



Journal of the Senate

Number 13—Regular Session

Wednesday, April 16, 2008

CONTENTS

Bills on Third Reading	540
Call to Order	533, 589
Co-Introducers	616, 642
Committee Substitutes, First Reading	619
Conference Committee Appointments	616
Enrolling Reports	642
Executive Business, Appointments	638
Executive Business, Reports	619
House Messages, First Reading	641
House Messages, Returning	535
Motions	589, 616
Motions Relating to Committee Meetings	616
Motions Relating to Committee Reference	535, 616
Reference Changes, Rule 4.7(2)	634
Reports of Committees	617
Resolutions	533
Senate Pages	643
Special Guests	534
Special Order Calendar	557, 589
Supreme Court Certification	638

CALL TO ORDER

The Senate was called to order by President Pruitt at 9:30 a.m. A quorum present—40:

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

PRAYER

The following prayer was offered by Mr. Barrington Irving, President and Founder of Experience Aviation, Miami:

Father, we give thanks for the State of Florida and its government. We hold up in prayer before you the men and women who are in positions of authority. We pray and intercede for the Senate President, the House Speaker, the Representatives and Senators, the judges of our land, the policemen, as well as the governors and mayors, and for all those who are in authority over us in any way.

We pray that the spirit of the Lord rests upon them. We believe that skillful and godly wisdom has entered into the heart of the Senate President, and knowledge is pleasant to have. Discretion watches over him. Understanding keeps him and delivers him from the way of evil and from evil men.

Father, we ask that you comfort the Senate President. Make the hearts of men and women and their ears attentive to godly counsel and

make them do that which is right in your sight. We believe you cause them to be men and women of integrity who are obedient. May we lead a quiet and peaceful life in all our godliness and honesty.

We pray that the upright shall dwell in our government; that men and women blameless in your sight, Father, shall remain in these positions of authority; but that the wicked shall be cut off from our government and the treacherous shall be rooted out of it. Your word declares, that "Blessed is a nation whose God is the Lord." Father, you are our refuge and stronghold in the time of trouble; so we declare with our mouths that your people dwell safely in this land and we prosper upon it. We are more than conquerors. It is written in your word that "The heart of the King is in the hand of the Lord" and you turn in the way you desire. We believe the heart of our leader is in your hand and that the decisions are divinely directed of the Lord.

We give thanks unto you that the good news of the gospel is published in our land. The word of the Lord prevails and grows mightily in the hearts and lives of people. We give thanks for this land and the leaders you have given us. Amen.

PLEDGE

Senate Pages Arielle S. Claude of Williston; Lydia M. Cremer of Palatka; Jamila Dickey of Quincy; and James "Jake" Tate of Venice, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Alan Pillersdorf of Palm Springs, sponsored by Senator Atwater, as doctor of the day. Dr. Pillersdorf specializes in Plastic Surgery.

ADOPTION OF RESOLUTIONS

On motion by Senator Wilson—

By Senators Wilson, Pruitt, Alexander, Aronberg, Atwater, Baker, Bennett, Bullard, Carlton, Constantine, Crist, Dawson, Dean, Deutch, Diaz de la Portilla, Dockery, Fasano, Gaetz, Garcia, Geller, Haridopolos, Hill, Jones, Joyner, Justice, King, Lawson, Lynn, Margolis, Oelrich, Peaden, Posey, Rich, Ring, Saunders, Siplin, Storms, Villalobos, Webster, and Wise—

SR 712—A resolution recognizing Barrington Irving on his attaining two world records in aviation.

WHEREAS, on March 23, 2007, Barrington Irving, a 23-year-old senior majoring in aeronautical studies at Florida Memorial University, climbed into a single-engine Columbia 400 aircraft called "Inspiration" and embarked on a 26,800-mile, round-the-world flight, and

WHEREAS, when he returned to Miami on June 27th, he was celebrated for setting two world records - he is the first person of African descent and the youngest person ever to fly solo around the globe, and

WHEREAS, Mr. Irving traversed four continents, clocking more than 130 hours of flight time on a 97-day "World Flight Adventure" that included landings in the Azores, Spain, Greece, Egypt, Dubai, India, Thailand, Hong Kong, Taiwan, and Japan, and

WHEREAS, born in Kingston, Jamaica, and raised in inner-city Miami, Mr. Irving is a graduate of Miami-Dade County Public Schools and is a Mentor in the 5000 Role Models of Excellence Project, and

WHEREAS, while a student at Florida Memorial University, Mr. Irving earned Private and Commercial Pilot and Flight Instructor licenses as well as his Instrument Rating and, in 2005, he founded a nonprofit organization, Experience Aviation, Inc., to address the significant shortage of youth pursuing careers in Aviation and Aerospace, and

WHEREAS, supported by a \$10,000 grant from the Miami Dade Empowerment Trust, Barrington Irving offered guidance and training to young people in South Florida through a program that included flying touring planes and learning how to use a flight simulator and he received an additional commitment of \$75,000 to expand the program and reach more youth in the community, and

WHEREAS, Mr. Irving used these funds to set up what he hopes will be the first of many Experience Aviation Learning Centers at Miami's Opa-locka Executive Airport using donated computers and Microsoft Flight Simulator software, and

WHEREAS, Barrington Irving's successful endeavors in aviation and his dedication to making aviation education and training available to many young people are magnificent accomplishments and represent an energy and a vision that inspire us all, NOW, THEREFORE,

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

That the Senate congratulates and applauds Barrington Irving and recognizes this 16th day of April, 2008, as "Barrington Irving Day" in the State of Florida.

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

—was introduced out of order and read by title. On motion by Senator Wilson, **SR 712** was read the second time in full and adopted.

SPECIAL GUEST AND PRESENTATION

Upon request of the President, Barrington Irving joined the President at the rostrum where he was presented the Medallion of Excellence and a copy of the resolution.

On motion by Senator Joyner—

By Senator Joyner—

SR 2046—A resolution celebrating and honoring the heroic life, vibrant leadership, and historic accomplishments of the Reverend Dr. Martin Luther King, Jr.

WHEREAS, the Reverend Dr. Martin Luther King, Jr., was an American clergyman, a winner of the Nobel Peace Prize, one of the principal leaders of the American Civil Rights Movement, and a prominent advocate of nonviolent protest, and

WHEREAS, Martin Luther King was born Michael Luther King in Atlanta, Georgia, on January 15, 1929, and later renamed after his father, Martin Luther King, Sr., when he was about 6 years old, and

WHEREAS, Martin Luther King, Jr., attended local segregated public schools, excelling in his studies; entered Morehouse College at age 15 and graduated with a Bachelor's Degree in Sociology; graduated from Crozer Theological Seminary in Pennsylvania with honors; and earned a Doctorate in Systematic Theology from Boston University, and

WHEREAS, in 1957, Dr. King was instrumental in founding the Southern Christian Leadership Conference, which began as an organization of black churches and ministers whose goal was to challenge racial segregation and complement the NAACP's legal efforts to dismantle segregation through the courts, and

WHEREAS, in the 1950s and 1960s, Dr. King led a series of protest campaigns against segregated restaurants, hotels, housing, schools, and transit facilities which gained national attention, helping to convince many white Americans and others to support the cause of civil rights in the United States, and

WHEREAS, in April 1963, Dr. King was arrested and sent to jail during one of these demonstrations and wrote a letter from his jail cell

to a local clergyman who had criticized him for creating disorder in the city, a letter that became known as the "Letter From a Birmingham Jail," in which Dr. King argued that individuals have the moral right and responsibility to disobey unjust laws, and

WHEREAS, Dr. King provided consummate guidance and insight to the Civil Rights Movement, crafting a proposal for radical social change based on the inspired principles of nonviolent protest which ultimately achieved benchmark changes in the law and improved the possibilities of millions of people who had been marginalized by a history of racism, and

WHEREAS, Dr. King and other black leaders brought the Civil Rights Movement to the attention of the country and the world by organizing the 1963 March on Washington, a massive peaceful protest that drew more than 200,000 participants and at which he delivered his magnificent "I Have a Dream" speech, and

WHEREAS, that speech and Dr. King's marches in Birmingham and Selma, Alabama, created the political momentum that resulted in the enactment of the Civil Rights Act of 1964, which prohibited segregation in public accommodations, prohibited discrimination in education and employment, and also resulted in the enactment of the Voting Rights Act of 1965, which was fundamental in guaranteeing the rights of full citizenship to African Americans, and

WHEREAS, the Reverend Dr. Martin Luther King, Jr., was named "Person of the Year" for 1963 by Time Magazine, and in the article about him, Dr. King is quoted as saying "the quality, not the longevity, of one's life is what is important. If you are cut down in a movement that is designed to save the soul of a nation, then no other death could be more redemptive," and

WHEREAS, on December 10, 1964, the Reverend Dr. Martin Luther King, Jr., was awarded the Nobel Peace Prize, and in his acceptance speech he stated: "I think Alfred Nobel would know what I mean when I say that I accept this award in the spirit of a curator of some precious heirloom which he holds in trust for its true owners - all those to whom beauty is truth and truth beauty - and in whose eyes the beauty of genuine brotherhood and peace is more precious than diamonds or silver or gold," and

WHEREAS, Dr. King was tragically assassinated in Memphis on April 4, 1968, and his death continues to be mourned by millions worldwide as a bitter sacrifice to the great ideals he represented to us - social justice, equal rights and opportunity, and the brotherhood of mankind, and

WHEREAS, January 20, 1986, was the first national celebration of Dr. King's birthday as a Federal Holiday, NOW, THEREFORE,

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

That the Senate honors the memory, and celebrates the 78th birthday, of a great American leader, the Reverend Dr. Martin Luther King, Jr., whose inspired moral leadership and courage guided our nation through an immense struggle for civil and human rights and whose example continues to inspire us in our efforts to complete that struggle.

