71, F.S.; revising requirements for a school district with respect to expending revenue generated by the district school tax millage; providing for future expiration of such provisions; amending s. 1012.225, F.S.; providing for the release of funds appropriated for the Merit Award Program for Instructional Personnel and School-Based Administrators; amending s. 1012.72, F.S., relating to the Dale Hickam Excellent Teaching Program; providing for funds for mentoring and related services to be prorated among eligible recipients if funds are insufficient in any fiscal year to pay such bonuses in full; incorporating by reference certain calculations used by the Legislature for the 2007-2008 fiscal year; providing legislative intent with respect to reductions in expenditures made by district school boards; providing an effective date.

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

Senator Garcia moved the following amendment which was adopted:

**Amendment 1 (300144)**—On page 6, lines 14-16, delete those lines and insert:

(3) *For purposes of this section, a school district that has met the reduction requirements regarding class size for traditional public schools in the year in which the fund transfer will occur the current year pursuant to s. 1003.03, has received an unqualified opinion on*

On motion by Senator Wise, by two-thirds vote **CS for SB 6-C** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

**CS for SB 20-C**—A bill to be entitled An act relating to research funded by pari-mutuel wagering; repealing s. 1011.93, F.S., relating to research and development programs funded by moneys in the Pari-mutuel Wagering Trust Fund; providing an effective date.

—was read the second time by title. On motion by Senator Alexander, by two-thirds vote **CS for SB 20-C** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Villalobos  
Webster  
Nays—None

Wilson  
Wise

**CS for SB 22-C**—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 487.041, F.S.; increasing the annual fees to register each brand of pesticide in order to defray the expenses of the department; amending s. 500.12, F.S.; increasing the fee to accompany an application for a food permit to be issued by the department; amending s. 501.95, F.S.; redefining the term “gift certificate”; providing circumstances in which a gift certificate may have an expiration date; amending s. 576.041, F.S.; increasing the fee paid by persons receiving a license to distribute fertilizer; amending s. 580.041, F.S.; increasing the fees paid by distributors of commercial feed for animals which accompanies an application for registration as a distributor; amending s. 585.155, F.S.; requiring that all female cattle vaccinated with the Brucella abortus vaccine be identified according to federal regulations; repealing s. 585.105, F.S., relating to the purchase, distribution, and administration of Brucella vaccine; providing for retroactive application; providing an effective date.

—was read the second time by title.

**MOTION**

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

Senator Constantine moved the following amendment which was adopted:

**Amendment 1 (791672)**—On page 4, lines 26-28, delete those lines and insert: expiration date if it is provided *in conjunction with as part of a larger package related to* a convention, conference,

On motion by Senator Alexander, by two-thirds vote **CS for SB 22-C** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—1

Storms

**CS for SB 24-C**—A bill to be entitled An act relating to trust funds; amending s. 201.15, F.S.; revising the amount of revenue from the excise tax which is deposited into the Water Protection and Sustainability Program Trust Fund, the Conservation and Recreation Lands Trust Fund, and the Invasive Plant Control Trust Fund in the Department of Environmental Protection and the State Game Trust Fund and the Marine Resources Conservation Trust Fund in the Fish and Wildlife Conservation Commission; repealing s. 370.0603(3)(a), F.S., relating to the use of funds distributed from the Marine Resources Conservation Trust Fund; amending s. 403.890, F.S.; revising the distribution of funds into the Water Protection and Sustainability Program Trust Fund to conform to changes made by the act; requiring the Department of Environmental Protection to reallocate funds to conform to changes in distributions made by the act; providing effective dates.

—was read the second time by title. On motion by Senator Alexander, by two-thirds vote **CS for SB 24-C** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—1

Dockery

Vote after roll call:

Yea to Nay—Joyner

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Consideration of **CS for SB 16-C** was deferred.

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**CS for SB 12-C**—A bill to be entitled An act relating to health care; amending s. 393.0661, F.S.; providing for additional hours to be authorized under the personal care assistance services provided pursuant to a federal waiver program and administered by the Agency for Health Care Administration; repealing proviso language contained in Specific Appropriation 270 in chapter 2007-72, Laws of Florida, to conform; amending s. 395.701, F.S.; clarifying provisions imposing an assessment on hospital outpatient services; specifying assessment amounts; amending s. 409.912, F.S.; providing for certain children who are eligible for Medicaid and who reside within a specified service area of the Agency for Health Care Administration to be served under a service delivery mechanism other than the HomeSafeNet system; amending s. 409.9122, F.S.; requiring that the agency give certain providers priority with respect to the assignment of enrollees under the Medicaid managed prepaid health plan; deleting a requirement that certain recipients of comprehensive behavioral health services be assigned to MediPass or a managed care plan; amending s. 409.91211, F.S.; clarifying the duties of the agency for implementing service delivery mechanisms for certain children who are eligible for Medicaid; providing effective dates.

—was read the second time by title.

Senator Peaden moved the following amendment which was adopted:

**Amendment 1 (540578)(with title amendment)**—On page 6, between lines 12 and 13, insert:

Section 4. Paragraph (b) of subsection (2) and paragraph (d) of subsection (13) of section 409.908, Florida Statutes, are amended to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. If a provider is reimbursed based on cost reporting and submits a cost report late and that cost report would have been used to set a lower reimbursement rate for a rate semester, then the provider's rate for that semester shall be retroactively calculated using the new cost report, and full payment at the recalculated rate shall be effected retroactively. Medicare-granted extensions for filing cost reports, if applicable, shall also apply to Medicaid cost reports. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments

necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(2)

(b) Subject to any limitations or directions provided for in the General Appropriations Act, the agency shall establish and implement a Florida Title XIX Long-Term Care Reimbursement Plan (Medicaid) for nursing home care in order to provide care and services in conformance with the applicable state and federal laws, rules, regulations, and quality and safety standards and to ensure that individuals eligible for medical assistance have reasonable geographic access to such care.

~~1.—Changes of ownership or of licensed operator may or may not qualify for increases in reimbursement rates associated with the change of ownership or of licensed operator. The agency may amend the Title XIX Long Term Care Reimbursement Plan to provide that the initial nursing home reimbursement rates, for the operating, patient care, and MAR components, associated with related and unrelated party changes of ownership or licensed operator filed on or after September 1, 2001, are equivalent to the previous owner's reimbursement rate.~~

1.2. The agency shall amend the long-term care reimbursement plan and cost reporting system to create direct care and indirect care subcomponents of the patient care component of the per diem rate. These two subcomponents together shall equal the patient care component of the per diem rate. Separate cost-based ceilings shall be calculated for each patient care subcomponent. The direct care subcomponent of the per diem rate shall be limited by the cost-based class ceiling, and the indirect care subcomponent may be limited by the lower of the cost-based class ceiling, the target rate class ceiling, or the individual provider target.

2.3. The direct care subcomponent shall include salaries and benefits of direct care staff providing nursing services including registered nurses, licensed practical nurses, and certified nursing assistants who deliver care directly to residents in the nursing home facility. This excludes nursing administration, minimum data set, and care plan coordinators, staff development, and staffing coordinator.

3.4. All other patient care costs shall be included in the indirect care cost subcomponent of the patient care per diem rate. There shall be no costs directly or indirectly allocated to the direct care subcomponent from a home office or management company.

4.5. On July 1 of each year, the agency shall report to the Legislature direct and indirect care costs, including average direct and indirect care costs per resident per facility and direct care and indirect care salaries and benefits per category of staff member per facility.

5.6. In order to offset the cost of general and professional liability insurance, the agency shall amend the plan to allow for interim rate adjustments to reflect increases in the cost of general or professional liability insurance for nursing homes. This provision shall be implemented to the extent existing appropriations are available.

It is the intent of the Legislature that the reimbursement plan achieve the goal of providing access to health care for nursing home residents who require large amounts of care while encouraging diversion services as an alternative to nursing home care for residents who can be served within the community. The agency shall base the establishment of any maximum rate of payment, whether overall or component, on the available moneys as provided for in the General Appropriations Act. The agency may base the maximum rate of payment on the results of scientifically valid analysis and conclusions derived from objective statistical data pertinent to the particular maximum rate of payment.

(13) Medicare premiums for persons eligible for both Medicare and Medicaid coverage shall be paid at the rates established by Title XVIII of the Social Security Act. For Medicare services rendered to Medicaid-eligible persons, Medicaid shall pay Medicare deductibles and coinsurance as follows:

(d) Notwithstanding paragraphs (a)-(c):

1. Medicaid payments for Nursing Home Medicare part A coinsurance shall be *limited to the lesser of the Medicare coinsurance amount or the Medicaid nursing home per diem rate less any amounts paid by Medicare, but only up to the amount of Medicare coinsurance. The Medicaid per diem rate shall be the rate in effect for the dates of service of the*

*crossover claims and may not be subsequently adjusted due to subsequent per diem rate adjustments.*

2. Medicaid shall pay all deductibles and coinsurance for Medicare-eligible recipients receiving freestanding end stage renal dialysis center services.

3. Medicaid payments for general hospital inpatient services shall be limited to the Medicare deductible per spell of illness. Medicaid shall make no payment toward coinsurance for Medicare general hospital inpatient services.

4. Medicaid shall pay all deductibles and coinsurance for Medicare emergency transportation services provided by ambulances licensed pursuant to chapter 401.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 13, after the semicolon (;) insert: amending s. 409.908, F.S.; deleting a provision providing that an operator of a Medicaid nursing home may qualify for an increased reimbursement rate due to a change of ownership or licensed operator; providing a limitation on the reimbursement rates for Medicaid payments to nursing homes;

On motion by Senator Peaden, by two-thirds vote **CS for SB 12-C** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

The Senate resumed consideration of—

**SB 2-C**—A bill to be entitled An act making special appropriations; providing appropriations and reductions in appropriations for the 2007-2008 fiscal year, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

—which was previously considered and amended this day.

On motion by Senator Carlton, **SB 2-C** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—26

Mr. President	Dean	Lynn
Alexander	Diaz de la Portilla	Margolis
Atwater	Dockery	Peaden
Baker	Fasano	Posey
Bennett	Gaetz	Storms
Carlton	Garcia	Villalobos
Constantine	Haridopolos	Webster
Crist	Jones	Wise
Dawson	King	

Nays—11

Aronberg	Deutch	Hill
Bullard	Geller	Joyner

Justice	Ring	Wilson
Lawson	Siplin	

#### SPECIAL GUEST

Senator Gaetz introduced former Senator John Broxson, currently a Santa Rosa County Commissioner, who was present in the chamber.

#### MOTION

On motion by Senator King, the rules were waived and time of recess was extended until completion of the Special Order Calendar, Messages from the House, motions and announcements.

**CS for SB 14-C**—A bill to be entitled An act relating to the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute; amending s. 1004.445, F.S.; reducing the annual appropriation to the Grants and Donations Trust Fund within the Department of Elderly Affairs for the purpose of conducting research and carrying on other activities at the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute; providing an effective date.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **CS for SB 14-C** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Deutch	Lynn
Aronberg	Dockery	Margolis
Atwater	Fasano	Peaden
Baker	Gaetz	Posey
Bennett	Geller	Ring
Bullard	Haridopolos	Webster
Carlton	Hill	Wilson
Constantine	Jones	Wise
Dawson	King	
Dean	Lawson	

Nays—8

Alexander	Garcia	Storms
Crist	Joyner	Villalobos
Diaz de la Portilla	Justice	

Vote after roll call:

Yea—Siplin

**CS for SB 8-C**—A bill to be entitled An act relating to tuition and fees for higher education; amending s. 1009.22, F.S., relating to postsecondary student fees for workforce education; deleting provisions requiring the State Board of Education to adopt a fee schedule; providing standard resident tuition for the career certificate, applied technology diploma, and adult general education courses; authorizing district school boards and community college boards to adopt tuition within a specified range; limiting the amount of the increase during the 2007-2008 fiscal year; providing an appropriation and requiring the Department of Education to allocate such funds; amending s. 1009.23, F.S., relating to community college student tuition and fees; providing standard resident and nonresident tuition and fees for community college programs; deleting provisions requiring the State Board of Education to adopt the fee schedule in the absence of a provision in an appropriations act; providing an appropriation and requiring the Department of Education to allocate such funds; amending s. 1009.24, F.S., relating to state university student fees; providing an amount for resident undergraduate tuition; providing for imposition of a technology fee beginning with the 2009-2010 fall term; providing for the use of fee revenues; providing an appropriation and requiring the Board of Governors to allocate the funds; providing an effective date.

—was read the second time by title. On motion by Senator Lynn, by two-thirds vote **CS for SB 8-C** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—1

Storms

Vote after roll call:

Yea—Siplin

**MOTIONS**

On motion by Senator Carlton, a conference committee was appointed to consider all of the appropriations-related bills passed this day by the Senate and House; and the House was requested to agree to the appointment of a conference committee in the event the House refuses to pass the budget bills as passed by the Senate.

On motion by Senator Carlton, provisions of Rule 13.6(3) were waived to allow the Senate appropriations conferees latitude to deal with additional issues which may develop on all the bills included in conference.

On motion by Senator Carlton, the rules were waived and staff of the Appropriations Committees was instructed to make title amendments and technical conforming changes to **SB 2-C** and **SB 4-C** as necessary.

**CONFERENCE COMMITTEE APPOINTMENTS**

The President appointed the following conferees on **SB 2-C**; **SB 4-C**; **CS for SB 6-C**; **CS for SB 8-C**; **CS for SB 10-C**; **CS for SB 12-C**; **CS for SB 14-C**; **CS for SB 20-C**; **CS for SB 22-C**; and **CS for SB 24-C**: Senator Carlton, Chair; Criminal and Civil Justice Appropriations: Senator Crist, Chair; Senators Dawson, Dean, Joyner and Villalobos; Education Pre-K - 12 Appropriations: Senator Wise, Chair; Senators Bullard, Constantine, Dockery, Garcia and Siplin; Higher Education Appropriations: Senator Lynn, Chair; Senators Justice, King, Oelrich and Ring; General Government Appropriations: Senator Alexander, Chair; Senators Aronberg, Baker, Bennett, Jones and Lawson; Health and Human Services Appropriations: Senator Peaden, Chair; Senators Gaetz, Rich, Saunders and Wilson; Transportation and Economic Development Appropriations: Senator Fasano, Chair; Senators Diaz de la Portilla, Hill, Margolis and Webster.

The action of the Senate was certified to the House.

**SB 44-C**—A bill to be entitled An act relating to property taxes; amending s. 200.185, F.S.; changing the time a municipality must have been in a state of financial emergency to be considered a municipality of special financial concern; declaring certain municipalities to be in violation of certain maximum millage limitation provisions under certain circumstances; specifying certain requirements and procedures for such municipalities and the Department of Revenue; requiring certain noncomplying municipalities to forfeit local government half-cent sales tax distributions under certain circumstances; providing for retroactive operation; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **SB 44-C** to **CS for HB 1-C**.

Pending further consideration of **SB 44-C** as amended, on motion by Senator Diaz de la Portilla, by two-thirds vote **CS for HB 1-C** was withdrawn from the Committee on Finance and Tax.