—was introduced out of order and read by title. On motion by Senator Joyner, **SR 2046** was read the second time in full and adopted.

At the request of Senator Ring—

By Senator Ring—

SR 1204—A resolution honoring the City of Coral Springs for receiving the 2007 Malcolm Baldrige National Quality Award.

WHEREAS, chartered in 1963, the City of Coral Springs is a two-time Florida Governor's Sterling Award winner and has achieved national recognition, including Money magazine's Best Places to Live and one of the 100 Best Communities for Young People by America's Promise in 2006 and 2007, and

WHEREAS, established in 1987, the Malcolm Baldrige National Quality Award is awarded to manufacturing and service businesses and to education, health care, and nonprofit organizations based on leadership,

strategic planning, customer and market focus, measurement and analysis, human resource focus, process management, and results, and

WHEREAS, 2007 marks the first year that nonprofit organizations were allowed to compete for the award, and the City of Coral Springs was one of 13 nonprofit organizations to apply for the award and one of only four nonprofit organizations to receive a site visit, during which the city underwent a rigorous week-long evaluation by a board of nine examiners, and

WHEREAS, the City of Coral Springs has become the first local government in the country to receive the coveted Malcolm Baldrige National Quality Award, which is presented by the United States Department of Commerce, and will be honored in Washington, D.C., in recognition of this accomplishment, NOW, THEREFORE,

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

That the City of Coral Springs is commended for receiving the 2007 Malcolm Baldrige National Quality Award.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to the City of Coral Springs as a tangible token of the sentiments of the Florida Senate.

—**SR 1204** was introduced, read and adopted by publication.

At the request of Senator Crist—

By Senator Crist—

SR 2954—A resolution reaffirming the bonds of friendship, cooperation, and economic exchange between the State of Florida and Colombia.

WHEREAS, Florida, the United States' seventh-largest exporter in 2006, with goods exports totaling \$38.5 billion, has a global reputation as a gateway to the Americas and has a vital stake in global markets, and

WHEREAS, Florida, with a global reputation as a gateway to the Americas and a significant resident population from Latin America, including more than 150,000 from Colombia, is visited by over a quarter of a million Colombians annually, who contributed \$321 million to the state's economy in 2006 alone, and

WHEREAS, in 2006, Florida's exports to Colombia accounted for 23 percent of total United States' exports to that country, and

WHEREAS, goods exports from Florida increased by over 15 percent in 2006, leading to the gross domestic product growth of 4.2 percent, totaling \$38.5 billion, representing 5.4 percent of Florida's gross domestic product, and

WHEREAS, in 2007, Florida-origin exports to Colombia surpassed \$2 billion, increasing by 31 percent over the previous year, and

WHEREAS, agricultural exports, service exports, foreign investment, and imports all contribute significantly to Florida's economy and employment base, and Colombia is a significant contributor, and

WHEREAS, according to the United States Department of Agriculture, Florida's agricultural exports, including exports of fruits, vegetables, beef, sugar, and dairy products to Colombia, reached \$1.7 billion in 2006, supporting 20,100 jobs throughout the state, both on and off farmlands, and

WHEREAS, Florida has benefited greatly from its economic and other exchanges with Colombia and hopes to continue its long-standing relationship between the residents of this state and the people of Colombia, NOW, THEREFORE,

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

That the Florida Senate reaffirms the bonds of friendship and cooperation that have existed between the State of Florida and Colombia, recognizes the strong economic ties between the State of Florida and Colombia, and extends best wishes to Colombia and her people for a peaceful, prosperous, and successful future.

—**SR 2954** was introduced, read and adopted by publication.

At the request of Senator Webster—

By Senator Webster—

SR 2966—A resolution recognizing April 16, 2008, as "Truckers Day in Florida."

WHEREAS, Florida's economy depends on having a highly efficient and reliable transportation system, and

WHEREAS, the trucking industry is the backbone of the state's economy and, as a leading mode of moving freight, the trucking industry plays a vital role in advancing Florida's prosperity, and

WHEREAS, Florida's trucking industry safely performs vital delivery and pickup of 70 percent of all freight moved in the state, driving over 16 billion miles yearly to do so, serving communities, schools, and businesses with dedication and without fanfare every day, and

WHEREAS, Florida's trucking industry provides more than 450,000 jobs and contributes over \$17 billion in wages each year to Florida's work force, and

WHEREAS, the trucking industry's dedication to maintaining high standards to keep Florida moving contributes to the strength of our transportation system and reflects the spirit of Florida and America, and

WHEREAS, we are all indebted to the hard-working drivers who embody a commitment to excellence, haul the loads, and make those just-in-time deliveries, NOW, THEREFORE,

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

That the Florida Senate acknowledges that without trucks Florida stops, recognizes April 16, 2008, as "Truckers Day in Florida," and applauds Florida's trucking industry for its commitment to keeping Florida's economy rolling.

—**SR 2966** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Carlton, the rules were waived and by two-thirds vote **HB 5001, HB 5003, HB 5045, HB 5047, HB 5049, HB 5053, HB 5055, CS for HB 5057, HB 5079, HB 5081, HB 5067, HB 5069, HB 5071, HB 5073, HB 5075, HB 5093, HB 5083, HB 5077, HB 5051, HB 5043, HB 5059, HB 5061, HB 5085, HB 5087, HB 5091** and **HB 5063** were withdrawn from the Fiscal Policy and Calendar Committee and placed first on the Special Order Calendar this day.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House has passed CS for SB 1886 with amendment(s), and asks the Senate to concur or agree to conference.

William S. Pittman III, Chief Clerk

CS for SB 1886—A bill to be entitled An act relating to the state group insurance program; amending s. 110.123, F.S.; specifying the amount of the employer contribution to employee health savings accounts; providing an effective date.

House Amendment 1 (573773)(with title amendment)—Remove everything after the enacting clause and insert:

And the title is amended as follows:

Remove the entire title and insert:

On motion by Senator Carlton, the Senate refused to concur in the House amendment and acceded to the request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House has passed CS for SB 1888 with amendment(s), and asks the Senate to concur or agree to conference.

William S. Pittman III, Chief Clerk

CS for SB 1888—A bill to be entitled An act relating to state employees; providing for the resolution of certain collective bargaining issues at impasse between the State of Florida and certified bargaining units of state employees; providing an effective date.

House Amendment 1 (627385)(with title amendment)—Remove everything after the enacting clause and insert:

And the title is amended as follows:

Remove the entire title and insert:

On motion by Senator Carlton, the Senate refused to concur in the House amendment and acceded to the request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House has passed CS for SB 1892 with amendment(s), and asks the Senate to concur or agree to conference.

William S. Pittman III, Chief Clerk

CS for SB 1892—A bill to be entitled An act relating to the state data center system; amending s. 14.204, F.S.; revising the duties and responsibilities of the Agency for Enterprise Information Technology; authorizing the agency to adopt rules; amending s. 215.322, F.S.; requiring the Agency for Enterprise Information Technology to review an agency's request to accept credit, charge, or debit cards in payment of goods and services and make recommendations to the Chief Financial Officer; amending s. 216.235, F.S.; including the executive director of the Agency for Enterprise Information Technology on the State Innovation Committee; requiring the agency to evaluate innovative investment projects that involve information technology; amending s. 282.003, F.S.; revising a short title; amending s. 282.0041, F.S.; defining terms relating to information resource management; amending s. 282.0055, F.S.; conforming cross-references; amending s. 282.0056, F.S.; revising provisions relating to the Agency for Enterprise Information Technology's work plan; requiring an annual plan; requiring the agency to annually report its achievements to the Governor and Cabinet and the Legislature; creating s. 282.201, F.S.; establishing a state data center system; providing legislative intent; providing the duties of the Agency for Enterprise Information Technology with respect to the system; providing responsibilities; providing state agency duties and limitations; authorizing the Agency for Enterprise Information Technology to adopt rules; creating s. 282.203, F.S.; establishing primary data centers; providing the duties of the center; providing that each center shall be headed by a board of trustees; providing for the membership of the board; providing for the duties of the board; creating s. 282.204, F.S.; establishing the Northwood Shared Resource Center as a separate budget entity housed for administrative purposes only in the Department of Children and Family Services; providing for the center to be headed by a board of trustees; creating s. 282.205, F.S.; establishing the Southwood Shared Resource Center as a separate budget entity housed for administrative purposes only in the Department of Management Services; providing for the center to be headed by a board of trustees; amending s. 282.315, F.S.; revising the duties of the Agency Chief Information Officers Council with respect to the consolidation of computer services; amending s. 282.322, F.S.; revising provisions relating to monitoring high-risk information technology projects; amending s. 287.057, F.S.; requiring the Department of Management Services to consult with the Agency for Enterprise Information Technology with respect to procuring information technology commodities and contractual services; amending ss. 445.011, 445.045, and 668.50, F.S., relating to workforce information

systems and the Uniform Electronic Transaction Act; clarifying the duties of the Agency for Enterprise Information Technology and the Department of Management Services; providing for the transfer of state agency data center resources to a primary data center; requiring the board of trustees of the primary data center to submit a plan relating to costs and resources; requiring user agencies to submit budget requests to accomplish the transfers; specifying the duties of the board of trustees of the data center; providing for the transfer of the information technology functions of the Parole Commission to the Department of Corrections; requiring a plan and a service-level agreement; providing for the transfer of mainframe resources of the Department of Transportation and the Department of Highway Safety and Motor Vehicles to the Southwood Shared Resource Center; providing a timeframe for the transfer; requiring a service-level agreement for the transition and a plan; providing for the supervision of staff and ownership of resources; requiring budget amendments to redistribute resources between the state entities; repealing s. 282.20, F.S., relating to the Technology Resource Center; providing an effective date.

House Amendment 1 (040161)(with title amendment)—Remove everything after the enacting clause and insert:

And the title is amended as follows:

Remove the entire title and insert:

On motion by Senator Carlton, the Senate refused to concur in the House amendment and acceded to the request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House has passed CS for CS for SB 1286 with amendment(s), and asks the Senate to concur or agree to conference.

William S. Pittman III, Chief Clerk

CS for CS for SB 1286—A bill to be entitled An act relating to a review of the Fish and Wildlife Conservation Commission under the Florida Government Accountability Act; reenacting s. 20.331, F.S., relating to the establishment of the commission; amending ss. 328.48 and 328.56, F.S., relating to vessel registration and vessel registration numbers; clarifying the term "non-motor-powered vessel" for purposes of an exception from registration requirements; amending s. 328.72, F.S., relating to vessel registration fees; increasing such fees for all vessels requiring registration; providing for future adjustment of the vessel registration fees based on the percentage change in the Consumer Pricing Index; requiring the Fish and Wildlife Conservation Commission to report to the Legislature on how the increase in fees will be used; exempting certain non-motor-powered vessels from requirements concerning vessel registration fees; amending s. 372.57, F.S., relating to recreational hunting and fishing licenses; providing for future adjustment of the recreational hunting and fishing licenses based on the percentage change in the Consumer Pricing Index; requiring the Fish and Wildlife Conservation Commission to report to the Legislature on how the increase in license and permit fees will be used; requiring the Office of Program Policy Analysis and Government Accountability to review and report on the Fish and Wildlife Conservation Commission's public relations, outreach, and education activities and staffing levels by a date certain; requiring the Fish and Wildlife Conservation Commission to review and report on specific activities within the agency by a date certain; repealing sections 372.107, 372.5714, 372.673, and 372.993, F.S., relating to the Federal Law Enforcement Trust Fund, the Waterfowl Advisory Council, the Florida Panther Technical Advisory Council, and the regulation of certain land-based commercial and recreational fishing activities; providing an effective date.

House Amendment 1 (721999)(with title amendment)—Remove everything after the enacting clause and insert:

And the title is amended as follows:

Remove the entire title and insert:

On motion by Senator Saunders, the Senate refused to concur in the House amendment and acceded to the request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Ken Pruitt, President

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House has passed CS for SB 1294 with amendment(s), and asks the Senate to concur or agree to conference.

William S. Pittman III, Chief Clerk

CS for CS for SB 1294—A bill to be entitled An act relating to a review of the Department of Environmental Protection under the Florida government Accountability Act; reenacting and amending s. 20.255, F.S., relating to the establishment of the department; renaming the Office of Legislative and Government Affairs as the "Office of Legislative Affairs"; creating the Office of Intergovernmental Programs within the department; renaming the Division of Resource Assessment and Management as the "Division of Environmental Assessment and Restoration"; authorizing the Environmental Regulation Commission to employ independent counsel and contract for outside technical consultants; amending s. 211.3103, F.S.; creating a surcharge on the severance of phosphate rock; providing an exemption from general revenue surcharge; providing for the expiration of the surcharge; amending s. 373.228, F.S.; requiring that certain entities review the standards and guidelines for landscape irrigation and xeriscape ordinances by a date certain; amending s. 376.303, F.S.; requiring a drycleaning facility to display a current and valid Department of environmental Protection certificate of registration; prohibiting the sale or transfer of drycleaning solvents after a certain date to owners or operators of drycleaning facilities unless a registration certificate is displayed; providing penalties; amend s. 403.031, F.S.; conforming the definition of the term "regulated air pollutant" to changes made in the federal Clean Air Act; amending s. 403.0623, F.S.; providing rulemaking authority for biological sampling techniques; amending s. 403.0872, F.S.; conforming the requirements for air operation permits to changes made to Title V of the Clean Air Act to delete certain minor sources from the Title V permitting requirements; amending s. 373.109, F.S.; requiring the department to initiate rulemaking by a date certain to adjust permit fees; providing for fees to be imposed for verifying that certain activities are exempt from regulation; providing for a fee for conducting informal wetland boundary determinations; specifying special conditions that apply to such determinations; amending s. 403.087, F.S.; providing minimum and maximum amounts for certain fees relating to wastewater treatment facilities; amending s. 403.861, F.S.; providing for a public water system application fee; requiring the department to adopt rules for periodically adjusting the application fee; amending s. 403.873, F.S.; providing rulemaking authority for continuing education requirements for water utility operators; amending s. 403.874, F.S.; providing for the reinstatement of certain water utility operator certifications; repealing s. 378.011, F.S., relating to the Land Use Advisory Committee; repealing ch. 325, F.S., consisting of ss. 325.2055, 325.221, 325.222, and 325.223, F.S., relating to motor vehicle air conditioning refrigerants; repealing s. 403.08725, F.S., relating to citrus juice processing facilities; amending s. 373.503, F.S.; increasing the millage rate for the Northwest Florida Water Management district; providing that the increased millage rate is contingent upon passage of a constitutional amendment; providing conditional authorization for the Northwest Florida Water Management District to adjust its millage rate, to conform; providing an effective date.

House Amendment 1 (767797)(with title amendment)—Remove everything after the enacting clause and insert:

And the title is amended as follows:

Remove the entire title and insert:

On motion by Senator Saunders, the Senate refused to concur in the House amendment and acceded to the request for a conference committee.

The action of the Senate was certified to the House.

I am directed to inform the Senate that the House has passed CS for CS for SB 1702 with amendment(s), and asks the Senate to concur or agree to conference.

William S. Pittman III, Chief Clerk

CS for CS for SB 1702—A bill to be entitled An act relating to a review of the Department of Agriculture and Consumer Services under the Florida Government Accountability Act; reenacting s. 20.14(2)(a), (b), (c), (d), (f), (g), (h), (i), (k), and (l), F.S., relating to the Divisions of Administration, Agricultural Environmental Services, Animal Industry, Aquaculture, Dairy Industry, Food Safety, Forestry, Fruit and Vegetables, Marketing and Development, and Plant Industry of the Department of Agriculture and Consumer Services; amending s. 125.27, F.S.; increasing the annual countywide fire control assessment; requiring that certain portions of the assessment be distributed into the General Revenue Fund and the Incidental Trust Fund of the Division of Forestry; amending s. 370.07, F.S.; increasing the annual license tax imposed on wholesale and retail saltwater products dealers; amending s. 487.041, F.S.; increasing the registration fee imposed on each brand of pesticide that is distributed, sold, or offered for sale; amending s. 500.12, F.S.; increasing the maximum amount allowed for a food permit application fee; amending s. 559.928, F.S.; requiring that independent agents pay an annual registration fee; specifying an amount for such fee; providing for the deposit and use of moneys obtained from the collection of such fee; amending s. 576.041, F.S.; increasing the fertilizer inspection fee; amending s. 580.041, F.S.; increasing master registration fees imposed on commercial feed distributors; amending s. 597.004, F.S.; increasing the registration fee for aquaculture certification; providing an effective date.

House Amendment 1 (447421)(with title amendment)—Remove everything after the enacting clause and insert:

And the title is amended as follows:

Remove the entire title and insert:

On motion by Senator Alexander, the Senate refused to concur in the House amendment and acceded to the request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House has passed CS for SB 1756 with amendment(s), and asks the Senate to concur or agree to conference.