On motion by Senator Diaz de la Portilla, by two-thirds vote—

**CS for HB 1-C**—A bill to be entitled An act relating to property taxes; amending s. 200.185, F.S.; changing the time a municipality must have been in a state of financial emergency to be considered a municipality of special financial concern; providing for calculating maximum millage rates for 2008-2009 fiscal year for certain municipalities; providing an effective date.

—a companion measure, was substituted for **SB 44-C** as amended and by two-thirds vote read the second time by title. On motion by Senator Diaz de la Portilla, by two-thirds vote **CS for HB 1-C** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

**CS for SB 40-C**—A bill to be entitled An act relating to motor vehicle insurance; amending s. 316.646, F.S.; requiring each person operating a motor vehicle to have in his or her possession proof of property damage liability coverage; conforming a cross-reference to changes made by the act; amending s. 320.02, F.S.; clarifying the requirements concerning insurance and liability coverage for certain motor vehicles registered in this state; amending s. 321.245, F.S., relating to the disposition of certain funds in the Highway Safety Operating Trust Fund; conforming a cross-reference; amending s. 324.022, F.S.; revising provisions requiring the owner or operator of a motor vehicle to maintain property damage liability coverage; specifying the requirements that apply to such a policy; providing definitions; requiring that a nonresident owner or registrant of a motor vehicle maintain property damage liability coverage if the motor vehicle is in the state longer than a specified period; providing an exception for a member of the United States Armed Forces who is on active duty outside the United States; creating s. 324.0221, F.S.; requiring insurers to report to the Department of Highway Safety and Motor Vehicles the renewal, cancellation, or nonrenewal of a policy providing personal injury protection coverage or motor vehicle property damage liability coverage; authorizing the department to adopt rules for the reports; providing that failure to report as required is a violation of the Florida Insurance Code; requiring that an insurer notify the named insured that a cancelled or nonrenewed policy will be reported to the department; requiring that the department suspend the registration and driver's license of an owner or registrant of a motor vehicle who fails to maintain the required liability coverage; providing for the reinstatement of a registration or driver's license upon payment of certain fees; requiring that a person obtain noncancelable coverage following such reinstatement; providing for the deposit and use of reinstatement fees; amending ss. 627.7275 and 627.7295, F.S., relating to motor vehicle insurance policies and contracts; conforming provisions to changes made by the act; reviving and reenacting ss. 627.730, 627.731, 627.732, 627.734, 627.737, 627.739, 627.7401, 627.7403, 627.7405, F.S., and reviving, reenacting, and amending ss. 627.733 and 627.736, the Florida Motor Vehicle No-Fault Law, notwithstanding the repeal of such law provided in s. 19, chapter 2003-411, Laws of Florida; deleting certain provisions relating to the suspension and reinstatement of a driver's license and registration and notice to the Department of Highway Safety and Motor Vehicles; conforming provisions to changes made by the act; providing legislative intent with respect to the reenactment and codification of the Florida Motor Vehicle No-Fault Law, notwithstanding its prior repeal; amending s. 627.736, F.S., as reenacted and amended; revising provisions governing the medical benefits provided as required personal injury protection benefits; providing medical benefits for ser-

vices and care ordered or prescribed by a physician or provided by certain persons or entities that meet certain specified requirements; requiring the Financial services Commission to adopt rules; requiring personal injury protection insurers to reserve benefits for certain providers for a specified period; tolling the time period for the insurer to pay claims from other providers; authorizing an insurer to limit reimbursement for personal injury protection benefits to a specified percentage of a schedule of maximum charges; prohibiting an insurer from billing or attempting to collect amounts in excess of such limits, except for amounts that are not covered by personal injury protection coverage; deleting provisions specifying allowable amounts for certain tests and services; extending the period during which an insurer may pay an overdue claim following receipt of a demand letter without incurring a penalty; providing for penalties to be imposed against certain insurers for failing to pay claims for personal injury protection; authorizing the Department of Legal Affairs to investigate violations and initiate enforcement action; requiring that all claims related to the same health care provider for the same injured person be brought in one act unless good cause is shown; authorizing notices and communications required or authorized under the Florida Motor Vehicle No-Fault Law to be transmitted electronically under certain conditions; providing for application of the Florida Motor Vehicle No-Fault Law, as revived, reenacted, and amended; providing legislative findings; requiring insurers to revise or endorse motor vehicle insurance policies that are in force on a specified date; providing requirements for notice and rate filings; requiring that revised rates be applied on a pro rata basis for the remainder of the term of such policies; clarifying the nonapplication of certain laws governing reports to the Department of Highway Safety and Motor Vehicles and requiring personal injury protection coverage; specifying that the act does not abrogate requirements for a vehicle owner to maintain property damage liability coverage or an insurer to report to the department the issuance, cancellation, or nonrenewal of such coverage; providing effective dates.

—was read the second time by title.

#### SENATOR DEAN PRESIDING

#### THE PRESIDENT PRESIDING

Amendments were considered and adopted to conform **CS for SB 40-C** to **CS for HB 13-C**.

Pending further consideration of **CS for SB 40-C** as amended, on motion by Senator Posey, by two-thirds vote **CS for HB 13-C** was withdrawn from the Committee on Banking and Insurance.

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

**CS for HB 13-C**—A bill to be entitled An act relating to motor vehicle insurance; amending s. 316.646, F.S.; requiring each person operating a motor vehicle to have in his or her possession proof of property damage liability coverage; conforming a cross-reference to changes made by the act; amending s. 320.02, F.S.; clarifying the requirements concerning insurance and liability coverage for certain motor vehicles registered in this state; amending s. 321.245, F.S., relating to the disposition of certain funds in the Highway Safety Operating Trust Fund; conforming a cross-reference; amending s. 324.022, F.S.; revising provisions requiring the owner or operator of a motor vehicle to maintain property damage liability coverage; specifying the requirements that apply to such a policy; providing definitions; requiring that a nonresident owner or registrant of a motor vehicle maintain property damage liability coverage if the motor vehicle is in the state longer than a specified period; providing an exception for a member of the United States Armed Forces who is on active duty outside the United States; creating s. 324.0221, F.S.; requiring insurers to report to the Department of Highway Safety and Motor Vehicles the renewal, cancellation, or nonrenewal of a policy providing personal injury protection coverage or motor vehicle property damage liability coverage; authorizing the department to adopt rules for the reports; providing that failure to report as required is a violation of the Florida Insurance Code; requiring that an insurer notify the named insured that a cancelled or nonrenewed policy will be reported to the department; requiring that the department suspend the registration and driver's license of an owner or registrant of a motor vehicle who fails to maintain the required liability coverage; providing for the reinstatement of a registration or driver's license upon payment of certain fees; requiring that a person obtain noncancelable coverage following such reinstatement; providing for the deposit and use of reinstatement fees; amending ss. 627.7275 and 627.7295, F.S., relating to motor vehicle

insurance policies and contracts; conforming provisions to changes made by the act; reviving and reenacting ss. 627.730, 627.731, 627.732, 627.734, 627.737, 627.739, 627.7401, 627.7403, and 627.7405, F.S., and reviving, reenacting, and amending ss. 627.733 and 627.736, the Florida Motor Vehicle No-Fault Law, notwithstanding the repeal of such law provided in s. 19, chapter 2003-411, Laws of Florida; deleting certain provisions relating to the suspension and reinstatement of a driver's license and registration and notice to the Department of Highway Safety and Motor Vehicles; conforming provisions to changes made by the act; providing legislative intent with respect to the reenactment and codification of the Florida Motor Vehicle No-Fault Law, notwithstanding its prior repeal; amending s. 627.736, F.S., as reenacted and amended; revising provisions governing the medical benefits provided as required personal injury protection benefits; providing medical benefits for services and care ordered or prescribed by a physician or chiropractor or provided by certain persons or entities that meet certain requirements; requiring the Financial services Commission to adopt rules; revising a limitation on the amount of death benefits payable; requiring personal injury protection insurers to reserve benefits for certain providers for a specified period; tolling the time period for the insurer to pay claims from other providers; authorizing an insurer to limit reimbursement for personal injury protection benefits to a specified percentage of a schedule of maximum charges; prohibiting provider from billing or attempting to collect amounts in excess of such limits, except for amounts that are not covered by personal injury protection coverage; deleting provisions specifying allowable amounts for certain tests and services; providing for electronic transmission of certain statements; revising the application of a specified provision concerning attorney's fees; extending the period during which an insurer may pay an overdue claim following receipt of a demand letter without incurring a penalty; providing for penalties to be imposed against certain insurers for failing to pay claims for personal injury protection; authorizing the Department of Legal Affairs to investigate violations and initiate enforcement action; requiring that all claims related to the same health care provider for the same injured person be brought in one act unless good cause is shown; authorizing notices and communications required or authorized under the Florida Motor Vehicle No-Fault Law to be transmitted electronically under certain conditions; requiring persons subject to the Florida Motor Vehicle No-Fault Law, as revived and amended by this act, to maintain security for personal injury protection beginning on a specified date; providing that personal injury protection policy in effect on or after a specified date are deemed to incorporate the Florida Motor Vehicle No-Fault Law, as revived and amended by this act; requiring that insurers continue to use certain forms and rates until new forms or rates are used as authorized by law; requiring that insurers provide notice of the requirement for personal injury protection coverage or add an endorsement to the policy providing such coverage; requiring specified notice to certain insureds as of a specified date; providing intent concerning application of revived and amended provisions prior to a specified date; providing legislative findings; providing that a person purchasing a motor vehicle insurance policy without personal injury protection coverage is exempt from the requirement for such coverage for a specified period; providing for severability; providing effective dates.

—a companion measure, was substituted for **CS for SB 40-C** as amended and by two-thirds vote read the second time by title. On motion by Senator Posey, by two-thirds vote **CS for HB 13-C** was read the third time by title, passed and certified to the House. The vote on passage was:

#### Yeas—37

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

Nays—None

On motion by Senator Posey, by two-thirds vote **CS for HB 15-C** was withdrawn from the Committee on Banking and Insurance.

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

**CS for HB 15-C**—A bill to be entitled An act relating to a public records exemption; creating s. 324.242, F.S.; creating a public records exemption for certain information regarding personal injury protection and property damage liability insurance policies held by the Department of Highway Safety and Motor Vehicles; authorizing conditional release of confidential and exempt information to specified persons; providing for retroactive application of the exemption; providing for future review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **CS for SB 42-C** and by two-thirds vote read the second time by title. On motion by Senator Posey, by two-thirds vote **CS for HB 15-C** was read the third time by title, passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

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

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

**FIRST READING**

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed HB 5007-C and requests the concurrence of the Senate. If the Senate fails to concur, the House requests that the Senate accede to the appointment of a conference committee.

*William S. Pittman III, Chief Clerk*

By the Policy and Budget Council; and Representative Mayfield—

**HB 5007-C**—A bill to be entitled An act relating to distribution of excise taxes on fuel and other pollutants; amending s. 206.9935, F.S.; revising amounts to be transferred from the Inland Protection Trust Fund to the Florida Coastal Protection Trust Fund for certain purposes; providing an effective date.

—was referred to the Committee on General Government Appropriations.

On motion by Senator Carlton, by two-thirds vote **HB 5007-C** was withdrawn from the Committee on General Government Appropriations and by two-thirds vote **HB 5007-C** was placed on the Special Order Calendar and taken up instanter.

On motion by Senator Carlton, by two-thirds vote **HB 5007-C** was read the second time by title.

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

**Amendment 1 (743054)(with title amendment)**—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motion by Senator Carlton, by two-thirds vote **HB 5007-C** as amended 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
Aronberg	Fasano	Margolis
Atwater	Gaetz	Peaden
Baker	Garcia	Posey
Bennett	Geller	Ring
Bullard	Haridopolos	Siplin
Carlton	Hill	Storms
Constantine	Jones	Villalobos
Crist	Joyner	Webster
Dean	Justice	Wilson
Deutch	King	Wise

Nays—None

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed HB 5009-C and requests the concurrence of the Senate. If the Senate fails to concur, the House requests that the Senate accede to the appointment of a conference committee.

*William S. Pittman III, Chief Clerk*

By the Policy and Budget Council; and Representative Mayfield—

**HB 5009-C**—A bill to be entitled An act relating to appropriations to the Fish and Wildlife Conservation Commission; amending s. 372.5701, F.S.; deleting certain general revenue appropriation requirements; providing an effective date.

—was referred to the Committee on General Government Appropriations.

On motion by Senator Carlton, by two-thirds vote **HB 5009-C** was withdrawn from the Committee on General Government Appropriations and by two-thirds vote **HB 5009-C** was placed on the Special Order Calendar and taken up instanter.

On motion by Senator Carlton, by two-thirds vote **HB 5009-C** was read the second time by title.

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

**Amendment 1 (410604)(with title amendment)**—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motion by Senator Carlton, by two-thirds vote **HB 5009-C** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Baker	Constantine
Alexander	Bennett	Crist
Aronberg	Bullard	Dawson
Atwater	Carlton	Dean

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

Nays—None

## MOTIONS

### CONFERENCE COMMITTEE APPOINTMENTS

On motion by Senator Carlton, the Senate acceded to the request of the House that **HB 5007-C** and **HB 5009-C** be included in the Conference Committee on Appropriations as previously appointed.

## 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-C; has passed as amended CS for HB 13-C; has passed by the required constitutional two-thirds vote of the members voting CS for HB 15-C and requests the concurrence of the Senate.

*William S. Pittman III*, Chief Clerk

By the Policy and Budget Council; and Representative Lopez-Cantera—

**CS for HB 1-C**—A bill to be entitled An act relating to property taxes; amending s. 200.185, F.S.; changing the time a municipality must have been in a state of financial emergency to be considered a municipality of special financial concern; providing for calculating maximum millage rates for 2008-2009 fiscal year for certain municipalities; providing an effective date.

—was referred to the Committee on Finance and Tax.