William S. Pittman III, Chief Clerk

CS for SB 1756—A bill to be entitled An act relating to classroom size reductions; amending ss. 1002.53 and 1002.61, F.S.; conforming provisions to changes made by the act; amending s. 1002.63, F.S.; removing the eligibility requirements that a school district is required to meet in order to deliver the prekindergarten program during the school year; amending s. 1002.73, F.S.; removing the Department of Education's authority to certify school districts as eligible to deliver the prekindergarten program; amending s. 1003.03, F.S.; revising the requirements for calculating the number of students per classroom for specified fiscal years; providing a class size reduction calculation for the department to apply if it determines that an individual class exceeds the maximum level allowed; requiring the Executive Office of the Governor to place the funds from such calculation in reserve, with the undistributed funds reverting to the General Revenue Fund; authorizing the Commissioner of Education to recommend a budget amendment by a certain date each year, subject to the Legislative Budget Commission's approval; amending s. 1011.685, F.S.; requiring school districts to use class size reduction operating categorical funds to reduce class size; authorizing a school district to use such funds for any operating expenditure if the class size requirements are met, with priority given to increasing teachers' salaries; providing an effective date.

House Amendment 1 (172273)(with title amendment)—Remove everything after the enacting clause and insert:

And the title is amended as follows:

Remove the entire title and insert:

On motion by Senator Wise, the Senate refused to concur in the House amendment and acceded to the request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House has passed CS for SB 1774 with amendment(s), and asks the Senate to concur or agree to conference.

William S. Pittman III, Chief Clerk

CS for SB 1774—A bill to be entitled An act relating to postsecondary student fees; amending s. 1009.22, F.S.; revising provisions relating to workforce education postsecondary student fees; prohibiting the fee from exceeding a certain percentage of the tuition per credit hour and the out-of-state fee; requiring that such fees be used to enhance instructional technology resources; prohibiting the fee from being included in any award under the Florida Bright Futures Scholarship Program; amending s. 1009.23, F.S.; conforming provisions relating to community college student fees to changes made by the act; amending s. 1009.24, F.S.; revising provisions relating to state university student fees; requiring a referendum of the student body in which a majority of the students vote to establish the technology fee; requiring each university board of trustees to report to the Legislature and the Board of Governors by a certain date each year regarding such fee; providing an effective date.

House Amendment 1 (578617)(with title amendment)—Remove everything after the enacting clause and insert:

And the title is amended as follows:

Remove the entire title and insert:

On motion by Senator Lynn, the Senate refused to concur in the House amendment and acceded to the request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House has passed CS for SB 1788 with amendment(s), and asks the Senate to concur or agree to conference.

William S. Pittman III, Chief Clerk

CS for SB 1788—A bill to be entitled An act relating to trust funds; creating the Indigent Civil Defense Trust Fund within the Justice Administrative Commission; providing for the purpose of the trust fund; providing for future review and termination or re-creation of the trust fund; providing an effective date.

House Amendment 1 (537711)(with title amendment)—Remove everything after the enacting clause and insert:

And the title is amended as follows:

Remove the entire title and insert:

On motion by Senator Crist, the Senate refused to concur in the House amendment and acceded to the request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House has passed CS for SB 1790 with amendment(s), and asks the Senate to concur or agree to conference.

William S. Pittman III, Chief Clerk

CS for SB 1790—A bill to be entitled An act relating to the state judicial system; amending s. 27.511, F.S.; prescribing the types of civil proceedings in which part-time assistant criminal conflict and civil regional counsel may not otherwise engage; providing for the public defender to handle criminal appeals in certain cases for which trial representation was provided by the office of criminal conflict and civil regional counsel; providing an exception when the public defender has a conflict; amending s. 27.52, F.S.; increasing the application fee for determining indigent status for the purpose of receiving criminal representation by state-funded counsel; conforming provisions to changes made by the act; amending s. 27.562, F.S.; specifying that certain assessments collected from a defendant are in satisfaction of the application fee for a determination of indigent status; amending s. 28.24, F.S.; increasing charges for services rendered by the clerk of the circuit court in recording documents and instruments and performing other duties; amending s. 28.2401, F.S.; increasing services charges the clerk of court is authorized to charge in probate matters; amending s. 28.241, F.S.; increasing filing fees for civil actions in circuit court; conforming provisions governing the remission of a portion of the fees to the General Revenue Fund; providing for a portion of the fees to be deposited in a designated trust fund in support of mediation activities; increasing filing fees for instituting certain appellate proceedings; amending s. 28.246, F.S.; reducing the maximum fee that may be charged when the clerk uses a collection agent to collect unpaid fees and costs; amending s. 28.35, F.S.; including the provision of meals and lodging for jurors within the court-related functions that the clerk of court may fund through fees, service charges, court costs, and fines; revising provisions to conform; clarifying duties of the Florida Clerks of Court Operations Corporation; reenacting s. 28.36(1), (2), (3)(a), (4), and (5), F.S., relating to budget procedures of the clerks of court, to incorporate the amendment to s. 28.35, F.S., in references thereto; amending s. 34.041, F.S.; increasing filing fees for civil actions in county court; conforming provisions governing the remission of a portion of the fees to the General Revenue Fund; providing for a portion of the fees to be deposited in a designated trust fund in support of mediation activities; amending s. 40.24, F.S.; providing for jurors to be compensated by the clerk of the court rather than the state; amending s. 40.26, F.S.; providing for certain meals and lodging expenses for jurors to be paid by the clerk of the court; amending s. 40.29, F.S.; revising requirements for the clerk of the court relating to payment of ordinary witnesses; including the criminal conflict and regional civil counsel among the persons on whose behalf the clerk of the court estimates funds for payment of witnesses; eliminating a requirement that the clerk of the court provide an estimate of certain juror expenses; revising provisions to conform; amending s. 40.31, F.S.; revising provisions to conform to the payment of juror compensation from funds retained by the clerk of the court; authorizing the Justice Administrative Commission rather than the State Courts Administrator to apportion certain funds for payment of witnesses by the clerk of the court; amending s. 40.32, F.S.; requiring that certain juror expenses be paid by the clerk of the court from fees, service charges, court costs, and fines; amending s. 40.33, F.S.; revising procedures related to a deficiency in funds for the payment of witnesses; revising provisions to conform; amending s. 40.34, F.S.; eliminating requirements that the clerk of the court prepare a juror payroll and provide copies to the State Courts Administrator; repealing s. 40.35, F.S., relating to an accounting by the clerk of the court to the State Courts Administrator for funds for juror and witness payments; amending s. 40.355, F.S.; revising requirements for the clerk of the court to account for certain funds, to conform to changes made by the act; amending s. 40.361, F.S., relating to the applicability of certain state budgeting laws; conforming a cross-reference; amending s. 44.108, F.S.; increasing fees for court-ordered mediation services; requiring the clerk of the court to report the fees collected and deposited into the Mediation and Arbitration Trust Fund; amending s. 45.035, F.S.; increasing service charges related to judicial sales procedures; amending s. 55.505, F.S.; increasing a service charge for issuing execution or process for enforcement of a foreign judgment; amending s. 57.082, F.S.; creating an application fee for a determination of indigent status and appointment of an attorney in certain proceedings relating to children; providing for fees collected to be deposited into the Indigent Civil Defense Trust Fund; authorizing the clerk of the court to retain a portion of the fees collected; amending s. 61.14, F.S.; increasing service charges related to enforcement and modification of support, maintenance, or alimony agreements or orders; amending s. 318.121, F.S.; specifying that a new administrative fee for civil traffic violations is not preempted; amending s. 318.14, F.S.; increasing the court costs that are assessed in certain noncriminal traffic cases; amending s. 318.15, F.S.; increasing the processing fee when a person is adjudicated guilty after failing to attend driver improvement school; amending s. 318.18, F.S.; increasing fees, penalties, and court

costs related to certain traffic infractions; creating an administrative fee for noncriminal moving and nonmoving traffic violations; amending s. 322.245, F.S.; increasing delinquency fees that are imposed for failing to comply with traffic court directives and that must be paid to avoid suspension of a driver's license; amending s. 327.73, F.S.; increasing dismissal fees and court costs related to certain noncriminal vessel safety infractions; increasing the maximum amount of court costs that may be imposed; amending s. 372.83, F.S.; increasing the costs assessed by the clerk or a hearing officer for verifying that a person possesses a certain wildlife license or permit; amending s. 713.24, F.S.; increasing the fees charged by the clerk for making and serving a certificate showing transfer of a lien from real property to certain security; amending s. 721.83, F.S.; increasing the additional filing fee for joining a timeshare estate in a consolidated foreclosure action; amending s. 744.365, F.S.; increasing the fee paid by a guardian from the ward's property upon the filing of a verified inventory of the ward's property; amending s. 744.3678, F.S.; increasing the fees paid by a guardian from the ward's estate as part of an annual accounting; amending s. 766.104, F.S.; increasing the filing fee for securing an automatic extension of the statute of limitations to allow for investigation in medical negligence cases; amending s. 938.05, F.S.; increasing the additional costs that a person must pay in felony, misdemeanor, or criminal traffic offenses; amending s. 938.27, F.S.; defining the term "convicted" for purposes of paying the costs of prosecution; providing for the imposition of such costs notwithstanding a defendant's present ability to pay; prescribing costs of prosecution; authorizing the court to establish higher minimum costs of prosecution; amending s. 938.29, F.S.; providing that certain defendants are liable for the application fee to determine indigent status for purposes of appointing counsel; providing for distribution of funds collected from a defendant for the application fee, attorney's fees, and costs; prohibiting the Florida Clerks of Court Operations Corporation from increasing clerks budgets in a specified fiscal year based on increased revenues under the act; authorizing the corporation to increase budgets in the aggregate for increased clerk duties related to the payment of juror expenses; providing an effective date.

House Amendment 1 (753307)(with title amendment)—Remove everything after the enacting clause and insert:

And the title is amended as follows:

Remove the entire title and insert:

On motion by Senator Crist, the Senate refused to concur in the House amendment and acceded to the request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House has passed CS for SB 1792 with amendment(s), and asks the Senate to concur or agree to conference.

William S. Pittman III, Chief Clerk

CS for SB 1792—A bill to be entitled An act relating to criminal history information; amending s. 943.053, F.S.; clarifying the purposes for which the fees collected from the private sector or noncriminal justice agencies to acquire criminal history information may be applied; increasing the amount of the fee charged per record for criminal history information; providing an effective date.

House Amendment 1 (126781)(with title amendment)—Remove everything after the enacting clause and insert:

And the title is amended as follows:

Remove the entire title and insert:

On motion by Senator Crist, the Senate refused to concur in the House amendment and acceded to the request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House has passed CS for SB 1988 with amendment(s), and asks the Senate to concur or agree to conference.

William S. Pittman III, Chief Clerk

CS for SB 1988—A bill to be entitled An act relating to driving with a license that is suspended, revoked, or canceled; amending s. 322.34, F.S.; providing that a person commits a second-degree misdemeanor upon a first conviction and a first-degree misdemeanor upon a second or subsequent conviction of the same offense if the person commits certain specified violations of law; requiring the Department of Highway Safety and Motor Vehicles to study the effectiveness of suspending a person's driver's license for certain specified violations of law; requiring that the department, in consultation with the Office of Program Policy Analysis and Government Accountability and other affected entities, prepare a report and submit its findings and recommendations to the Governor and the Legislature by a specified date; providing an effective date.

House Amendment 1 (759941)(with title amendment)—Remove everything after the enacting clause and insert:

And the title is amended as follows:

Remove the entire title and insert:

On motion by Senator Dockery, the Senate refused to concur in the House amendment and acceded to the request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House has passed CS for CS for SB 2000 with amendment(s), and asks the Senate to concur or agree to conference.

William S. Pittman III, Chief Clerk

CS for CS for SB 2000—A bill to be entitled An act relating to sentencing and the development of more effective justice and correctional policies; creating s. 921.0019, F.S.; creating the Sentencing Policy Advisory Council within the Legislature and a Justice Reinvestment Subcommittee within the Sentencing Policy Advisory Council; requiring the council to evaluate sentencing policy, sentencing practices, correctional policies, justice reinvestment initiatives, and laws affecting or applicable to sentencing or punishment; requiring the subcommittee to review the effectiveness of correctional policies, including sanctioning programs for low-level drug and property offenders, mental health and substance abuse interventions, and reinvestment strategies to enhance the long-term effectiveness of correctional policies by reducing cost without negatively impacting public safety; requiring that recommendations be consistent with specified goals; providing membership of the council; providing for selection of the chair of the council; providing for an executive director and additional staff for the council, subject to appropriations; providing that members of the council serve without compensation, but are entitled to be reimbursed for per diem and travel expenses; requiring meetings and reports of findings and recommendations to the Governor, the Legislature, and the Florida Supreme Court; requiring the council to report its findings and recommendations regarding specified questions by a specified date; providing an effective date.

House Amendment 1 (453157)(with title amendment)—Remove everything after the enacting clause and insert:

And the title is amended as follows:

Remove the entire title and insert:

On motion by Senator Dockery, the Senate refused to concur in the House amendment and acceded to the request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House has passed SB 2820 with amendment(s), and asks the Senate to concur or agree to conference.

William S. Pittman III, Chief Clerk

SB 2820—A bill to be entitled An act relating to residential facilities for juvenile offenders; amending s. 985.02, F.S.; expressing the legislative intent that residential facilities for juvenile offenders have no more than 165 beds; providing an exception for campus-style settings that have more than one level of restrictiveness and other conditions; amending s. 985.03, F.S.; redefining the term "restrictiveness level" to require that residential facilities for juvenile offenders in low-risk, moderate-risk, and high-risk offender programs have no more than 165 residential beds each; providing an exception for campus-style settings that have more than one level of restrictiveness and other conditions; providing an effective date.

House Amendment 1 (838227)(with title amendment)—Remove everything after the enacting clause and insert:

And the title is amended as follows:

Remove the entire title and insert:

On motion by Senator Crist, the Senate refused to concur in the House amendment and acceded to the request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House has passed CS for SB 1864 with amendment(s), and asks the Senate to concur or agree to conference.

William S. Pittman III, Chief Clerk

CS for SB 1864—A bill to be entitled An act relating to medical research; amending s. 381.922, F.S., relating to the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program; revising the annual appropriation for the program; amending s. 1004.445, F.S., relating to the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute; revising the annual appropriation for the institute; providing an effective date.

House Amendment 1 (594597)(with title amendment)—Remove everything after the enacting clause and insert:

And the title is amended as follows:

Remove the entire title and insert:

On motion by Senator Peaden, the Senate refused to concur in the House amendment and acceded to the request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House has passed CS for SB 1882 with amendment(s), and asks the Senate to concur or agree to conference.

William S. Pittman III, Chief Clerk

CS for SB 1882—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 17.61, F.S.; deleting the DUI Programs Coordination Trust Fund from the list of funds invested by the Chief Financial Officer; amending s. 215.20, F.S.; deleting certain trust funds from the list of funds subject to a 0.3 percent service charge; amending s. 319.001, F.S.; defining the term "certificate of title"; amending s. 319.40, F.S.; authorizing the department to issue electronic certificates of title for motor vehicles and to provide notification through e-mail; amending s. 320.08, F.S.; revising provisions relat-

ing to the expenditure of the nonrefundable motorcycle safety education fee; amending s. 320.95, F.S.; authorizing the department to provide notification through e-mail; amending s. 322.025, F.S.; revising provisions relating to the implementation of programs to improve driving ability to conform to changes made by the act; amending s. 322.0255, F.S.; deleting the requirement that the department reimburse organizations that provide a motorcycle safety education course to certain students; amending s. 322.271, F.S.; authorizing the department to waive the hearing process for a person whose license has been suspended, cancelled, or revoked; providing exceptions; amending s. 322.293, F.S.; requiring that DUI programs be administered by the department and paid for by revenues collected by such programs; providing that such revenues be deposited into the Highway Safety Operating Trust Fund; amending s. 328.30, F.S.; authorizing the department to issue electronic certificates of title to vessels and to provide notification through e-mail; amending s. 328.80, F.S.; authorizing the Fish and Wildlife Conservation Commission to provide notification through e-mail; amending ss. 316.251 and 501.976, F.S.; conforming cross-references; providing an effective date.

House Amendment 1 (760043)(with title amendment)—Remove everything after the enacting clause and insert:

And the title is amended as follows:

Remove the entire title and insert:

On motion by Senator Fasano, the Senate refused to concur in the House amendment and acceded to the request for a conference committee.

The action of the Senate was certified to the House.

BILLS ON THIRD READING

SB 38—A bill to be entitled An act relating to Memorial Healthcare System of Broward, Inc., d/b/a Memorial Regional Hospital; providing for the relief of Janaria Miller, a minor child, to compensate her for injuries sustained as a result of the negligence of employees of the hospital; providing an appropriation; providing a limitation on the payment of fees and costs; providing an effective date.

—was read the third time by title.

On motion by Senator Deutch, SB 38 was passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Geller	Peaden
Aronberg	Haridopolos	Posey
Atwater	Hill	Rich
Baker	Jones	Ring
Bullard	Joyner	Siplin
Crist	Justice	Storms
Dean	Lawson	Villalobos
Deutch	Lynn	Wilson
Diaz de la Portilla	Margolis	
Fasano	Oelrich	

Nays—8

Alexander	Gaetz	Webster
Constantine	Garcia	Wise
Dockery	King	

Vote after roll call:

Yea—Saunders

Nay—Bennett, Carlton

SB 40—A bill to be entitled An act relating to the Miami-Dade County School Board; providing for the relief of Maria Gough and Jorge Gough, parents and natural guardians of Jaime Gough, a minor, and of Jorge Gough, as personal representative of the estate of Jaime Gough, for the wrongful death of their son, which was due in part to the school board's negligent failure to prevent foreseeable violence on school grounds; pro-

viding a limitation on the payment of fees and costs; providing an effective date.

—was read the third time by title.