By the Jobs and Entrepreneurship Council; and Representative Bogdanoff and others—

**CS for HB 13-C**—A bill to be entitled An act relating to motor vehicle insurance; amending s. 316.646, F.S.; requiring each person operating a motor vehicle to have in his or her possession proof of property damage liability coverage; conforming a cross-reference to changes made by the act; amending s. 320.02, F.S.; clarifying the requirements concerning insurance and liability coverage for certain motor vehicles registered in this state; amending s. 321.245, F.S., relating to the disposition of certain funds in the Highway Safety Operating Trust Fund; conforming a cross-reference; amending s. 324.022, F.S.; revising provisions requiring the owner or operator of a motor vehicle to maintain property damage liability coverage; specifying the requirements that apply to such a policy; providing definitions; requiring that a nonresident owner or registrant of a motor vehicle maintain property damage liability coverage if the motor vehicle is in the state longer than a specified period; providing an exception for a member of the United States Armed Forces who is on active duty outside the United States; creating s. 324.0221, F.S.; requiring insurers to report to the Department of Highway Safety and Motor Vehicles the renewal, cancellation, or nonrenewal of a policy providing personal injury protection coverage or motor vehicle property damage liability coverage; authorizing the department to adopt rules for the reports; providing that failure to report as required is a violation of the Florida Insurance Code; requiring that an insurer notify the named insured that a cancelled or nonrenewed policy will be reported to the department; requiring that the department suspend the registration and driver's license of an owner or registrant of a motor vehicle who fails

to maintain the required liability coverage; providing for the reinstatement of a registration or driver's license upon payment of certain fees; requiring that a person obtain noncancelable coverage following such reinstatement; providing for the deposit and use of reinstatement fees; amending ss. 627.7275 and 627.7295, F.S., relating to motor vehicle insurance policies and contracts; conforming provisions to changes made by the act; reviving and reenacting ss. 627.730, 627.731, 627.732, 627.734, 627.737, 627.739, 627.7401, 627.7403, and 627.7405, F.S., and reviving, reenacting, and amending ss. 627.733 and 627.736, the Florida Motor Vehicle No-Fault Law, notwithstanding the repeal of such law provided in s. 19, chapter 2003-411, Laws of Florida; deleting certain provisions relating to the suspension and reinstatement of a driver's license and registration and notice to the Department of Highway Safety and Motor Vehicles; conforming provisions to changes made by the act; providing legislative intent with respect to the reenactment and codification of the Florida Motor Vehicle No-Fault Law, notwithstanding its prior repeal; amending s. 627.736, F.S., as reenacted and amended; revising provisions governing the medical benefits provided as required personal injury protection benefits; providing medical benefits for services and care ordered or prescribed by a physician or chiropractor or provided by certain persons or entities that meet certain requirements; requiring the Financial Services Commission to adopt rules; revising a limitation on the amount of death benefits payable; requiring personal injury protection insurers to reserve benefits for certain providers for a specified period; tolling the time period for the insurer to pay claims from other providers; authorizing an insurer to limit reimbursement for personal injury protection benefits to a specified percentage of a schedule of maximum charges; prohibiting provider from billing or attempting to collect amounts in excess of such limits, except for amounts that are not covered by personal injury protection coverage; deleting provisions specifying allowable amounts for certain tests and services; providing for electronic transmission of certain statements; revising the application of a specified provision concerning attorney's fees; extending the period during which an insurer may pay an overdue claim following receipt of a demand letter without incurring a penalty; providing for penalties to be imposed against certain insurers for failing to pay claims for personal injury protection; authorizing the Department of Legal Affairs to investigate violations and initiate enforcement action; requiring that all claims related to the same health care provider for the same injured person be brought in one act unless good cause is shown; authorizing notices and communications required or authorized under the Florida Motor Vehicle No-Fault Law to be transmitted electronically under certain conditions; requiring persons subject to the Florida Motor Vehicle No-Fault Law, as revived and amended by this act, to maintain security for personal injury protection beginning on a specified date; providing that personal injury protection policy in effect on or after a specified date are deemed to incorporate the Florida Motor Vehicle No-Fault Law, as revived and amended by this act; requiring that insurers continue to use certain forms and rates until new forms or rates are used as authorized by law; requiring that insurers provide notice of the requirement for personal injury protection coverage or add an endorsement to the policy providing such coverage; requiring specified notice to certain insureds as of a specified date; providing intent concerning application of revived and amended provisions prior to a specified date; providing legislative findings; providing that a person purchasing a motor vehicle insurance policy without personal injury protection coverage is exempt from the requirement for such coverage for a specified period; providing for severability; providing effective dates.

—was referred to the Committee on Banking and Insurance.

By the Jobs and Entrepreneurship Council; and Representative Bogdanoff—

**CS for HB 15-C**—A bill to be entitled An act relating to a public records exemption; creating s. 324.242, F.S.; creating a public records exemption for certain information regarding personal injury protection and property damage liability insurance policies held by the Department of Highway Safety and Motor Vehicles; authorizing conditional release of confidential and exempt information to specified persons; providing for retroactive application of the exemption; providing for future review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—was referred to Committee on Banking and Insurance.

## RETURNING MESSAGES ON SENATE BILLS

### CONFERENCE COMMITTEE APPOINTMENTS

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed SB 2-C with amendment(s) and requests the concurrence of the Senate or, failing to concur, accedes to the request of the Senate for the appointment of a committee of conference to resolve differences between the houses.

The Speaker has appointed the following Representatives as conferees on behalf of the House of Representatives: At Large - Rep. Sansom (Chair), and Reps. Bogdanoff, Cretul, Cusack, Hasner, Saunders, Seiler, and Zapata; Economic Expansion & Infrastructure - Rep. Cannon (Chair), Rep. Hukill (Vice Chair), and Reps. Aubuchon, Boyd, Patterson, and Reed; Environment & Natural Resources - Rep. Mayfield (Chair), Rep. Troutman (Vice Chair), and Reps. Bowen, Brandenburg, Grimsley, Kendrick, and Machek; Government Efficiency & Accountability - Rep. Attkisson (Chair), Rep. Grant (Vice Chair), and Rep. Gibbons; Healthcare - Rep. Bean (Chair), Rep. Zapata (Vice Chair), and Reps. Ausley, Galvano, Garcia, R., Hays, Patronis, and Taylor; Jobs & Entrepreneurship - Rep. Reagan (Chair), Rep. Brown (Vice Chair), and Reps. Chestnut, Murzin, Richardson, and Weatherford; Safety & Security - Rep. Kravitz (Chair), Rep. Ross (Vice Chair), and Reps. Adams, Gibson, A., Kelly, Needelman, Sachs, and Thompson, N.; Schools & Learning - Rep. Pickens (Chair), Rep. Traviesa (Vice Chair), and Reps. Altman, Bendross-Mindingall, Coley, Flores, Ford, Heller, Kiar, and Simmons.

*William S. Pittman III*, Chief Clerk

**SB 2-C**—A bill to be entitled An act making special appropriations; providing appropriations and reductions in appropriations for the 2007-2008 fiscal year, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

Pursuant to Rule 7.6, **Amendment 1 (552435)** constituted an entirely new bill and was not published in the Journal.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed SB 4-C with amendment(s) and requests the concurrence of the Senate or, failing to concur, accedes to the request of the Senate for the appointment of a committee of conference to resolve differences between the houses.

The Speaker has appointed the following Representatives as conferees on behalf of the House of Representatives: At Large - Rep. Sansom (Chair), and Reps. Bogdanoff, Cretul, Cusack, Hasner, Saunders, Seiler, and Zapata; Economic Expansion & Infrastructure - Rep. Cannon (Chair), Rep. Hukill (Vice Chair), and Reps. Aubuchon, Boyd, Patterson, and Reed; Environment & Natural Resources - Rep. Mayfield (Chair), Rep. Troutman (Vice Chair), and Reps. Bowen, Brandenburg, Grimsley, Kendrick, and Machek; Government Efficiency & Accountability - Rep. Attkisson (Chair), Rep. Grant (Vice Chair), and Rep. Gibbons; Healthcare - Rep. Bean (Chair), Rep. Zapata (Vice Chair), and Reps. Ausley, Galvano, Garcia, R., Hays, Patronis, and Taylor; Jobs & Entrepreneurship - Rep. Reagan (Chair), Rep. Brown (Vice Chair), and Reps. Chestnut, Murzin, Richardson, and Weatherford; Safety & Security - Rep. Kravitz (Chair), Rep. Ross (Vice Chair), and Reps. Adams, Gibson, A., Kelly, Needelman, Sachs, and Thompson, N.; Schools & Learning - Rep. Pickens (Chair), Rep. Traviesa (Vice Chair), and Reps. Altman, Bendross-Mindingall, Coley, Flores, Ford, Heller, Kiar, and Simmons.

*William S. Pittman III*, Chief Clerk

**SB 4-C**—A bill to be entitled An act implementing the 2007-2008 special appropriations act; providing legislative intent; requiring state agencies to submit to the Executive Office of the Governor requests for revisions, additions, or deletions to approved performance measures and standards related to implementing the reductions and other changes in

appropriations for the 2007-2008 fiscal year; requiring the judicial branch to submit to the Legislature requests for revisions, additions, or deletions to approved performance measures and standards related to implementing the reductions and other changes in appropriations for the 2007-2008 fiscal year; requiring the Office of the Inspector General in each agency to review policies and procedures for the assignment and use of motor vehicles by agency employees in order to determine compliance with certain criteria and rules of the Department of Management Services; requiring each agency to update the information in the Equipment Management Information System; requiring a report to the Governor, the Legislature, and the Office of Program Policy Analysis and Government Accountability by a specified date; requiring that agencies adopt policies and procedures to maximize the efficient use of motor vehicles; providing that proposed budget actions requested by the Department of Environmental Protection are subject to review and approval by the Legislative Budget Commission; providing for the effect of a veto of one or more specific appropriations or proviso to which implementing language refers; providing for severability; providing an effective date.

### House Amendment 1 (815505)(with title amendment)—

Remove everything after the enacting clause and insert:

Section 1. *It is the intent of the Legislature that the implementing and administering provisions of this act apply to the act making appropriations and reductions in appropriations for the 2007-2008 state fiscal year.*

Section 2. In order to implement Specific Appropriations 2, 11, 11A, 12, and 12A of House Bill 5001C, 2007C Special Session, subsection (4) of section 1003.03, Florida Statutes, is amended to read:

1003.03 Maximum class size.—

#### (4) ACCOUNTABILITY.—

(a)1.—~~Beginning in the 2003-2004 fiscal year, if the department determines for any year that a school district has not reduced average class size as required in subsection (2) at the time of the third FEFP calculation, the department shall calculate an amount from the class size reduction operating categorical which is proportionate to the amount of class size reduction not accomplished. Upon verification of the department's calculation by the Florida Education Finance Program Appropriation Allocation Conference and not later than March 1 of each year, the Executive Office of the Governor shall transfer undistributed funds equivalent to the calculated amount from the district's class size reduction operating categorical to an approved fixed capital outlay appropriation for class size reduction in the affected district pursuant to s. 216.292(2)(d). The amount of funds transferred shall be the lesser of the amount verified by the Florida Education Finance Program Appropriation Allocation Conference or the undistributed balance of the district's class size reduction operating categorical.~~

~~2.—In lieu of the transfer required by subparagraph 1., the Commissioner of Education may recommend a budget amendment, subject to approval by the Legislative Budget Commission, to transfer an alternative amount of funds from the district's class size reduction operating categorical to its approved fixed capital outlay account for class size reduction if the commissioner finds that the State Board of Education has reviewed evidence indicating that a district has been unable to meet class size reduction requirements despite appropriate effort to do so. The commissioner's budget amendment must be submitted to the Legislative Budget Commission by February 15 of each year.~~

(a)(b) Beginning in the 2005-2006 school year, the department shall determine by January 15 of each year which districts have not met the two-student-per-year reduction required in subsection (2) based upon a comparison of the district's October student membership survey for the current school year and the February 2003 baseline student membership survey. The department shall report such districts to the Legislature. Each district that has not met the two-student-per-year reduction shall be required to implement one of the following policies in the subsequent school year unless the department finds that the district comes into compliance based upon the February student membership survey:

1. Year-round schools;
2. Double sessions;

3. Rezoning; or

4. Maximizing use of instructional staff by changing required teacher loads and scheduling of planning periods, deploying school district employees who have professional certification to the classroom, using adjunct educators, operating schools beyond the normal operating hours to provide classes in the evening, or operating more than one session during the day.

A school district that is required to implement one of the policies outlined in subparagraphs 1.-4. shall correct in the year of implementation any past deficiencies and bring the district into compliance with the two-student-per-year reduction goals established for the district by the department pursuant to subsection (2). A school district may choose to implement more than one of these policies. The district school superintendent shall report to the Commissioner of Education the extent to which the district implemented any of the policies outlined in subparagraphs 1.-4. in a format to be specified by the Commissioner of Education. The Department of Education shall use the enforcement authority provided in s. 1008.32 to ensure that districts comply with the provisions of this paragraph.

(b)(e) Beginning in the 2006-2007 school year, the department shall annually determine which districts do not meet the requirements described in subsection (2). In addition to enforcement authority provided in s. 1008.32, the Department of Education shall develop a constitutional compliance plan for each such district which includes, but is not limited to, redrawing school attendance zones to maximize use of facilities while minimizing the additional use of transportation unless the department finds that the district comes into compliance based upon the February student membership survey and the other accountability policies listed in paragraph (a) (b). Each district school board shall implement the constitutional compliance plan developed by the state board until the district complies with the constitutional class size maximums.

Section 3. *The amendments to s. 1003.03, Florida Statutes, made by this act shall expire July 1, 2008, and the text of that section shall revert to that in existence on the day before the effective date of this act, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text that expire pursuant to this section.*

Section 4. In order to implement Specific Appropriations 11 and 11A of House Bill 5001C, 2007C Special Session, subsection (2) of section 1006.36, Florida Statutes, is amended to read:

1006.36 Term of adoption for instructional materials.—

(2) The department shall publish annually an official schedule of subject areas to be called for adoption for each of the succeeding 2 years; and a tentative schedule for years 3, 4, 5, and 6. A district school board may delay the official adoption schedule by 1 year. If extenuating circumstances warrant, the commissioner may order the department to add one or more subject areas to the official schedule, in which event the commissioner shall develop criteria for such additional subject area or areas and make them available to publishers as soon as practicable before the date on which bids are due. The schedule shall be developed so as to promote balance among the subject areas so that the required expenditure for new instructional materials is approximately the same each year in order to maintain curricular consistency.

Section 5. *The amendments to s. 1006.36, Florida Statutes, made by this act shall expire July 1, 2008, and the text of that section shall revert to that in existence on the day before the effective date of this act, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text that expire pursuant to this section.*

Section 6. In order to implement Specific Appropriations 11 and 11A of House Bill 5001C, 2007C Special Session, subsection (6) of section 1011.62, Florida Statutes, is amended to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(6) CATEGORICAL FUNDS.—

(a) In addition to the basic amount for current operations for the FEFP as determined in subsection (1), the Legislature may appropriate categorical funding for specified programs, activities, or purposes.

(b) If a district school board finds and declares in a resolution adopted at a regular meeting of the school board that *expenditures for administration and for all functions not core to K-12 instruction have been reduced to the maximum extent possible and that the funds received for any of the following categorical appropriations are urgently needed to maintain school board specified academic classroom instruction*, the school board may consider and approve an amendment to the school district operating budget transferring the identified amount of the categorical funds to the appropriate account for expenditure:

1. Funds for student transportation.
2. Funds for safe schools.
3. Funds for supplemental academic instruction.
4. *Funds for research-based reading instruction.*
5. *Funds for instructional materials.*

(c) Each district school board shall include in its annual financial report to the Department of Education the amount of funds the school board transferred from each of the categorical funds identified in this subsection and the specific academic classroom instruction for which the transferred funds were expended. The Department of Education shall provide instructions and specify the format to be used in submitting this required information as a part of the district annual financial report. *The Department of Education shall provide to the Chair of the Senate Fiscal Policy and Calendar Committee and the Chair of the House Policy and Budget Council a report that identifies by district and by categorical fund the amount transferred and the specific academic classroom instruction for which the transferred funds were expended.*

(d) *If a district school board transfers funds from its research-based reading instruction allocation, the school board must also submit to the Department of Education an amendment describing the changes the district is making to its 2007-2008 comprehensive reading plan approved pursuant to paragraph (9)(d).*

Section 7. *The amendments to s. 1011.62, Florida Statutes, made by this act shall expire July 1, 2008, and the text of that section shall revert to that in existence on the day before the effective date of this act, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text that expire pursuant to this section.*

Section 8. In order to implement Specific Appropriations 11 and 11A of House Bill 5001C, 2007C Special Session, subsection (3) of section 1011.71, Florida Statutes, is amended to read:

1011.71 District school tax.—

(3) A school district that has met the reduction requirements regarding class size for the current year pursuant to s. 1003.03, ~~has received an unqualified opinion on its financial statements for the preceding 3 years, has no material weaknesses or instances of material noncompliance noted in an audit for the preceding 3 years,~~ and certifies to the Commissioner of Education that all of the district's instructional space needs for the next 5 years can be met from capital outlay sources that the district reasonably expects to receive during the next 5 years from local revenues and from currently appropriated state facilities funding or from alternative scheduling or construction, leasing, rezoning, or technological methodologies that exhibit sound management may expend revenue generated by the millage levy authorized by subsection (2) to fund, in addition to expenditures authorized in paragraphs (2)(a)-(j), the following:

(a) The purchase, lease-purchase, or lease of driver's education vehicles; motor vehicles used for the maintenance or operation of plants and equipment; security vehicles; or vehicles used in storing or distributing materials and equipment.