On motion by Senator Wilson, **SB 40** was passed and certified to the House. The vote on passage was:

Yeas—23

Mr. President	Diaz de la Portilla	Rich
Aronberg	Garcia	Ring
Atwater	Geller	Saunders
Baker	Hill	Siplin
Bullard	Joyner	Storms
Crist	Justice	Villalobos
Dean	Lawson	Wilson
Deutch	Margolis	

Nays—16

Alexander	Gaetz	Peadar
Bennett	Haridopolos	Posey
Carlton	Jones	Webster
Constantine	King	Wise
Dockery	Lynn	
Fasano	Oelrich	

SB 54—A bill to be entitled An act relating to the Orange County School Board; providing for the relief of Daniel Decembre, a minor, by and through his parents and natural guardians, Desnar and Mignone Decembre; providing for an appropriation to compensate Daniel for injuries and damages he sustained as a result of negligence by agents and employees of the school board; providing a limitation on the payment of fees and costs; providing an effective date.

—was read the third time by title.

On motion by Senator Joyner, **SB 54** was passed and certified to the House. The vote on passage was:

Yeas—23

Mr. President	Garcia	Rich
Aronberg	Geller	Ring
Atwater	Hill	Saunders
Baker	Joyner	Siplin
Bullard	Justice	Storms
Crist	Lawson	Villalobos
Deutch	Margolis	Wilson
Diaz de la Portilla	Posey	

Nays—16

Alexander	Fasano	Oelrich
Bennett	Gaetz	Peadar
Carlton	Haridopolos	Webster
Constantine	Jones	Wise
Dean	King	
Dockery	Lynn	

SB 60—A bill to be entitled An act relating to the South Broward Hospital District; providing for the relief of Adrian Fuentes, a minor, by and through his parents and natural guardians, Luz Fuentes and Jose Fuentes; providing for an appropriation to compensate him for injuries and damages sustained as a result of the negligence of the South Broward Hospital District, d/b/a Memorial Hospital Primary Care Center; providing a limitation on the payment of fees and costs; providing an effective date.

—was read the third time by title.

On motion by Senator Ring, **SB 60** was passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Garcia	Peadar
Alexander	Geller	Posey
Aronberg	Haridopolos	Rich
Atwater	Hill	Ring
Baker	Jones	Saunders
Bullard	Joyner	Siplin
Crist	Justice	Storms
Dean	Lawson	Villalobos
Deutch	Lynn	Wilson
Diaz de la Portilla	Margolis	
Fasano	Oelrich	

Nays—8

Bennett	Dockery	Webster
Carlton	Gaetz	Wise
Constantine	King	

CS for SB 68—A bill to be entitled An act for the relief of Tyler Giblin, a minor, by and through Gina and Mark Giblin, parents of Tyler Giblin; providing for an appropriation by the Munroe Regional Health System, Inc., to compensate Tyler for injuries sustained as a result of the negligence of the hospital; providing for the use of funds; providing a limitation on the payment of fees and costs; providing for payment of unreimbursed medical costs to the Agency for Health Care Administration; providing an effective date.

—was read the third time by title.

On motion by Senator Dean, **CS for SB 68** was passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Garcia	Peadar
Atwater	Geller	Posey
Baker	Haridopolos	Rich
Bullard	Hill	Ring
Constantine	Jones	Saunders
Crist	Joyner	Siplin
Dean	Justice	Storms
Deutch	Lawson	Villalobos
Diaz de la Portilla	Lynn	

Nays—6

Bennett	Gaetz	Webster
Carlton	King	Wise

SB 50—A bill to be entitled An act relating to the City of Lake Worth; providing for the relief of Lisa Freeman-Salazar and Andy Salazar, individually and as co-personal representatives of the estate of Alexandria Salazar, deceased, for the death of Alexandria Salazar due to the negligence of the City of Lake Worth; providing for an appropriation; providing for attorney’s fees and costs; providing a limitation on the payment of fees and costs; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **SB 50** was passed and certified to the House. The vote on passage was:

Yeas—25

Mr. President	Deutch	Joyner
Alexander	Diaz de la Portilla	Justice
Aronberg	Fasano	Lawson
Atwater	Garcia	Margolis
Baker	Geller	Peadar
Bullard	Haridopolos	Posey
Dean	Hill	Rich

Saunders	Storms	Villalobos
Siplin		
Nays—10		
Carlton	Jones	Oelrich
Crist	King	Webster
Dockery	Lynn	Wise
Gaetz		

Vote after roll call:

Nay—Bennett, Constantine

SB 56—A bill to be entitled An act relating to Miami-Dade County; providing for the relief of Schneidine Theogene, a minor, by and through her parent and natural guardian, Jeanne Coicou, to compensate Schneidine for injuries sustained as a result of the negligence of a Miami-Dade County bus driver; providing for an appropriation; providing a limitation on the payment of fees and costs; providing an effective date.

—was read the third time by title.

On motion by Senator Aronberg, **SB 56** was passed and certified to the House. The vote on passage was:

Yeas—29

Mr. President	Fasano	Margolis
Alexander	Garcia	Peaden
Aronberg	Geller	Posey
Atwater	Haridopolos	Rich
Baker	Hill	Ring
Bullard	Jones	Saunders
Crist	Joyner	Siplin
Dean	Justice	Storms
Deutch	Lawson	Villalobos
Diaz de la Portilla	Lynn	

Nays—9

Bennett	Dockery	Oelrich
Carlton	Gaetz	Webster
Constantine	King	Wise

On motion by Senator Oelrich, by unanimous consent—

CS for CS for SB 1716—A bill to be entitled An act relating to postsecondary education; amending s. 1000.21, F.S.; redesignating the names of certain community colleges as colleges; creating s. 1001.60, F.S., relating to the Florida College System; providing system purposes; defining the system as comprised of the public postsecondary educational institutions that grant 2-year and 4-year academic degrees; providing limitations; authorizing a name change under certain conditions; providing for institutions within the Florida College System to be governed by local boards of trustees; providing membership for the boards; creating s. 1004.87, F.S.; creating the Florida College System Task Force for the purpose of developing recommendations for the transition of community colleges to baccalaureate-degree-granting colleges; providing for membership and appointments; providing duties of the task force and reporting requirements; providing for the task force to be dissolved unless extended by general law; creating s. 1004.875, F.S.; creating the State College Pilot Project for the purpose of recommending to the Legislature an approval process for the transition of certain community colleges to state colleges; designating certain institutions to participate in the project; providing duties and reporting requirements for the institutions; providing an effective date.

—as amended April 10 was taken up out of order and read the third time by title.

MOTION

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

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

Amendment 1 (799032)—Between lines 40 and 41 insert:

(x) Santa Fe Community College.

And the directory clause is amended as follows:

Delete line 30 and insert:

Section 1. Paragraphs (b), (e), (k), (u), and (x) of subsection

Amendment 2 (312436)—Delete line 183 and insert: *Daytona Beach College, Miami Dade College, Indian River College, Santa Fe College,*

On motions by Senator Oelrich, **CS for CS for SB 1716** as amended was passed, ordered engrossed and by two-thirds vote was immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

On motion by Senator Peaden, by unanimous consent—

CS for CS for SB 1080—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.; establishing the center within the University of South Florida; providing for the administration of the center; creating a research advisory board and providing for a manner of appointment; providing duties; eliminating the board of directors and the council of scientific advisors; revising the grant award process for the center; providing a limitation on expenditures; authorizing an account for center purposes; providing for a report; extending the sunset provisions; providing effective dates.

—as amended April 10 was taken up out of order and read the third time by title.

Senator Storms moved the following amendment which failed to receive the required two-thirds vote:

Amendment 1 (953248)(with title amendment)—Delete 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 the 2009-2010 fiscal year 2007-2008, the sum of \$0 \$13.5 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:

Delete everything before the enacting clause and insert: 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.; revising the annual appropriation; providing an effective date.

Senators Crist and Joyner offered the following amendments which were moved by Senator Crist and adopted by two-thirds vote:

Amendment 2 (256264)(with title amendment)—Between line(s) 63 and 64, insert:

(8) With the exception of charitable donations for the center deposited into the separate account within the University of South Florida's foundation, the University of South Florida shall establish and maintain separate accounts for all other funds appropriated to, dedicated for, or generated by the center.

(Renumber subsequent subsections.)

And the title is amended as follows:

Delete line(s) 10 and 11, and insert: a limitation on expenditures; requiring the university to establish an account for charitable donations and separate accounts for other funds; providing for a report; extending the

Amendment 3 (158002)—Delete line(s) 122 and insert: *Florida by July 1, 2008. Charitable donations shall be deposited into the account established pursuant to s. 1004.445(7). All other funds shall be deposited into appropriate accounts established pursuant to s. 1004.445(8).*

On motion by Senator Peaden, **CS for CS for SB 1080** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—1

Storms

Vote after roll call:

Yea—Bullard, Gaetz

On motion by Senator Peaden, by unanimous consent—

CS for SB 2326—A bill to be entitled An act relating to certificates of need; amending s. 408.035, F.S.; revising the requirements for the Agency for Health Care Administration with respect to reviewing an application for a certificate of need for a general hospital; amending s. 408.037, F.S.; revising the requirements for an application for a certificate of need by an applicant for a general hospital; amending s. 408.039, F.S.; requiring the agency to attend public hearings on such applications; requiring an existing hospital to submit a written statement of opposition in order to challenge the agency decision on an application for a certificate of need for a general hospital; authorizing the applicant to submit a written response; limiting filing a letter of intent to file an application; limiting the period of a continuance that may be granted

with respect to an administrative hearing considering an application for a general hospital; limiting the parties who may challenge in an administrative hearing involving an application for a certificate of need; limiting the scope of the challenge; authorizing the administrative judge to expand the scope of the issues to be heard upon a motion showing good cause; requiring that the party appealing a final order granting a certificate of need for a general hospital pay the appellee's attorney's fees and costs subject to certain requirements; providing that the agency may not be held liable for any other party's attorney's fees or costs; repealing s. 408.040(3), F.S.; relating to a requirement for an architect's certification of final payment before issuance of a certificate of need; providing for application of the act; providing for severability; providing an effective date.

—as amended April 10 was taken up out of order and read the third time by title.

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

Amendment 1 (271794)—Delete line(s) 119-123 and insert: *discharges. If, subsequent to issuance of a final order approving the certificate of need, the proposed location of the general hospital changes or the primary service area materially changes, the agency shall revoke the certificate of need. However, if the agency determines that such changes are deemed to enhance access to hospital services in the service district, the agency may permit such changes to occur. A party participating in the administrative hearing regarding the issuance of the certificate of need for a general hospital has standing to participate in any subsequent proceeding regarding the revocation of the certificate of need for a hospital for which the location has changed or for which the primary service area has materially changed. In addition, the application for the certificate of need for a general hospital must include a statement of intent that, if approved by final order of the agency, the applicant shall within 120 days after issuance of the final order or, if there is an appeal of the final order, within 120 days after the issuance of the court's mandate on appeal, furnish satisfactory proof of the applicant's financial ability to operate. The agency shall establish documentation requirements, to be completed by each applicant, which show anticipated provider revenues and expenditures, the basis for financing the anticipated cash-flow requirements of the provider, and an applicant's access to contingency financing. A party participating in the administrative hearing regarding the issuance of the certificate of need for a general hospital may provide written comments concerning the adequacy of the financial information provided, but such party does not have standing to participate in an administrative proceeding regarding proof of the applicant's financial ability to operate. The agency may require a licensee to provide proof of financial ability to operate at any time if there is evidence of financial instability, including, but not limited to, unpaid expenses necessary for the basic operations of the provider.*

Amendment 2 (946404)—Delete line(s) 163 and insert: *complete and made available to the public.*

Amendment 3 (304326)(with title amendment)—Delete line(s) 218-235 and insert:

(d) The party appealing a final order that grants a general hospital certificate of need shall pay the appellee's attorney's fees and costs, in an amount up to \$1 million, from the beginning of the original administrative action if the appealing party loses the appeal, subject to the following limitations and requirements:

1. The party appealing a final order must post a bond in the amount of \$1 million in order to maintain the appeal.

2. Except as provided under s. 120.595(5), in no event shall the agency be held liable for any other party's attorney's fees or costs.

And the title is amended as follows:

Delete line(s) 26-28 and insert: costs subject to certain requirements; repealing s. 408.040(3), F.S.;

MOTION

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

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

Amendment 4 (079216)—Delete line(s) 71-73 and insert:

(2) *For a general hospital, the agency shall consider only the criteria specified in paragraph (1)(a), paragraph (1)(b), except for quality of care in paragraph (1)(b), and paragraphs (1)(e), (g), and (i).*

On motion by Senator Peaden, **CS for SB 2326** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

On motion by Senator Peaden, by unanimous consent—

CS for CS for SB 2534—A bill to be entitled An act relating to health insurance; amending s. 112.363, F.S.; specifying that coverage provided through the Cover Florida Health Care Access Program is considered health insurance coverage for the purposes of determining eligibility for the state retiree health insurance subsidy; amending s. 408.909, F.S.; revising eligibility for enrollment in a health flex plan; revising the expiration date of the health flex plan program; creating s. 408.9091, F.S.; creating the Cover Florida Health Care Access Program; providing a short title; providing legislative intent; providing definitions; requiring the Agency for Health Care Administration and the Office of Insurance Regulation of the Financial Services Commission within the Department of Financial Services to jointly administer the program; providing program requirements; requiring the development of guidelines to meet minimum standards for quality care and access to care; requiring the agency to ensure that the Cover Florida plans follow standardized grievance procedures; requiring the Executive Office of the Governor, the agency, and the office to develop a public awareness program; authorizing public and private entities to design or extend incentives for participation in the Cover Florida Access Program; requiring the agency and the office to announce an invitation to negotiate for Cover Florida plan entities to design a coverage proposal; requiring the agency and the office to approve one plan entity; authorizing the agency and the office to approve one regional network plan in each existing Medicaid area; requiring the invitation to negotiate to include certain guidelines; providing certain conditions in which plans are disapproved or withdrawn; authorizing the agency and the office to announce an invitation to negotiate for companies that offer supplemental insurance or discount medical plans; providing that certain licensing requirements or ch. 641, F.S., are not applicable to a Cover Florida plan; providing that Cover Florida plans are considered insurance under certain conditions; excluding Cover Florida plans from the Florida Life and Health Insurance Guaranty Association and the Health Maintenance Organization Consumer Assistance Plan; providing requirements for eligibility in a Cover Florida plan; requiring each Cover Florida plan to maintain and provide certain records; providing that coverage under a Cover Florida plan is not an entitlement and does not give rise to a cause of action; requiring the agency and the office to evaluate the Cover Florida program and submit an annual report to the Governor and the Legislature; requiring the agency and the Financial Services Commission to adopt rules; amending s. 624.91, F.S.; revising the duties of the Florida Healthy Kids Corporation; amending s. 409.814, F.S.; revising the eligibility requirements for participation in the Medikids program or the Florida Healthy Kids program; deleting certain limitations; amending s. 627.6562, F.S.;

requiring insurance policies that provide dependent coverage to provide the policyholder with the option of insuring a child until the age of 30 under certain circumstances; amending s. 627.6699, F.S.; redefining the term “small employer” for purposes of the Employee Health Care Access Act; providing an effective date.

—as amended April 10 was taken up out of order and read the third time by title.

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

Amendment 1 (581166)—Delete line(s) 245-248 and insert:

(b) *The agency and the office may announce an invitation to negotiate for the design of Cover Florida Plus products to companies that offer supplemental insurance, discount medical plan organizations licensed under part II of chapter 636, or prepaid health clinics licensed under part II of chapter 641.*

Amendment 2 (486886)—On line(s) 270 after “private” insert: *health*

On motion by Senator Peaden, **CS for CS for SB 2534** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

On motion by Senator Atwater, by unanimous consent—

CS for CS for SB’s 2860 and 1196—A bill to be entitled An act relating to insurance; amending s. 215.5595, F.S.; revising legislative findings with respect to the Insurance Capital Build-Up Incentive Program and the appropriation of state funds for surplus notes issued by residential property insurers; revising the conditions and requirements for providing funds to insurers under the program; requiring a commitment by the insurer to meet minimum premium-to-surplus writing ratios for residential property insurance, for taking policies out of Citizens Property Insurance Corporation, and for maintaining certain surplus and reinsurance; establishing deadlines for insurers to apply for funds; authorizing the State Board of Administration to charge a late fee for payment of remittances; requiring the board to submit semiannual reports to the Legislature regarding the program; providing that amendments made by the act do not affect the terms of surplus notes approved prior to a specified date, but authorizing the board and an insurer to renegotiate such terms consistent with such amendments; requiring the board to transfer to Citizens Property Insurance Corporation any funds that have not been reserved for insurers approved to receive such funds under the program, from the funds that were appropriated from Citizens; requiring the board to transfer to Citizens interest and principal payments to Citizens Property Insurance Corporation for surplus note funded from appropriations from Citizens; requiring Citizens to deposit such funds into accounts from which appropriations were made; amending s. 542.20, F.S.; subjecting the business of insurance to the Florida Antitrust Act; limiting enforcement to actions by the Attorney General or a state attorney; providing exceptions; amending s. 624.3161, F.S.; authorizing the Office of Insurance Regulation to require an insurer to file its claims handling practices and procedures as a public record based on findings of a market conduct examination; amending s. 624.4211, F.S.; increasing the maximum amounts of administrative fines that may