(b) Payment of the cost of premiums for property and casualty insurance necessary to insure school district educational and ancillary plants. Operating revenues that are made available through the payment of property and casualty insurance premiums from revenues generated under this subsection may be expended only for nonrecurring operational expenditures of the school district.

Section 9. *The amendments to s. 1011.71, Florida Statutes, made by this act shall expire July 1, 2008, and the text of that section shall revert to that in existence on the day before the effective date of this act, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text that expire pursuant to this section.*

Section 10. *In order to implement Specific Appropriations 2 and 11 through 12A of House Bill 5001C, 2007C Special Session, the calculations for the budget adjustments to the Florida Education Finance Program for the 2007-2008 fiscal year in the document entitled "Public School Funding—The Florida Education Finance Program Revised Second Calculation," dated October 2007 and filed with the Secretary of the Senate, are incorporated by reference for the purpose of displaying the calculations used by the Legislature, consistent with the requirements of the Florida Statutes, in making appropriations for the Florida Education Finance Program. This section expires July 1, 2008.*

Section 11. *A section of this act that implements a specific appropriation or specifically identified proviso language in the act making appropriations and reductions in appropriations for the 2007-2008 state fiscal year is void if the specific appropriation or specifically identified proviso language is vetoed. A section of this act that implements more than one specific appropriation or more than one portion of specifically identified proviso language in the act making appropriations and reductions in appropriations for the 2007-2008 state fiscal year is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.*

Section 12. *If any other act passed in 2007 contains a provision that is substantively the same as a provision in this act but that removes or is otherwise not subject to the future repeal or reversion applied to such provision by this act, the Legislature intends that the provision in the other act shall take precedence and shall continue to operate, notwithstanding the future repeal or reversion provided by this act.*

Section 13. Paragraph (f) of subsection (3) of section 393.0661, Florida Statutes, is amended to read:

393.0661 Home and community-based services delivery system; comprehensive redesign.—The Legislature finds that the home and community-based services delivery system for persons with developmental disabilities and the availability of appropriated funds are two of the critical elements in making services available. Therefore, it is the intent of the Legislature that the Agency for Persons with Disabilities shall develop and implement a comprehensive redesign of the system.

(3) The Agency for Health Care Administration, in consultation with the agency, shall seek federal approval and implement a four-tiered waiver system to serve clients with developmental disabilities in the developmental disabilities and family and supported living waivers. The agency shall assign all clients receiving services through the developmental disabilities waiver to a tier based on a valid assessment instrument, client characteristics, and other appropriate assessment methods. All services covered under the current developmental disabilities waiver shall be available to all clients in all tiers where appropriate, except as otherwise provided in this subsection or in the General Appropriations Act.

(f) The agency shall seek federal waivers and amend contracts as necessary to make changes to services defined in federal waiver programs administered by the agency as follows:

1. Supported living coaching services shall not exceed 20 hours per month for persons who also receive in-home support services.

2. Limited support coordination services shall be the only type of support coordination service provided to persons under the age of 18 who live in the family home.

3. Personal care assistance services shall be limited to no more than 180 hours per calendar month and shall not include rate modifiers. Additional hours may be authorized for persons who have intensive physical, medical, or adaptive needs and if such hours are essential for avoiding institutionalization ~~only if a substantial change in circumstances occurs for the individual.~~

4. Residential habilitation services shall be limited to 8 hours per day. Additional hours may be authorized for persons who have intensive medical or adaptive needs and if such hours are essential for avoiding institutionalization, or for persons who possess behavioral problems that are exceptional in intensity, duration, or frequency and present a substantial risk of harming themselves or others. This restriction shall be in effect until the four-tiered waiver system is fully implemented.

5. Chore Services, nonresidential support services, and homemaker services shall be eliminated. The agency shall expand the definition of in-home support services to enable the provider of the service to include activities previously provided in these eliminated services.

6. Massage therapy and psychological assessment services shall be eliminated.

7. The agency shall conduct supplemental cost plan reviews to verify the medical necessity of authorized services for plans that have increased by more than 8 percent during either of the 2 preceding fiscal years.

8. The agency shall implement a consolidated residential habilitation rate structure to increase savings to the state through a more cost-effective payment method and establish uniform rates for intensive behavioral residential habilitation services.

9. Pending federal approval, the agency is authorized to extend current support plans for clients receiving services under Medicaid waivers for 1 year beginning July 1, 2007, or from the date approved, whichever is later. Clients who have a substantial change in circumstances which threatens their health and safety may be reassessed during this year in order to determine the necessity for a change in their support plan.

Section 14. The following proviso language associated with Specific Appropriation 270 in chapter 2007-72, Laws of Florida, is amended to read:

Personal Care Assistance services shall be limited to no more than 180 hours per calendar month and shall not include rate modifiers. Additional hours may be authorized for persons who have intensive physical, medical, or adaptive needs and if such hours are essential for avoiding institutionalization ~~only if a substantial change in circumstances occurs for the individual.~~

Section 15. *If any provision of this act or its application 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 16. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to implementing the act making appropriations and reductions in appropriations for the 2007-2008 state fiscal year; providing legislative intent; amending s. 1003.03, F.S.; removing requirements for the transfer of certain funds for a school district that is not in compliance with class size reduction requirements; amending s. 1006.36, F.S.; authorizing a district school board to delay the instructional materials adoption schedule; amending s. 1011.62, F.S.; authorizing certain expenditures from categorical funds as determined by the district school board under certain conditions; revising reporting requirements; amending s. 1011.71, F.S.; revising the requirements under which school districts qualify to use capital outlay funds for certain purposes; specifying the calculations for the budget adjustments to the Florida Education Finance Program for the 2007-2008 fiscal year; providing for reversion of certain provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing applicability to other legislation; amending s. 393.0661, F.S.; providing for additional hours to be authorized under the personal care assistance services provided pursuant to a federal waiver program and administered by the

Agency for Persons with Disabilities; amending proviso language contained in Specific Appropriation 270 in chapter 2007-72, Laws of Florida, to conform; providing severability; providing an effective date.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 6-C with amendment(s) and requests the concurrence of the Senate or, failing to concur, accedes to the request of the Senate for the appointment of a committee of conference to resolve differences between the houses.

The Speaker has appointed the following Representatives as conferees on behalf of the House of Representatives: At Large - Rep. Sansom (Chair), and Reps. Bogdanoff, Cretful, Cusack, Hasner, Saunders, Seiler, and Zapata; Economic Expansion & Infrastructure - Rep. Cannon (Chair), Rep. Hukill (Vice Chair), and Reps. Aubuchon, Boyd, Patterson, and Reed; Environment & Natural Resources - Rep. Mayfield (Chair), Rep. Troutman (Vice Chair), and Reps. Bowen, Brandenburg, Grimsley, Kendrick, and Machek; Government Efficiency & Accountability - Rep. Attkisson (Chair), Rep. Grant (Vice Chair), and Rep. Gibbons; Healthcare - Rep. Bean (Chair), Rep. Zapata (Vice Chair), and Reps. Ausley, Galvano, Garcia, R., Hays, Patronis, and Taylor; Jobs & Entrepreneurship - Rep. Reagan (Chair), Rep. Brown (Vice Chair), and Reps. Chestnut, Murzin, Richardson, and Weatherford; Safety & Security - Rep. Kravitz (Chair), Rep. Ross (Vice Chair), and Reps. Adams, Gibson, A., Kelly, Needelman, Sachs, and Thompson, N.; Schools & Learning - Rep. Pickens (Chair), Rep. Traviesa (Vice Chair), and Reps. Altman, Bendross-Mindingall, Coley, Flores, Ford, Heller, Kiar, and Simmons.

William S. Pittman III, Chief Clerk

**CS for SB 6-C**—A bill to be entitled An act relating to adjustments to education appropriations; amending s. 1003.03, F.S.; authorizing the Commissioner of Education to recommend a reduction in the amount transferred to a school district's fixed capital outlay fund based on the reduction in the district's allocation for its class size operating categorical; amending s. 1011.62, F.S.; providing for a district school board to transfer certain categorical funds for academic classroom instruction; requiring the Department of Education to report to the Legislature the amounts transferred and the activities for which the funds were expended; requiring a district school board to report to the department if the board transfers funds from its allocation for research-based reading instruction; requiring that the Legislature determine the percent of decline in funding for unweighted full-time equivalent students if funds are reduced during a fiscal year; providing for future expiration of certain provisions; amending s. 1011.71, F.S.; revising requirements for a school district with respect to expending revenue generated by the district school tax millage; providing for future expiration of such provisions; amending s. 1012.225, F.S.; providing for the release of funds appropriated for the Merit Award Program for Instructional Personnel and School-Based Administrators; amending s. 1012.72, F.S., relating to the Dale Hickam Excellent Teaching Program; providing for funds for mentoring and related services to be prorated among eligible recipients if funds are insufficient in any fiscal year to pay such bonuses in full; incorporating by reference certain calculations used by the Legislature for the 2007-2008 fiscal year; providing legislative intent with respect to reductions in expenditures made by district school boards; providing an effective date.

**House Amendment 1 (156805)(with title amendment)**—

Remove everything after the enacting clause and insert:

Section 1. Subsection (2) of section 1012.225, Florida Statutes, is amended to read:

1012.225 Merit Award Program for Instructional Personnel and School-Based Administrators.—

(2) **PAY SUPPLEMENTS STRUCTURE.**—Merit Award Program plans shall provide for the annual disbursement of merit-based pay supplements to high-performing employees in the manner described in this subsection. *Merit Award Program funds shall be appropriated in the General Appropriations Act that is effective on July 1 of the fiscal year in which the merit-based pay supplements are distributed pursuant to paragraph (a). These funds shall be released and distributed to eligible*

*school districts on or before July 31 for distribution to eligible recipients by October 1 of that fiscal year.*

(a) Each Merit Award Program plan must designate the top instructional personnel and school-based administrators to be outstanding performers and pay to each such employee who remains employed by a Florida public school or who retired after qualifying for the award, by ~~October~~ ~~September~~ 1 of the following school year, a merit-based pay supplement of at least 5 percent of the average teacher's salary for that school district not to exceed 10 percent of the average teacher's salary for that school district. The amount of a merit award may not be based on length of service or base salary. Pay supplements shall be funded from moneys appropriated by the Legislature under this section and from any additional funds that are designated by the district for the Merit Award Program. School districts are not required to implement this section unless the program is specifically funded by the Legislature. By ~~November~~ ~~October~~ 1 of each year, each school district shall provide documentation to the Department of Education concerning the expenditure of legislative appropriations for merit-based pay, and shall refund undisbursed appropriations to the department. If such undisbursed funds are not remitted to the department by November 1, the department shall withhold an equivalent amount from the district's allocation of appropriations made under s. 1011.62.

(b) A Merit Award Program plan may include additional pay supplements under this section for employees who manifest exemplary work attendance.

(c) Merit-based pay supplements shall be awarded in addition to any general increase or other adjustments to salaries which are made by a school district. An employee's eligibility for or receipt of merit-based pay supplements shall not adversely affect that employee's opportunity to qualify for or to receive any other compensation that is made generally available to other similarly situated district school board employees.

Section 2. Subsection (2) of section 1012.72, Florida Statutes, is amended to read:

1012.72 Dale Hickam Excellent Teaching Program.—

(2) The Dale Hickam Excellent Teaching Program is created to provide categorical funding for monetary incentives and bonuses for teaching excellence. The Department of Education shall distribute to each school district or to the NBPTS an amount as prescribed annually by the Legislature for the Dale Hickam Excellent Teaching Program. *If the appropriation is insufficient to fund the monetary incentives and bonuses as described in this subsection, such incentives and bonuses shall be prorated so that total program expenditures equal the appropriation.* For purposes of this section, the Florida School for the Deaf and the Blind shall be considered a school district. Unless otherwise provided in the General Appropriations Act, each distribution shall be the sum of the amounts earned for the following incentives and bonuses:

(a) A fee subsidy to be paid by the Department of Education to the NBPTS on behalf of each individual who is an employee of a district school board or a public school within the school district, who is certified by the district to have demonstrated satisfactory teaching performance pursuant to s. 1012.34 and who satisfies the prerequisites for participating in the NBPTS certification program, and who agrees, in writing, to pay 10 percent of the NBPTS participation fee and to participate in the NBPTS certification program during the school year for which the fee subsidy is provided. The fee subsidy for each eligible participant shall be an amount equal to 90 percent of the fee charged for participating in the NBPTS certification program. The fee subsidy is a one-time award and may not be duplicated for any individual.

(b) A portfolio-preparation incentive of \$150 paid by the Department of Education to each teacher employed by a district school board or a public school within a school district who is participating in the NBPTS certification program. The portfolio-preparation incentive is a one-time award paid during the school year for which the NBPTS fee subsidy is provided.

(c) An annual bonus equal to 10 percent of the prior fiscal year's statewide average salary for classroom teachers to be distributed to the school district to be paid to each individual who holds NBPTS certification and is employed by the district school board or by a public school within the school district. The district school board shall distribute the annual bonus to each individual who meets the requirements of this

paragraph and who is certified annually by the district to have demonstrated satisfactory teaching performance pursuant to s. 1012.34. The annual bonus may be paid as a single payment or divided into not more than three payments.

(d) An annual bonus equal to 10 percent of the prior fiscal year's statewide average salary for classroom teachers to be distributed to the school district to be paid to each individual who meets the requirements of paragraph (c) and agrees, in writing, to provide the equivalent of 12 workdays of mentoring and related services to public school teachers within the state who do not hold NBPTS certification. Related services must include instruction in helping teachers work more effectively with the families of their students. The district school board shall distribute the annual bonus in a single payment following the completion of all required mentoring and related services for the year. It is not the intent of the Legislature to remove excellent teachers from their assigned classrooms; therefore, credit may not be granted by a school district or public school for mentoring or related services provided during student contact time during the 196 days of required service for the school year.

(e) The employer's share of social security and Medicare taxes and Florida Retirement System contributions for those teachers who qualify for NBPTS certification and receive bonus amounts.

A teacher for whom the state pays the certification fee and who does not complete the certification program or does not teach in a public school of this state for at least 1 year after completing the certification program must repay the amount of the certification fee to the state. However, a teacher who completes the certification program but fails to be awarded NBPTS certification is not required to repay the amount of the certification fee if the teacher meets the 1-year teaching requirement. Repayment is not required of a teacher who does not complete the certification program or fails to fulfill the teaching requirement because of the teacher's death or disability or because of other extenuating circumstances as determined by the State Board of Education.

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to employee incentive programs for public school personnel; amending s. 1012.225, F.S., relating to the Merit Award Program for Instructional Personnel and School-Based Administrators; providing requirements for the appropriation, release, and distribution of funds; revising dates relating to administration of the program; amending s. 1012.72, F.S., relating to the Dale Hickam Excellent Teaching Program; providing for the proration of monetary incentives and bonuses for teaching excellence in certain circumstances; providing an effective date.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 8-C with amendment(s) and requests the concurrence of the Senate or, failing to concur, accedes to the request of the Senate for the appointment of a committee of conference to resolve differences between the houses.

The Speaker has appointed the following Representatives as conferees on behalf of the House of Representatives: At Large - Rep. Sansom (Chair), and Reps. Bogdanoff, Cretul, Cusack, Hasner, Saunders, Seiler, and Zapata; Economic Expansion & Infrastructure - Rep. Cannon (Chair), Rep. Hukill (Vice Chair), and Reps. Aubuchon, Boyd, Patterson, and Reed; Environment & Natural Resources - Rep. Mayfield (Chair), Rep. Troutman (Vice Chair), and Reps. Bowen, Brandenburg, Grimsley, Kendrick, and Machek; Government Efficiency & Accountability - Rep. Attkisson (Chair), Rep. Grant (Vice Chair), and Rep. Gibbons; Healthcare - Rep. Bean (Chair), Rep. Zapata (Vice Chair), and Reps. Ausley, Galvano, Garcia, R., Hays, Patronis, and Taylor; Jobs & Entrepreneurship - Rep. Reagan (Chair), Rep. Brown (Vice Chair), and Reps. Chestnut, Murzin, Richardson, and Weatherford; Safety & Security - Rep. Kravitz (Chair), Rep. Ross (Vice Chair), and Reps. Adams, Gibson, A., Kelly, Needelman, Sachs, and Thompson, N.; Schools & Learning - Rep. Pickens (Chair), Rep. Traviesa (Vice Chair), and Reps. Altman, Bendross-Mindingall, Coley, Flores, Ford, Heller, Kiar, and Simmons.

William S. Pittman III, Chief Clerk

**CS for SB 8-C**—A bill to be entitled An act relating to tuition and fees for higher education; amending s. 1009.22, F.S., relating to postsecondary student fees for workforce education; deleting provisions requiring the State Board of Education to adopt a fee schedule; providing standard resident tuition for the career certificate, applied technology diploma, and adult general education courses; authorizing district school boards and community college boards to adopt tuition within a specified range; limiting the amount of the increase during the 2007-2008 fiscal year; providing an appropriation and requiring the Department of Education to allocate such funds; amending s. 1009.23, F.S., relating to community college student tuition and fees; providing standard resident and nonresident tuition and fees for community college programs; deleting provisions requiring the State Board of Education to adopt the fee schedule in the absence of a provision in an appropriations act; providing an appropriation and requiring the Department of Education to allocate such funds; amending s. 1009.24, F.S., relating to state university student fees; providing an amount for resident undergraduate tuition; providing for imposition of a technology fee beginning with the 2009-2010 fall term; providing for the use of fee revenues; providing an appropriation and requiring the Board of Governors to allocate the funds; providing an effective date.

**House Amendment 1 (658905)(with title amendment)—**

Remove everything after the enacting clause and insert:

Section 1. Subsections (3), (10), (11), (12), and (13) of section 1009.22, Florida Statutes, are amended to read:

1009.22 Workforce education postsecondary student fees.—

(3)(a) ~~The Commissioner of Education shall provide to the State Board of Education no later than December 31 of each year a schedule of fees for workforce development education, excluding continuing workforce education, for school districts and community colleges. The fee schedule shall be based on the amount of student fees necessary to produce 25 percent of the prior year's average cost of a course of study leading to a certificate or diploma. Except as otherwise provided by law, fees for students who are nonresidents not residents for tuition purposes must offset the full cost of instruction. Fee-nonexempt students enrolled in vocational-preparatory instruction shall be charged fees equal to the fees charged for certificate career education instruction. Each community college that conducts college-preparatory and vocational-preparatory instruction in the same class section may charge a single fee for both types of instruction.~~

(b) Fees for continuing workforce education shall be locally determined by the district school board or community college board. However, at least 50 percent of the expenditures for the continuing workforce education program provided by the community college or school district must be derived from fees.

(c) ~~Effective January 1, 2008, standard resident tuition per contact hour shall be \$1.67 for courses leading to a career certificate or an applied technology diploma and 83 cents for adult general education courses. The State Board of Education shall adopt a fee schedule for school districts and community colleges that produces the fee revenues calculated pursuant to paragraph (a). The schedule so calculated shall take effect, unless otherwise specified in the General Appropriations Act.~~

(d) *Beginning with the 2008-2009 fiscal year and each year thereafter, the standard resident tuition per contact hour shall increase at the beginning of each fall semester at a rate equal to inflation, unless otherwise provided in the General Appropriations Act. The Office of Economic and Demographic Research shall report the rate of inflation to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the State Board of Education each year prior to March 1. For purposes of this paragraph, the rate of inflation shall be defined as the rate of the 12-month percentage change in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, or successor reports as reported by the United States Department of Labor, Bureau of Labor Statistics, or its successor for December of the previous year. In the event the percentage change is negative, the standard resident tuition shall remain at the same level as the prior fiscal year.*

(e) *Each district school board and each community college board of trustees may adopt resident tuition that is within the range of 5 percent below to 5 percent above the standard tuition.*

(f) *The maximum increase in resident tuition for any school district or community college during the 2007-2008 fiscal year shall be 5 percent over the tuition charged during the 2006-2007 fiscal year.*

(g)(4) The State Board of Education shall adopt, by rule, the definitions and procedures that district school boards shall use in the calculation of cost borne by students.

(10) ~~Each year the State Board of Education shall review and evaluate the percentage of the cost of adult programs and certificate career education programs supported through student fees. For students who are residents for tuition purposes, the schedule adopted pursuant to subsection (3) must produce revenues equal to 25 percent of the prior year's average program cost for college preparatory and certificate level workforce development programs. Fees for continuing workforce education shall be locally determined by the district school board or community college board. However, at least 50 percent of the expenditures for the continuing workforce education program provided by the community college or school district must be derived from fees. Except as otherwise provided by law, fees for students who are not residents for tuition purposes must offset the full cost of instruction.~~

(10)(11) Each school district and community college may assess a service charge for the payment of tuition and fees in installments. Such service charge must be approved by the district school board or community college board of trustees.

(11)(12) Any school district or community college that reports students who have not paid fees in an approved manner in calculations of full-time equivalent enrollments for state funding purposes shall be penalized at a rate equal to 2 times the value of such enrollments. Such penalty shall be charged against the following year's allocation from workforce education funds or the Community College Program Fund and shall revert to the General Revenue Fund. The State Board of Education shall specify, in rule, approved methods of student fee payment. Such methods must include, but need not be limited to, student fee payment; payment through federal, state, or institutional financial aid; and employer fee payments.

(12)(13) Each school district and community college shall report only those students who have actually enrolled in instruction provided or supervised by instructional personnel under contract with the district or community college in calculations of actual full-time enrollments for state funding purposes. A student who has been exempted from taking a course or who has been granted academic or technical credit through means other than actual coursework completed at the granting institution may not be calculated for enrollment in the course from which the student has been exempted or for which the student has been granted credit. School districts and community colleges that report enrollments in violation of this subsection shall be penalized at a rate equal to 2 times the value of such enrollments. Such penalty shall be charged against the following year's allocation from workforce education funds and shall revert to the General Revenue Fund.

Section 2. Subsections (3) and (4) of section 1009.23, Florida Statutes, are amended to read:

#### 1009.23 Community college student fees.—

(3)(a) *Effective January 1, 2008, for advanced and professional, post-secondary vocational, college preparatory, and educator preparatory programs, the following tuition and fee rates shall apply:*

1. *The sum of the standard tuition and the technology fee per credit hour shall be \$51.35 for students who are residents for tuition purposes.*

2. *The sum of the standard tuition, the technology fee, and the out-of-state fee per credit hour shall be \$154.14 for students who are nonresidents for tuition purposes.*

(b) *Effective January 1, 2008, for baccalaureate degree programs, the following tuition and fee rates shall apply:*

1. *The sum of the standard tuition and the technology fee per credit hour shall be \$65.47 for students who are residents for tuition purposes.*

2. *The sum of the standard tuition, the technology fee, and the out-of-state fee per credit hour for students who are nonresidents for tuition purposes shall be no more than 85 percent of the sum of the tuition and the out-of-state fee at the state university nearest the community college.*

(c) *Beginning with the 2008-2009 fiscal year and each year thereafter, the sum of the standard tuition and the technology fee per credit hour and the out-of-state fee per credit hour shall increase at the beginning of each fall semester at a rate equal to inflation, unless otherwise provided in the General Appropriations Act. The Office of Economic and Demographic Research shall report the rate of inflation to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the State Board of Education each year prior to March 1. For purposes of this paragraph, the rate of inflation shall be defined as the rate of the 12-month percentage change in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, or successor reports as reported by the United States Department of Labor, Bureau of Labor Statistics, or its successor for December of the previous year. In the event the percentage change is negative, the sum of the standard tuition and the technology fee per credit hour and the out-of-state fee per credit hour shall remain at the same levels as the prior fiscal year. The State Board of Education shall adopt by December 31 of each year a resident fee schedule for the following fall for advanced and professional, associate in science degree, and college preparatory programs that produce revenues in the amount of 25 percent of the full prior year's cost of these programs. Fees for courses in college preparatory programs and associate in arts and associate in science degree programs may be established at the same level. In the absence of a provision to the contrary in an appropriations act, the fee schedule shall take effect and the colleges shall expend the funds on instruction. If the Legislature provides for an alternative fee schedule in an appropriations act, the fee schedule shall take effect the subsequent fall semester.*

(4) Each community college board of trustees shall establish tuition and out-of-state fees, which may vary no more than 10 percent below and 15 percent above the combined total of the *standard tuition and fees established in subsection (3) fee schedule adopted by the State Board of Education and the technology fee adopted by a board of trustees*, provided that any amount from 10 to 15 percent above the *standard tuition and fees established in subsection (3) shall be fee schedule* is used only to support safety and security purposes. In order to assess an additional amount for safety and security purposes, a community college board of trustees must provide written justification to the State Board of Education based on criteria approved by the board of trustees, including, but not limited to, criteria such as local crime data and information, and strategies for the implementation of local safety plans. Should a college decide to increase the tuition *and fees* fee, the funds raised by increasing the tuition *and fees* fee must be expended solely for additional safety and security purposes and shall not supplant funding expended in the 1998-1999 budget for safety and security purposes.

Section 3. Subsection (4) of section 1009.24, Florida Statutes, is amended to read:

#### 1009.24 State university student fees.—

(4)(a) *Effective January 1, 2008, the resident undergraduate tuition per credit hour for lower-level and upper-level coursework shall be \$77.39.*

(b) *Beginning with the 2008-2009 fiscal year and each year thereafter, the resident undergraduate tuition per credit hour shall increase at the beginning of each fall semester at a rate equal to inflation, unless otherwise provided in the General Appropriations Act. The Office of Economic and Demographic Research shall report the rate of inflation to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the Board of Governors each year prior to March 1. For purposes of this paragraph, the rate of inflation shall be defined as the rate of the 12-month percentage change in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, or successor reports as reported by the United States Department of Labor, Bureau of Labor Statistics, or its successor for December of the previous year. In the event the percentage change is negative, the resident undergraduate tuition shall remain at the same level as the prior fiscal year. ~~Except as otherwise provided by law, undergraduate tuition shall be established annually in the General Appropriations Act.~~*

(c) The Board of Governors, or the board's designee, may establish tuition for graduate and professional programs, and out-of-state fees for all programs. The sum of tuition and out-of-state fees assessed to nonresident students must be sufficient to offset the full instructional cost of serving such students. However, adjustments to out-of-state fees or tuition for graduate and professional programs pursuant to this section may not exceed 10 percent in any year.

(d) The sum of the activity and service, health, and athletic fees a student is required to pay to register for a course shall not exceed 40 percent of the tuition established in law or in the General Appropriations Act. No university shall be required to lower any fee in effect on the effective date of this act in order to comply with this subsection. Within the 40 percent cap, universities may not increase the aggregate sum of activity and service, health, and athletic fees more than 5 percent per year unless specifically authorized in law or in the General Appropriations Act. A university may increase its athletic fee to defray the costs associated with changing National Collegiate Athletic Association divisions. Any such increase in the athletic fee may exceed both the 40 percent cap and the 5 percent cap imposed by this subsection. Any such increase must be approved by the athletic fee committee in the process outlined in subsection (12) ~~(11)~~ and cannot exceed \$2 per credit hour. Notwithstanding the provisions of ss. 1009.534, 1009.535, and 1009.536, that portion of any increase in an athletic fee pursuant to this subsection that causes the sum of the activity and service, health, and athletic fees to exceed the 40 percent cap or the annual increase in such fees to exceed the 5 percent cap shall not be included in calculating the amount a student receives for a Florida Academic Scholars award, a Florida Medallion Scholars award, or a Florida Gold Seal Vocational Scholars award.

(e) This subsection does not prohibit a university from increasing or assessing optional fees related to specific activities if payment of such fees is not required as a part of registration for courses.

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to tuition and fees for higher education; amending s. 1009.22, F.S., relating to postsecondary student fees for workforce education; deleting provisions requiring the State Board of Education to adopt a fee schedule; providing standard resident tuition for the career certificate, applied technology diploma, and adult general education courses; providing for annual tuition adjustments based on inflation; authorizing district school boards and community college boards to adopt tuition within a specified range; limiting the amount of the increase during the 2007-2008 fiscal year; amending s. 1009.23, F.S., relating to community college student fees; providing standard tuition and fees for community college programs for students who are residents or nonresidents for tuition purposes; deleting provisions requiring the State Board of Education to adopt a fee schedule in the absence of a provision in an appropriations act; providing for annual tuition and fee adjustments based on inflation; providing restrictions; amending s. 1009.24, F.S., relating to state university student fees; providing an amount for resident undergraduate tuition; providing for annual tuition adjustments based on inflation; providing an effective date.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 10-C with amendment(s) and requests the concurrence of the Senate or, failing to concur, accedes to the request of the Senate for the appointment of a committee of conference to resolve differences between the houses.

The Speaker has appointed the following Representatives as conferees on behalf of the House of Representatives: At Large - Rep. Sansom (Chair), and Reps. Bogdanoff, Cretul, Cusack, Hasner, Saunders, Seiler, and Zapata; Economic Expansion & Infrastructure - Rep. Cannon (Chair), Rep. Hukill (Vice Chair), and Reps. Aubuchon, Boyd, Patterson, and Reed; Environment & Natural Resources - Rep. Mayfield (Chair), Rep. Troutman (Vice Chair), and Reps. Bowen, Brandenburg, Grimsley, Kendrick, and Machek; Government Efficiency & Accountability - Rep. Attkisson (Chair), Rep. Grant (Vice Chair), and Rep. Gibbons; Healthcare - Rep. Bean (Chair), Rep. Zapata (Vice Chair), and Reps. Ausley, Galvano, Garcia, R., Hays, Patronis, and Taylor; Jobs & Entrepreneurship - Rep. Reagan (Chair), Rep. Brown (Vice Chair), and Reps. Chestnut, Murzin, Richardson, and Weatherford; Safety & Security - Rep. Kravitz (Chair), Rep. Ross (Vice Chair), and Reps. Adams, Gibson, A., Kelly, Needelman, Sachs, and Thompson, N.; Schools & Learning - Rep. Pickens (Chair), Rep. Traviesa (Vice Chair), and Reps. Altman, Bendross-Mindingall, Coley, Flores, Ford, Heller, Kiar, and Simmons.

William S. Pittman III, Chief Clerk

**CS for SB 10-C**—A bill to be entitled An act relating to higher education; amending s. 1009.531, F.S.; revising the eligibility requirements for the Florida Bright Futures Scholarship Program; providing for the disbursement of funds under the program to students enrolled in the early admission program during the 2007-2008 second semester; amending s. 1009.534, F.S.; requiring that the amount awarded to Florida Academic Scholars for college-related expenses be specified by law or in the General Appropriations Act; providing an effective date.

**House Amendment 1 (576069)(with title amendment)**—

Remove everything after the enacting clause and insert:

And the title is amended as follows:

Remove the entire title and insert:

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 12-C with amendment(s) and requests the concurrence of the Senate or, failing to concur, accedes to the request of the Senate for the appointment of a committee of conference to resolve differences between the houses.

The Speaker has appointed the following Representatives as conferees on behalf of the House of Representatives: At Large - Rep. Sansom (Chair), and Reps. Bogdanoff, Cretul, Cusack, Hasner, Saunders, Seiler, and Zapata; Economic Expansion & Infrastructure - Rep. Cannon (Chair), Rep. Hukill (Vice Chair), and Reps. Aubuchon, Boyd, Patterson, and Reed; Environment & Natural Resources - Rep. Mayfield (Chair), Rep. Troutman (Vice Chair), and Reps. Bowen, Brandenburg, Grimsley, Kendrick, and Machek; Government Efficiency & Accountability - Rep. Attkisson (Chair), Rep. Grant (Vice Chair), and Rep. Gibbons; Healthcare - Rep. Bean (Chair), Rep. Zapata (Vice Chair), and Reps. Ausley, Galvano, Garcia, R., Hays, Patronis, and Taylor; Jobs & Entrepreneurship - Rep. Reagan (Chair), Rep. Brown (Vice Chair), and Reps. Chestnut, Murzin, Richardson, and Weatherford; Safety & Security - Rep. Kravitz (Chair), Rep. Ross (Vice Chair), and Reps. Adams, Gibson, A., Kelly, Needelman, Sachs, and Thompson, N.; Schools & Learning - Rep. Pickens (Chair), Rep. Traviesa (Vice Chair), and Reps. Altman, Bendross-Mindingall, Coley, Flores, Ford, Heller, Kiar, and Simmons.

William S. Pittman III, Chief Clerk

**CS for SB 12-C**—A bill to be entitled An act relating to health care; amending s. 393.0661, F.S.; providing for additional hours to be authorized under the personal care assistance services provided pursuant to a federal waiver program and administered by the Agency for Health Care Administration; repealing proviso language contained in Specific Appropriation 270 in chapter 2007-72, Laws of Florida, to conform; amending s. 395.701, F.S.; clarifying provisions imposing an assessment on hospital outpatient services; specifying assessment amounts; amending s. 409.912, F.S.; providing for certain children who are eligible for Medicaid and who reside within a specified service area of the Agency for Health Care Administration to be served under a service delivery mechanism other than the HomeSafeNet system; amending s. 409.9122, F.S.; requiring that the agency give certain providers priority with respect to the assignment of enrollees under the Medicaid managed prepaid health plan; deleting a requirement that certain recipients of comprehensive behavioral health services be assigned to MediPass or a managed care plan; amending s. 409.91211, F.S.; clarifying the duties of the agency for implementing service delivery mechanisms for certain children who are eligible for Medicaid; providing effective dates.

**House Amendment 1 (372419)(with title amendment)**—

Remove everything after the enacting clause and insert:

Section 1. Paragraph (f) of subsection (3) of section 393.0661, Florida Statutes, is amended to read:

393.0661 Home and community-based services delivery system; comprehensive redesign.—The Legislature finds that the home and community-based services delivery system for persons with developmental disabilities and the availability of appropriated funds are two of the critical elements in making services available. Therefore, it is the intent

of the Legislature that the Agency for Persons with Disabilities shall develop and implement a comprehensive redesign of the system.

(3) The Agency for Health Care Administration, in consultation with the agency, shall seek federal approval and implement a four-tiered waiver system to serve clients with developmental disabilities in the developmental disabilities and family and supported living waivers. The agency shall assign all clients receiving services through the developmental disabilities waiver to a tier based on a valid assessment instrument, client characteristics, and other appropriate assessment methods. All services covered under the current developmental disabilities waiver shall be available to all clients in all tiers where appropriate, except as otherwise provided in this subsection or in the General Appropriations Act.

(f) The agency shall seek federal waivers and amend contracts as necessary to make changes to services defined in federal waiver programs administered by the agency as follows:

1. Supported living coaching services shall not exceed 20 hours per month for persons who also receive in-home support services.

2. Limited support coordination services shall be the only type of support coordination service provided to persons under the age of 18 who live in the family home.

3. Personal care assistance services shall be limited to no more than 180 hours per calendar month and shall not include rate modifiers. Additional hours may be authorized *for persons who have intensive physical, medical, or adaptive needs if such hours are essential for avoiding institutionalization only if a substantial change in circumstances occurs for the individual.*

4. Residential habilitation services shall be limited to 8 hours per day. Additional hours may be authorized for persons who have intensive medical or adaptive needs and if such hours are essential for avoiding institutionalization, or for persons who possess behavioral problems that are exceptional in intensity, duration, or frequency and present a substantial risk of harming themselves or others. This restriction shall be in effect until the four-tiered waiver system is fully implemented.

5. Chore Services, nonresidential support services, and homemaker services shall be eliminated. The agency shall expand the definition of in-home support services to enable the provider of the service to include activities previously provided in these eliminated services.

6. Massage therapy and psychological assessment services shall be eliminated.

7. The agency shall conduct supplemental cost plan reviews to verify the medical necessity of authorized services for plans that have increased by more than 8 percent during either of the 2 preceding fiscal years.

8. The agency shall implement a consolidated residential habilitation rate structure to increase savings to the state through a more cost-effective payment method and establish uniform rates for intensive behavioral residential habilitation services.

9. Pending federal approval, the agency is authorized to extend current support plans for clients receiving services under Medicaid waivers for 1 year beginning July 1, 2007, or from the date approved, whichever is later. Clients who have a substantial change in circumstances which threatens their health and safety may be reassessed during this year in order to determine the necessity for a change in their support plan.

Section 2. The following proviso associated with Specific Appropriation 270 in chapter 2007-72, Laws of Florida, is amended to read:

Personal Care Assistance services shall be limited to no more than 180 hours per calendar month and shall not include rate modifiers. Additional hours may be authorized *for persons who have intensive physical, medical, or adaptive needs if such hours are essential for avoiding institutionalization only if a substantial change in circumstances occurs for the individual.*

Section 3. Paragraph (k) of subsection (2) of section 409.9122, Florida Statutes, is amended to read:

409.9122 Mandatory Medicaid managed care enrollment; programs and procedures.—

(2)

(k) When a Medicaid recipient does not choose a managed care plan or MediPass provider, the agency shall assign the Medicaid recipient to a managed care plan, except in those counties in which there are fewer than two managed care plans accepting Medicaid enrollees, in which case assignment shall be to a managed care plan or a MediPass provider. Medicaid recipients in counties with fewer than two managed care plans accepting Medicaid enrollees who are subject to mandatory assignment but who fail to make a choice shall be assigned to managed care plans until an enrollment of 35 percent in MediPass and 65 percent in managed care plans, of all those eligible to choose managed care, is achieved. Once that enrollment is achieved, the assignments shall be divided in order to maintain an enrollment in MediPass and managed care plans which is in a 35 percent and 65 percent proportion, respectively. ~~In service areas 1 and 6 of the Agency for Health Care Administration where the agency is contracting for the provision of comprehensive behavioral health services through a capitated prepaid arrangement, recipients who fail to make a choice shall be assigned equally to MediPass or a managed care plan.~~ For purposes of this paragraph, when referring to assignment, the term "managed care plans" includes exclusive provider organizations, provider service networks, Children's Medical Services Network, minority physician networks, and pediatric emergency department diversion programs authorized by this chapter or the General Appropriations Act. When making assignments, the agency shall take into account the following criteria:

1. A managed care plan has sufficient network capacity to meet the need of members.

2. The managed care plan or MediPass has previously enrolled the recipient as a member, or one of the managed care plan's primary care providers or MediPass providers has previously provided health care to the recipient.

3. The agency has knowledge that the member has previously expressed a preference for a particular managed care plan or MediPass provider as indicated by Medicaid fee-for-service claims data, but has failed to make a choice.

4. The managed care plan's or MediPass primary care providers are geographically accessible to the recipient's residence.

5. The agency has authority to make mandatory assignments based on quality of service and performance of managed care plans.

Section 4. This act shall take effect March 1, 2008.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to Medicaid; amending s. 393.0661, F.S.; providing for additional hours to be authorized under the personal care assistance services provided pursuant to a federal waiver program and administered by the Agency for Persons with Disabilities; amending a specified portion of proviso in Specific Appropriation 270 in chapter 2007-72, Laws of Florida; amending s. 409.9122, F.S.; revising the method for assigning Medicaid recipients to managed care plans in service areas 1 and 6; providing an effective date.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 14-C with amendment(s) and requests the concurrence of the Senate or, failing to concur, accedes to the request of the Senate for the appointment of a committee of conference to resolve differences between the houses.

The Speaker has appointed the following Representatives as conferees on behalf of the House of Representatives: At Large - Rep. Sansom (Chair), and Reps. Bogdanoff, Cretul, Cusack, Hasner, Saunders, Seiler, and Zapata; Economic Expansion & Infrastructure - Rep. Cannon (Chair), Rep. Hukill (Vice Chair), and Reps. Aubuchon, Boyd, Patterson, and Reed; Environment & Natural Resources - Rep. Mayfield (Chair), Rep. Troutman (Vice Chair), and Reps. Bowen, Brandenburg, Grimsley,

Kendrick, and Machek; Government Efficiency & Accountability - Rep. Attkisson (Chair), Rep. Grant (Vice Chair), and Rep. Gibbons; Healthcare - Rep. Bean (Chair), Rep. Zapata (Vice Chair), and Reps. Ausley, Galvano, Garcia, R., Hays, Patronis, and Taylor; Jobs & Entrepreneurship - Rep. Reagan (Chair), Rep. Brown (Vice Chair), and Reps. Chestnut, Murzin, Richardson, and Weatherford; Safety & Security - Rep. Kravitz (Chair), Rep. Ross (Vice Chair), and Reps. Adams, Gibson, A., Kelly, Needelman, Sachs, and Thompson, N.; Schools & Learning - Rep. Pickens (Chair), Rep. Traviesa (Vice Chair), and Reps. Altman, Bendross-Mindingall, Coley, Flores, Ford, Heller, Kiar, and Simmons.

*William S. Pittman III, Chief Clerk*

**CS for SB 14-C**—A bill to be entitled An act relating to the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute; amending s. 1004.445, F.S.; reducing the annual appropriation to the Grants and Donations Trust Fund within the Department of Elderly Affairs for the purpose of conducting research and carrying on other activities at the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute; providing an effective date.

**House Amendment 1 (016973)(with title amendment)—**

Remove everything after the enacting clause and insert:

Section 1. Subsection (12) of section 1004.445, Florida Statutes, is amended to read:

1004.445 Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute.—

(12) Beginning in fiscal year ~~2007-2008~~ ~~2006-2007~~, the sum of ~~\$7.5~~ ~~\$15~~ million is appropriated annually from recurring funds in the General Revenue Fund to the Grants and Donations Trust Fund within the Department of Elderly Affairs for the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute at the University of South Florida for the purposes as provided under paragraph (6)(a), conducting and supporting research, providing institutional research grants and investigator-initiated research grants, developing and operating integrated data projects, and providing assistance to statutorily designated memory disorder clinics as provided under s. 430.502. Not less than 80 percent of the appropriated funds shall be expended for these purposes, and not less than 20 percent of the appropriated funds shall be expended for peer-reviewed investigator-initiated research grants.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to Alzheimer's disease research; amending s. 1004.445, F.S.; providing a reduced appropriation to the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute; providing an effective date.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 20-C with amendment(s) and requests the concurrence of the Senate or, failing to concur, accedes to the request of the Senate for the appointment of a committee of conference to resolve differences between the houses.

The Speaker has appointed the following Representatives as conferees on behalf of the House of Representatives: At Large - Rep. Sansom (Chair), and Reps. Bogdanoff, Cretul, Cusack, Hasner, Saunders, Seiler, and Zapata; Economic Expansion & Infrastructure - Rep. Cannon (Chair), Rep. Hukill (Vice Chair), and Reps. Aubuchon, Boyd, Patterson, and Reed; Environment & Natural Resources - Rep. Mayfield (Chair), Rep. Troutman (Vice Chair), and Reps. Bowen, Brandenburg, Grimsley, Kendrick, and Machek; Government Efficiency & Accountability - Rep. Attkisson (Chair), Rep. Grant (Vice Chair), and Rep. Gibbons; Healthcare - Rep. Bean (Chair), Rep. Zapata (Vice Chair), and Reps. Ausley, Galvano, Garcia, R., Hays, Patronis, and Taylor; Jobs & Entrepreneurship - Rep. Reagan (Chair), Rep. Brown (Vice Chair), and Reps. Chestnut, Murzin, Richardson, and Weatherford; Safety & Security - Rep. Kravitz (Chair), Rep. Ross (Vice Chair), and Reps. Adams, Gibson, A., Kelly, Needelman, Sachs, and Thompson, N.; Schools & Learning - Rep.

Pickens (Chair), Rep. Traviesa (Vice Chair), and Reps. Altman, Bendross-Mindingall, Coley, Flores, Ford, Heller, Kiar, and Simmons.

*William S. Pittman III, Chief Clerk*

**CS for SB 20-C**—A bill to be entitled An act relating to research funded by pari-mutuel wagering; repealing s. 1011.93, F.S., relating to research and development programs funded by moneys in the Pari-mutuel Wagering Trust Fund; providing an effective date.

**House Amendment 1 (166247)(with title amendment)—**

Remove everything after the enacting clause and insert:

Section 1. Subsections (7) through (17) of section 550.2415, Florida Statutes, are amended to read:

550.2415 Racing of animals under certain conditions prohibited; penalties; exceptions.—

~~(7) All moneys recovered for violations of this section shall be kept in a separate fund to be deposited into the Pari-mutuel Wagering Trust Fund and shall be used for research relating to the medication of racing animals. Such recovered moneys shall be supervised and used by the division to contract with a reputable college or school of veterinary medicine or its designee in accordance with this subsection.~~

(7)(8) Under no circumstances may any medication be administered closer than 24 hours prior to the officially scheduled post time of a race except as provided for in this section.

(a) The division shall adopt rules setting conditions for the use of furosemide to treat exercise-induced pulmonary hemorrhage.

(b) The division shall adopt rules setting conditions for the use of prednisolone sodium succinate, but under no circumstances may furosemide or prednisolone sodium succinate be administered closer than 4 hours prior to the officially scheduled post time for the race.

(c) The division shall adopt rules setting conditions for the use of phenylbutazone and synthetic corticosteroids; in no case, except as provided in paragraph (b), shall these substances be given closer than 24 hours prior to the officially scheduled post time of a race. Oral corticosteroids are prohibited except when prescribed by a licensed veterinarian and reported to the division on forms prescribed by the division.

(d) Nothing in this section shall be interpreted to prohibit the use of vitamins, minerals, or naturally occurring substances so long as none exceeds the normal physiological concentration in a ~~race-day~~ ~~race-day~~ specimen.

(e) The division may, by rule, establish acceptable levels of permitted medications and shall select the appropriate biological specimens by which the administration of permitted medication is monitored.

(8)(9)(a) Under no circumstances may any medication be administered within 24 hours before the officially scheduled post time of the race except as provided in this section.

(b) As an exception to this section, if the division first determines that the use of furosemide, phenylbutazone, or prednisolone sodium succinate in horses is in the best interest of racing, the division may adopt rules allowing such use. Any rules allowing the use of furosemide, phenylbutazone, or prednisolone sodium succinate in racing must set the conditions for such use. Under no circumstances may a rule be adopted which allows the administration of furosemide or prednisolone sodium succinate within 4 hours before the officially scheduled post time for the race. Under no circumstances may a rule be adopted which allows the administration of phenylbutazone or any other synthetic corticosteroid within 24 hours before the officially scheduled post time for the race. Any administration of synthetic corticosteroids is limited to parenteral routes. Oral administration of synthetic corticosteroids is expressly prohibited. If this paragraph is unconstitutional, it is severable from the remainder of this section.

(c) The division shall, by rule, establish acceptable levels of permitted medications and shall select the appropriate biological specimen by which the administration of permitted medications is monitored.

(9)(10)(a) The division may conduct a postmortem examination of any animal that is injured at a permitted racetrack while in training or in competition and that subsequently expires or is destroyed. The division may conduct a postmortem examination of any animal that expires while housed at a permitted racetrack, association compound, or licensed kennel or farm. Trainers and owners shall be requested to comply with this paragraph as a condition of licensure.

(b) The division may take possession of the animal upon death for postmortem examination. The division may submit blood, urine, other bodily fluid specimens, or other tissue specimens collected during a postmortem examination for testing by the division laboratory or its designee. Upon completion of the postmortem examination, the carcass must be returned to the owner or disposed of at the owner's option.

(10)(11) The presence of a prohibited substance in an animal, found by the division laboratory in a bodily fluid specimen collected during the postmortem examination of the animal, which breaks down during a race constitutes a violation of this section.

(11)(12) The cost of postmortem examinations, testing, and disposal must be borne by the division.

(12)(13) The division shall adopt rules to implement this section. The rules may include a classification system for prohibited substances and a corresponding penalty schedule for violations.

(13)(14) Except as specifically modified by statute or by rules of the division, the Uniform Classification Guidelines for Foreign Substances, revised February 14, 1995, as promulgated by the Association of Racing Commissioners International, Inc., is hereby adopted by reference as the uniform classification system for class IV and V medications.

(14)(15) The division shall utilize only the thin layer chromatography (TLC) screening process to test for the presence of class IV and V medications in samples taken from racehorses except when thresholds of a class IV or class V medication have been established and are enforced by rule. Once a sample has been identified as suspicious for a class IV or class V medication by the TLC screening process, the sample will be sent for confirmation by and through additional testing methods. All other medications not classified by rule as a class IV or class V agent shall be subject to all forms of testing available to the division.

(16) ~~The division shall implement by rule medication levels finalized by the University of Florida developed pursuant to the Pharmacokinetic and Clearance Study Agreement by and between the Florida Department of Business and Professional Regulation Division of Pari-mutuel Wagering and the University of Florida College of Veterinary Medicine. Research on a drug level is finalized when the University of Florida College of Veterinary Medicine provides written notification to the division that it has completed its research on a particular drug pursuant to the agreement and when the College of Veterinary Medicine provides a final report of its findings, conclusions, and recommendations to the division.~~

(15)(17) The testing medium for phenylbutazone in horses shall be serum, and the division may collect up to six full 15-milliliter blood tubes for each horse being sampled.

Section 2. *Section 1011.93, Florida Statutes, is repealed.*

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to research funded by pari-mutuel wagering; amending s. 550.2415, F.S.; deleting provisions for certain moneys to be used for research relating to the medication of racing animals; deleting provisions relating to the Pharmacokinetic and Clearance Study Agreement by and between the Department of Business and Professional Regulation Division of Pari-mutuel Wagering and the University of Florida College of Veterinary Medicine; repealing s. 1011.93, F.S., relating to research and development programs funded by moneys in the Pari-mutuel Wagering Trust Fund; providing an effective date.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 22-C with amendment(s) and requests the concurrence of the Senate or, failing to concur, accedes to the request of the Senate for the appointment of a committee of conference to resolve differences between the houses.

The Speaker has appointed the following Representatives as conferees on behalf of the House of Representatives: At Large - Rep. Sansom (Chair), and Reps. Bogdanoff, Cretul, Cusack, Hasner, Saunders, Seiler, and Zapata; Economic Expansion & Infrastructure - Rep. Cannon (Chair), Rep. Hukill (Vice Chair), and Reps. Aubuchon, Boyd, Patterson, and Reed; Environment & Natural Resources - Rep. Mayfield (Chair), Rep. Troutman (Vice Chair), and Reps. Bowen, Brandenburg, Grimsley, Kendrick, and Machek; Government Efficiency & Accountability - Rep. Attkisson (Chair), Rep. Grant (Vice Chair), and Rep. Gibbons; Healthcare - Rep. Bean (Chair), Rep. Zapata (Vice Chair), and Reps. Ausley, Galvano, Garcia, R., Hays, Patronis, and Taylor; Jobs & Entrepreneurship - Rep. Reagan (Chair), Rep. Brown (Vice Chair), and Reps. Chestnut, Murzin, Richardson, and Weatherford; Safety & Security - Rep. Kravitz (Chair), Rep. Ross (Vice Chair), and Reps. Adams, Gibson, A., Kelly, Needelman, Sachs, and Thompson, N.; Schools & Learning - Rep. Pickens (Chair), Rep. Traviesa (Vice Chair), and Reps. Altman, Bendross-Mindingall, Coley, Flores, Ford, Heller, Kiar, and Simmons.

William S. Pittman III, Chief Clerk

**CS for SB 22-C**—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 487.041, F.S.; increasing the annual fees to register each brand of pesticide in order to defray the expenses of the department; amending s. 500.12, F.S.; increasing the fee to accompany an application for a food permit to be issued by the department; amending s. 501.95, F.S.; redefining the term “gift certificate”; providing circumstances in which a gift certificate may have an expiration date; amending s. 576.041, F.S.; increasing the fee paid by persons receiving a license to distribute fertilizer; amending s. 580.041, F.S.; increasing the fees paid by distributors of commercial feed for animals which accompanies an application for registration as a distributor; amending s. 585.155, F.S.; requiring that all female cattle vaccinated with the Brucella abortus vaccine be identified according to federal regulations; repealing s. 585.105, F.S., relating to the purchase, distribution, and administration of Brucella vaccine; providing for retroactive application; providing an effective date.

**House Amendment 1 (489953)(with title amendment)—**

Remove everything after the enacting clause and insert:

Section 1. Section 585.155, Florida Statutes, is amended to read:

585.155 *Brucellosis Whole herd and calf vaccination.*—

~~(1) All female calves born in the state that are to be used for dairy breeding purposes shall be vaccinated with an approved Brucella abortus vaccine by state or federal regulatory officials or licensed, accredited veterinarians.~~

(1)(2)(a) All female cattle calves officially vaccinated with Brucella abortus vaccine shall be permanently identified at the time of vaccination in accordance with 9 C.F.R. part 78 with the official shield tattoo “V,” registered by the United States Department of Agriculture, in the right ear, preceded by the numeral of the quarter of the year and followed by the last numeral of the year.

(b) In addition, all female cattle each calf shall be individually identified at the time of vaccination, if not already identified by tattoo, electronic identification device, or brand, by an official vaccination ear tag in the right ear. The tag shall include the designated state prefix, followed by the letter “V,” two additional letters, and four numerals. Registration tattoos, electronic identification devices, or individual brand numbers may be substituted for the official ear tags. This identification shall be accurately recorded on the official vaccination record.

(c) Duplicate reports covering these vaccinations shall be immediately furnished to the department and shall constitute the official record of vaccination.

~~(3) Each owner of a herd of cattle in this state shall enroll the herd in a program to determine whether the herd is infected with brucellosis.~~

~~When reactors or suspects are disclosed in a herd, the department and the owner must develop a plan to eliminate the infection in accordance with the Uniform Methods and Rules for Brucellosis Eradication and the rules of this state. The plan shall include the required testing, removal of reactor animals, calfhood vaccination and whole herd vaccination to clear the herd of infection. The department shall provide for the establishment of low brucellosis incidence areas and brucellosis free areas which can be recognized by the United States Department of Agriculture as having Class "Free," Class "A," or Class "B" status under the Uniform Methods and Rules for Brucellosis Eradication.~~

(2)(4) Only an approved vaccine produced under license of the United States Department of Agriculture shall qualify for vaccination purposes under this section.

Section 2. *Section 585.105, Florida Statutes, is repealed.*

Section 3. Section 501.95, Florida Statutes, is amended to read:

501.95 Gift certificates and credit memos.—

(1) As used in this section, the term:

(a) "Credit memo" means a certificate, card, stored value card, or similar instrument issued in exchange for returned merchandise when the certificate, card, or similar instrument is redeemable for merchandise, food, or services regardless of whether any cash may be paid to the owner of the certificate, card, or instrument as part of the redemption transaction.

(b) "Gift certificate" means a certificate, gift card, stored value card, or similar instrument *purchased issued in exchange* for monetary consideration when the certificate, card, or similar instrument is redeemable for merchandise, food, or services regardless of whether any cash may be paid to the owner of the certificate, card, or instrument as part of the redemption transaction, but this term shall not include tickets as specified in s. 717.1355 *or manufacturer or retailer discounts and coupons*.

(2)(a) A gift certificate *purchased* or credit memo ~~sold or issued for consideration~~ in this state may not have an expiration date, expiration period, or any type of postsale charge or fee imposed on the gift certificate or credit memo, including, but not limited to, service charges, dormancy fees, account maintenance fees, or cash-out fees. However, a gift certificate may have an expiration date of not less than 3 years if it is provided as a charitable contribution ~~when no consideration is given to the issuer by the consumer~~, or not less than 1 year if it is provided as a benefit pursuant to an employee-incentive program, ~~consumer loyalty program, or promotional program when no consideration is given to the issuer by the consumer~~, and the expiration date is prominently disclosed in writing to the consumer at the time it is provided. In addition, a gift certificate may have an expiration date if ~~it~~ *the monetary consideration for the gift certificate is provided to the recipient through a loyalty program, or promotional program, or if it is provided in conjunction with as part of a larger package related to* a convention, conference, vacation, or sporting or fine arts event having a limited duration so long as the majority of the value paid by the recipient is attributable to the convention, conference, vacation, or event. An issuer may honor a gift certificate that has expired on or before the effective date of this act.

(b) Paragraph (a) does not apply to a gift certificate or credit memo sold or issued by a financial institution, as defined in s. 655.005, or by a money transmitter, as defined in s. 560.103, if the gift certificate or credit memo is redeemable by multiple unaffiliated merchants.

(c) *Enforcement of this section shall be as provided in s. 501.142(3), (4), and (5) for violations of this section.*

Section 4. Subsections (3), (4), and (5) of section 501.142, Florida Statutes, read:

501.142 Retail sales establishments; preemption; notice of refund policy; exceptions; penalty.—

(3) The department may enter an order doing one or more of the following if the department finds that a person has violated or is operating in violation of any of the provisions of this section or the rules or orders issued under this section:

- (a) Issue a notice of noncompliance pursuant to s. 120.695.
- (b) Impose an administrative fine not to exceed \$100 for each violation.
- (c) Direct the person to cease and desist specified activities.
- (4) The administrative proceedings that could result in the entry of an order imposing any of the penalties specified in subsection (3) are governed by chapter 120.
- (5) Any moneys recovered by the Department of Agriculture and Consumer Services as a penalty under this section shall be deposited in the General Inspection Trust Fund.

Section 5. *The amendment of section 501.95, Florida Statutes, by this act shall apply to all gift cards purchased and credit memos issued on or after June 28, 2007.*

Section 6. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 585.155, F.S.; requiring that all female cattle vaccinated with the *Brucella abortus* vaccine be identified according to federal regulations; repealing s. 585.105, F.S., relating to the purchase, distribution, and administration of approved brucella vaccine; amending s. 501.95, F.S., relating to gift certificates and credit memos; limiting application of prohibitions to purchased instruments; providing for enforcement by the department; providing certain retroactive applicability; providing an effective date.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 24-C with amendment(s) and requests the concurrence of the Senate or, failing to concur, accedes to the request of the Senate for the appointment of a committee of conference to resolve differences between the houses.

The Speaker has appointed the following Representatives as conferees on behalf of the House of Representatives: At Large - Rep. Sansom (Chair), and Reps. Bogdanoff, Cretul, Cusack, Hasner, Saunders, Seiler, and Zapata; Economic Expansion & Infrastructure - Rep. Cannon (Chair), Rep. Hukill (Vice Chair), and Reps. Aubuchon, Boyd, Patterson, and Reed; Environment & Natural Resources - Rep. Mayfield (Chair), Rep. Troutman (Vice Chair), and Reps. Bowen, Brandenburg, Grimsley, Kendrick, and Machek; Government Efficiency & Accountability - Rep. Attkisson (Chair), Rep. Grant (Vice Chair), and Rep. Gibbons; Healthcare - Rep. Bean (Chair), Rep. Zapata (Vice Chair), and Reps. Ausley, Galvano, Garcia, R., Hays, Patronis, and Taylor; Jobs & Entrepreneurship - Rep. Reagan (Chair), Rep. Brown (Vice Chair), and Reps. Chestnut, Murzin, Richardson, and Weatherford; Safety & Security - Rep. Kravitz (Chair), Rep. Ross (Vice Chair), and Reps. Adams, Gibson, A., Kelly, Needelman, Sachs, and Thompson, N.; Schools & Learning - Rep. Pickens (Chair), Rep. Traviesa (Vice Chair), and Reps. Altman, Bendross-Mindingall, Coley, Flores, Ford, Heller, Kiar, and Simmons.

*William S. Pittman III*, Chief Clerk

**CS for SB 24-C**—A bill to be entitled An act relating to trust funds; amending s. 201.15, F.S.; revising the amount of revenue from the excise tax which is deposited into the Water Protection and Sustainability Program Trust Fund, the Conservation and Recreation Lands Trust Fund, and the Invasive Plant Control Trust Fund in the Department of Environmental Protection and the State Game Trust Fund and the Marine Resources Conservation Trust Fund in the Fish and Wildlife Conservation Commission; repealing s. 370.0603(3)(a), F.S., relating to the use of funds distributed from the Marine Resources Conservation Trust Fund; amending s. 403.890, F.S.; revising the distribution of funds into the Water Protection and Sustainability Program Trust Fund to conform to changes made by the act; requiring the Department of Environmental Protection to reallocate funds to conform to changes in distributions made by the act; providing effective dates.

**House Amendment 1 (014507)(with title amendment)—**

Remove everything after the enacting clause and insert:

Section 1. Paragraph (d) of subsection (1) of section 201.15, Florida Statutes, is amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter shall be distributed as follows and shall be subject to the service charge imposed in s. 215.20(1), except that such service charge shall not be levied against any portion of taxes pledged to debt service on bonds to the extent that the amount of the service charge is required to pay any amounts relating to the bonds:

(1) Sixty-two and sixty-three hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(d) The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a), (b), and (c), shall be paid into the State Treasury to the credit of:

1. The State Transportation Trust Fund in the Department of Transportation in the amount of \$541.75 million in each fiscal year, to be paid in quarterly installments and used for the following specified purposes, notwithstanding any other law to the contrary:

a. For the purposes of capital funding for the New Starts Transit Program, authorized by Title 49, U.S.C. s. 5309 and specified in s. 341.051, 10 percent of these funds;

b. For the purposes of the Small County Outreach Program specified in s. 339.2818, 5 percent of these funds;

c. For the purposes of the Strategic Intermodal System specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b.; and

d. For the purposes of the Transportation Regional Incentive Program specified in s. 339.2819, 25 percent of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b.

2. The Water Protection and Sustainability Program Trust Fund in the Department of Environmental Protection in the amount of \$70 ~~\$100~~ million in *fiscal year 2007-2008 and \$60 million in each fiscal year thereafter*, to be paid in quarterly installments and used as required by s. 403.890.

3. The Grants and Donations Trust Fund in the Department of Community Affairs in the amount of \$3.25 million in each fiscal year to be paid in monthly installments, with \$3 million to be used to fund technical assistance to local governments and school boards on the requirements and implementation of this act and \$250,000 to be used to fund the Century Commission established in s. 163.3247.

Moneys distributed pursuant to this paragraph may not be pledged for debt service unless such pledge is approved by referendum of the voters.

Section 2. Paragraph (b) of subsection (3) of section 373.1961, Florida Statutes, is amended to read:

373.1961 Water production; general powers and duties; identification of needs; funding criteria; economic incentives; reuse funding.—

(3) FUNDING.—

(b) Beginning in fiscal year 2005-2006, the state shall annually provide a portion of those revenues deposited into the Water Protection and Sustainability *Program* Trust Fund for the purpose of providing funding assistance for the development of alternative water supplies pursuant to the Water Protection and Sustainability Program. At the beginning of each fiscal year, beginning with fiscal year 2005-2006, such revenues shall be distributed by the department into the alternative water supply trust fund accounts created by each district for the purpose of alternative water supply development under the following funding formula:

1. Thirty percent to the South Florida Water Management District;
2. Twenty-five percent to the Southwest Florida Water Management District;
3. Twenty-five percent to the St. Johns River Water Management District;
4. Ten percent to the Suwannee River Water Management District; and
5. Ten percent to the Northwest Florida Water Management District.

Section 3. Subsections (1) and (2) of section 403.890, Florida Statutes, are amended to read:

403.890 Water Protection and Sustainability Program; intent; goals; purposes.—

(1) Effective July 1, 2006, revenues transferred from the Department of Revenue pursuant to s. 201.15(1)(d)2. shall be deposited into the Water Protection and Sustainability Program Trust Fund in the Department of Environmental Protection. These revenues and any other additional revenues deposited into or appropriated to the Water Protection and Sustainability *Program* Trust Fund shall be distributed by the Department of Environmental Protection in the following manner:

(a) *The sum of \$42,750,000 in fiscal year 2007-2008 and \$37 million in each fiscal year thereafter* ~~Sixty percent~~ to the Department of Environmental Protection for the implementation of an alternative water supply program as provided in s. 373.1961.

(b) *The sum of \$7,250,000 in fiscal year 2007-2008 and \$3 million in each fiscal year thereafter* ~~Twenty percent~~ for the implementation of best management practices and capital project expenditures necessary for the implementation of the goals of the total maximum daily loads program established in s. 403.067. Of these funds, \$4,250,000 ~~85 percent~~ shall be transferred to the credit of the Department of Environmental Protection Water Quality Assurance Trust Fund to address water quality impacts associated with nonagricultural nonpoint sources *in fiscal year 2007-2008. Fifteen percent* Of these funds, \$3 million in *fiscal year 2007-2008 and \$3 million in each fiscal year thereafter* shall be transferred to the Department of Agriculture and Consumer Services General Inspection Trust Fund to address water quality impacts associated with agricultural nonpoint sources. These funds shall be used for research, development, demonstration, and implementation of the total maximum daily load program under s. 403.067, suitable best management practices or other measures used to achieve water quality standards in surface waters and water segments identified pursuant to s. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best management practices and other measures may include cost-share grants, technical assistance, implementation tracking, and conservation leases or other agreements for water quality improvement. The Department of Environmental Protection and the Department of Agriculture and Consumer Services may adopt rules governing the distribution of funds for implementation of capital projects, best management practices, and other measures. These funds shall not be used to abrogate the financial responsibility of those point and nonpoint sources that have contributed to the degradation of water or land areas. Increased priority shall be given by the department and the water management district governing boards to those projects that have secured a cost-sharing agreement allocating responsibility for the cleanup of point and nonpoint sources.

(c) *The sum of \$10 million in each fiscal year* ~~Ten percent~~ shall be disbursed for the purposes of funding projects pursuant to ss. 373.451-373.459 or surface water restoration activities in water-management-district-designated priority water bodies. The Secretary of Environmental Protection shall ensure that each water management district receives the following percentage of funds annually:

1. Thirty-five percent to the South Florida Water Management District;
2. Twenty-five percent to the Southwest Florida Water Management District;
3. Twenty-five percent to the St. Johns River Water Management District;

4. Seven and one-half percent to the Suwannee River Water Management District; and

5. Seven and one-half percent to the Northwest Florida Water Management District.

(d) *The sum of \$10 million in each fiscal year Ten percent* to the Department of Environmental Protection for the Disadvantaged Small Community Wastewater Grant Program as provided in s. 403.1838.

(e) Beginning June 30, 2007, and every 24 months thereafter, the Department of Environmental Protection shall request the return of all unencumbered funds distributed pursuant to this section. These funds shall be deposited into the Water Protection and Sustainability Program Trust Fund and redistributed pursuant to the provisions of this section.

(2) For fiscal year 2005-2006, funds deposited or appropriated into the Water Protection and Sustainability Program Trust Fund shall be distributed as follows:

(a) One hundred million dollars to the Department of Environmental Protection for the implementation of an alternative water supply program as provided in s. 373.1961.

(b) Funds remaining after the distribution provided for in subsection (1) shall be distributed as follows:

1. Fifty percent for the implementation of best management practices and capital project expenditures necessary for the implementation of the goals of the total maximum daily loads program established in s. 403.067. Of these funds, 85 percent shall be transferred to the credit of the Department of Environmental Protection Water Quality Assurance Trust Fund to address water quality impacts associated with nonagricultural nonpoint sources. Fifteen percent of these funds shall be transferred to the Department of Agriculture and Consumer Services General Inspection Trust Fund to address water quality impacts associated with agricultural nonpoint sources. These funds shall be used for research, development, demonstration, and implementation of suitable best management practices or other measures used to achieve water quality standards in surface waters and water segments identified pursuant to s. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best management practices and other measures may include cost-share grants, technical assistance, implementation tracking, and conservation leases or other agreements for water quality improvement. The Department of Environmental Protection and the Department of Agriculture and Consumer Services may adopt rules governing the distribution of funds for implementation of best management practices. These funds shall not be used to abrogate the financial responsibility of those point and nonpoint sources that have contributed to the degradation of water or land areas. Increased priority shall be given by the department and the water management district governing boards to those projects that have secured a cost-sharing agreement allocating responsibility for the cleanup of point and nonpoint sources.

2. Twenty-five percent for the purposes of funding projects pursuant to ss. 373.451-373.459 or surface water restoration activities in water-management-district-designated priority water bodies. The Secretary of Environmental Protection shall ensure that each water management district receives the following percentage of funds annually:

a. Thirty-five percent to the South Florida Water Management District;

b. Twenty-five percent to the Southwest Florida Water Management District;

c. Twenty-five percent to the St. Johns River Water Management District;

d. Seven and one-half percent to the Suwannee River Water Management District; and

e. Seven and one-half percent to the Northwest Florida Water Management District.

3. Twenty-five percent to the Department of Environmental Protection for the Disadvantaged Small Community Wastewater Grant Program as provided in s. 403.1838.

Prior to the end of the 2008 Regular Session, the Legislature must review the distribution of funds under the Water Protection and Sustainability Program to determine if revisions to the funding formula are required. At the discretion of the President of the Senate and the Speaker of the House of Representatives, the appropriate substantive committees of the Legislature may conduct an interim project to review the Water Protection and Sustainability Program and the funding formula and make written recommendations to the Legislature proposing necessary changes, if any.

Section 4. For the purpose of incorporating the amendment made by this act to section 201.15, Florida Statutes, in a reference thereto, subsection (1) of section 403.891, Florida Statutes, is reenacted to read:

403.891 Water Protection and Sustainability Program Trust Fund of the Department of Environmental Protection.—

(1) The Water Protection and Sustainability Program Trust Fund is created within the Department of Environmental Protection. The purpose of the trust fund is to receive funds pursuant to s. 201.15(1)(d)2., funds from other sources provided for in law and the General Appropriations Act, and funds received by the department in order to implement the provisions of the Water Sustainability and Protection Program created in s. 403.890.

Section 5. Section 403.8911, Florida Statutes, is amended to read:

403.8911 Annual appropriation from the Water Protection and Sustainability Program Trust Fund.—

(1) Funds paid into the Water Protection and Sustainability Program Trust Fund pursuant to s. 201.15(1)(d) are hereby annually appropriated for expenditure for the purposes for which the Water Protection and Sustainability Program Trust Fund is established.

~~(2) If the Water Protection and Sustainability Trust Fund is not created, such funds are hereby annually appropriated for expenditure from the Ecosystem Management and Restoration Trust Fund solely for the purposes established in s. 403.890.~~

Section 6. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove the entire title and insert: A bill to be entitled An act relating to distribution of proceeds from excise tax on documents; amending s. 201.15, F.S.; revising the amounts of excise taxes on documents distributed to the Water Protection and Sustainability Program Trust Fund; amending s. 403.890, F.S.; revising amounts distributed by the Department of Environmental Protection from the Water Protection and Sustainability Program Trust Fund; reenacting s. 403.891(1), F.S., relating to the Water Protection and Sustainability Program Trust Fund of the Department of Environmental Protection; amending ss. 373.1961 and 403.8911, F.S.; correcting a trust fund name; removing an obsolete provision; providing an effective date.

## RETURNING MESSAGES ON HOUSE BILLS

## CONFERENCE COMMITTEE APPOINTMENTS

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has appointed the following Representatives to the conference committee for HB 5007-C: At Large - Rep. Sansom (Chair), and Reps. Bogdanoff, Cretul, Cusack, Hasner, Saunders, Seiler, and Zapata; Economic Expansion & Infrastructure - Rep. Cannon (Chair), Rep. Hukill (Vice Chair), and Reps. Aubuchon, Boyd, Patterson, and Reed; Environment & Natural Resources - Rep. Mayfield (Chair), Rep. Troutman (Vice Chair), and Reps. Bowen, Brandenburg, Grimsley, Kendrick, and Macheck; Government Efficiency & Accountability - Rep. Attkisson (Chair), Rep. Grant (Vice Chair), and Rep. Gibbons; Healthcare - Rep. Bean (Chair), Rep. Zapata (Vice Chair), and Reps. Ausley, Galvano, Garcia, R., Hays, Patronis, and Taylor; Jobs & Entrepreneurship - Rep. Reagan (Chair), Rep. Brown (Vice Chair), and Reps. Chestnut, Murzin, Richardson, and Weatherford; Safety & Security - Rep. Kravitz (Chair), Rep. Ross (Vice Chair), and Reps. Adams, Gibson, A., Kelly, Needelman, Sachs, and Thompson, N.; Schools & Learning - Rep. Pickens (Chair),

Rep. Traviesa (Vice Chair), and Reps. Altman, Bendross-Mindingall, Coley, Flores, Ford, Heller, Kiar, and Simmons.

*William S. Pittman III*, Chief Clerk

**HB 5007-C**—A bill to be entitled An act relating to distribution of excise taxes on fuel and other pollutants; amending s. 206.9935, F.S.; revising amounts to be transferred from the Inland Protection Trust Fund to the Florida Coastal Protection Trust Fund for certain purposes; providing an effective date.

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The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has appointed the following Representatives to the conference committee for HB 5009-C: At Large - Rep. Sansom (Chair), and Reps. Bogdanoff, Cretul, Cusack, Hasner, Saunders, Seiler, and Zapata; Economic Expansion & Infrastructure - Rep. Cannon (Chair), Rep. Hukill (Vice Chair), and Reps. Aubuchon, Boyd, Patterson, and Reed; Environment & Natural Resources - Rep. Mayfield (Chair), Rep. Troutman (Vice Chair), and Reps. Bowen, Brandenburg, Grimsley, Kendrick, and Macheck; Government Efficiency & Accountability - Rep. Attkisson (Chair), Rep. Grant (Vice Chair), and Rep. Gibbons; Healthcare - Rep. Bean (Chair), Rep. Zapata (Vice Chair), and Reps. Ausley, Galvano,

Garcia, R., Hays, Patronis, and Taylor; Jobs & Entrepreneurship - Rep. Reagan (Chair), Rep. Brown (Vice Chair), and Reps. Chestnut, Murzin, Richardson, and Weatherford; Safety & Security - Rep. Kravitz (Chair), Rep. Ross (Vice Chair), and Reps. Adams, Gibson, A., Kelly, Needelman, Sachs, and Thompson, N.; Schools & Learning - Rep. Pickens (Chair), Rep. Traviesa (Vice Chair), and Reps. Altman, Bendross-Mindingall, Coley, Flores, Ford, Heller, Kiar, and Simmons.

*William S. Pittman III*, Chief Clerk

**HB 5009-C**—A bill to be entitled An act relating to appropriations to the Fish and Wildlife Conservation Commission; amending s. 372.5701, F.S.; deleting certain general revenue appropriation requirements; providing an effective date.

## CORRECTION AND APPROVAL OF JOURNAL

The Journals of October 3 and 4 were corrected and approved.

## RECESS

On motion by Senator King, the Senate recessed at 11:54 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene upon call of the President.