be imposed upon an insurer by the Office of Insurance Regulation for nonwillful and willful violations of an order or rule of the office or any provision of the Florida Insurance Code; authorizing the office to impose a fine for each day of noncompliance up to a maximum amount; providing factors to consider when determining the amount of the fine; creating s. 624.4213, F.S.; specifying requirements for submission of a document or information to the Office of Insurance Regulation or the Department of Financial Services in order for a person to claim that the document is a trade secret; requiring each page or portion to be labeled as a trade secret and be separated from non-trade secret material; requiring the submitting party to include an affidavit certifying certain information about the documents claimed to be trade secrets; requiring the office or department to notify persons who submit trade secret documents of any public-records request and the opportunity to file a court action to bar disclosure; specifying conditions for the office to retain or release such documents; requiring an award of attorney's fees against a person who certified a document as trade secret if a court or administrative tribunal finds that the document is not a trade secret; creating s. 624.4305, F.S.; requiring that an insurer planning to nonrenew more than a specified number of residential property insurance policies notify the Office of Insurance Regulation and obtain approval for such nonrenewals; specifying procedures for issuance of such notice; prohibiting the office from approving a nonrenewal plan unless it determines that the insurer has met certain conditions; prohibiting the office from requiring certain actions; limiting the ability of the office to disapprove or restrict nonrenewal of certain policies under certain conditions; amending s. 626.9521, F.S.; increasing the maximum fines that may be imposed by the office or department for nonwillful and willful violations of state law regarding unfair methods of competition and unfair or deceptive acts or practices related to insurance; amending s. 626.9541, F.S.; prohibiting an insurer from considering certain factors when evaluating or adjusting a property insurance claim; prohibiting an insurer from failing to pay undisputed amounts of benefits owed under a property insurance policy within a certain period; amending s. 627.062, F.S.; requiring that an insurer seeking a rate for property insurance that is greater than the rate most recently approved by the Office of Insurance Regulation make a "file and use" filing for all such rate filings made after a specified date; revising the factors the office must consider in reviewing a rate filing; prohibiting the Office of Insurance Regulation from disapproving as excessive a rate solely because the insurer obtained reinsurance covering a specified probably maximum loss; allowing the office to disapprove a rate as excessive within 1 year after the rate has been approved under certain conditions related to nonrenewal of policies by the insurer; requiring the Division of Administrative Hearings to expedite a hearing request by an insurer and for the administrative law judge to commence the hearing within a specified time; establishing time limits for entry of a recommended order, for parties to submit written exceptions, and for the office to enter a final order, subject to waiver by all parties; authorizing an insurer to request an expedited appellate review pursuant to the Florida Rules of Appellate Procedure; expressing legislative intent for an expedited appellate review; requiring an administrative law judge in a hearing on an insurance rate to grant a continuance if requested by a party due to receiving additional information that was not previously available; deleting provisions relating to the submission of a disputed rate filing, other than a rate filing for medical malpractice insurance, to an arbitration panel in lieu of an administrative hearing if the rate is filed before a specified date; requiring certain officers and the chief actuary of a property insurer to certify certain information as part of a rate filing, subject to the penalty of perjury; amending s. 627.0613, F.S.; deleting cross-references to conform to changes made by the act; amending s. 627.0628, F.S.; requiring that with respect to rate filings, insurers must use actuarial methods or models found to be accurate or reliable by the Florida Commission on Hurricane Loss Projection Methodology; deleting the requirement for the Office of Insurance Regulation and the Consumer Advocate to have access to all assumptions of a hurricane loss model in order for a model that has been found to be accurate and reliable by the Florida Commission on Hurricane Loss Projection Methodology to be admissible in a rate proceeding; deleting cross-references to conform to changes made by the act; amending s. 627.0629, F.S.; requiring that the Office of Insurance Regulation develop and make publicly available before a specified deadline a proposed method for insurers to establish windstorm mitigation premium discounts that correlate to the uniform home rating scale; requiring that the Financial Services Commission adopt rules before a specified deadline; requiring insurers to make rate filings pursuant to such method; authorizing the commission to make changes by rule to the uniform home grading scale and specify by rule the minimum required discounts, credits, or other rate differentials; requiring that such rate differentials be consistent

with generally accepted actuarial principles and wind loss mitigation studies; amending s. 627.351, F.S., relating to Citizens Property Insurance Corporation; deleting a provision to conform to changes made in the act; deleting provisions defining the terms "homestead property" and "nonhomestead property"; deleting a provision providing for the classification of certain dwellings as "nonhomestead property"; deleting provisions making dwellings and condominium units that have a replacement cost above a specified value ineligible for coverage after a specified date; deleting requirements for certain properties to meeting building code plus requirements as a condition of eligibility for coverage by the corporation; requiring certain structures to have opening protections as a condition of eligibility for coverage after a specified date; requiring that the corporation cease issuance of new wind-only coverage beginning on a specified date; deleting outdated provisions requiring the corporation to submit a report for approval of offering multiperil coverage; revising threshold amounts of deficits incurred in a calendar year on which the decision to levy assessments and the types of such assessments are based; revising the formula used to calculate shares of assessments owed by certain assessable insureds; requiring that the board of governors make certain determinations before levying emergency assessments; providing the board of governors with discretion to set the amount of an emergency assessment within specified limits; requiring the board of governors to levy a Citizens policyholder surcharge under certain conditions; deleting a provision requiring the levy of an immediate assessment against certain policyholders under such conditions; requiring that funds collected from the levy of such surcharges be used for certain purposes; providing that such surcharges are not considered premium and are not subject to commissions, fees, or premium taxes; requiring that the failure to pay such surcharges be treated as failure to pay premium; requiring that the amount of any assessment or surcharge which exceeds the amount of deficits be remitted to and used by the corporation for specified purposes; deleting provisions requiring that the plan of operation of the corporation provide for the levy of a Citizens policyholder surcharge if regular deficit assessments are levied as a result of deficits in certain accounts; deleting provisions related to the calculation, classification, and nonpayment of such surcharge; requiring that the corporation make an annual filing for each personal or commercial line of business it writes, beginning on a specified date; limiting the overall average statewide premium increase and the increase for an individual policyholder to a specified amount for rates established for certain policies during a specified period; deleting a provision requiring an insurer to purchase bonds that remain unsold; requiring the corporation to make its database of policies available to prospective take-out insurers under certain conditions; requiring the corporation to require agents to accept or decline appointment for any policy selected; requiring the corporation to notify the policyholder of certain information if an insurer selected his or her policy for a take-out offer but the policyholder's agent refused to be appointed; deleting provisions requiring the corporation to make certain confidential underwriting and claims files available to agents to conform to changes made by the act relating to ineligibility of certain dwellings; amending s. 627.4133, F.S.; increasing the required time period for an insurer to notify a policyholder of cancellation or nonrenewal of a personal lines or commercial residential property insurance policy; making conforming changes; creating s. 627.714, F.S.; requiring that personal lines residential policies be guaranteed renewable for a specified period if the dwelling meets certain requirements for wind-borne debris protection; creating s. 689.262, F.S.; requiring a purchaser of residential property to be presented with the windstorm mitigation rating of the structure; authorizing the Financial Services Commission to adopt rules; amending s. 817.2341, F.S.; providing for criminal penalties to be imposed under certain conditions against any person who willfully files a materially false or misleading rate filing; requiring Citizens Property Insurance Corporation to transfer funds to the General Revenue Fund if the losses due to a hurricane do not exceed a specified amount; requiring the board of governors of Citizens Property Insurance Corporation to make a reasonable estimate of such losses by a certain date; making nonrecurring appropriations for purposes of the Insurance Capital Build-Up Incentive Program established pursuant to s. 215.5595, F.S., as amended by the act; authorizing costs and fees to be paid from funds appropriated, subject to specified limitations; providing effective dates.

—as amended April 10 was taken up out of order and read the third time by title.

MOTION

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

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

Amendment 1 (459290)(with directory and title amendments)—Between line(s) 2798 and 2799, insert:

(w)1. The following records of the corporation are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

a. Underwriting files, except that a policyholder or an applicant shall have access to his or her own underwriting files. *Confidential and exempt underwriting file records may also be released to other governmental agencies upon written request and demonstration of need; such records held by the receiving agency remain confidential and exempt as provided herein.*

b. Claims files, until termination of all litigation and settlement of all claims arising out of the same incident, although portions of the claims files may remain exempt, as otherwise provided by law. Confidential and exempt claims file records may be released to other governmental agencies upon written request and demonstration of need; such records held by the receiving agency remain confidential and exempt as provided ~~for~~ herein.

c. Records obtained or generated by an internal auditor pursuant to a routine audit, until the audit is completed, or if the audit is conducted as part of an investigation, until the investigation is closed or ceases to be active. An investigation is considered “active” while the investigation is being conducted with a reasonable, good faith belief that it could lead to the filing of administrative, civil, or criminal proceedings.

d. Matters reasonably encompassed in privileged attorney-client communications.

e. Proprietary information licensed to the corporation under contract and the contract provides for the confidentiality of such proprietary information.

f. All information relating to the medical condition or medical status of a corporation employee which is not relevant to the employee’s capacity to perform his or her duties, except as otherwise provided in this paragraph. Information *that which* is exempt shall include, but is not limited to, information relating to workers’ compensation, insurance benefits, and retirement or disability benefits.

g. Upon an employee’s entrance into the employee assistance program, a program to assist any employee who has a behavioral or medical disorder, substance abuse problem, or emotional difficulty which affects the employee’s job performance, all records relative to that participation shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except as otherwise provided in s. 112.0455(11).

h. Information relating to negotiations for financing, reinsurance, depopulation, or contractual services, until the conclusion of the negotiations.

i. Minutes of closed meetings regarding underwriting files, and minutes of closed meetings regarding an open claims file until termination of all litigation and settlement of all claims with regard to that claim, except that information otherwise confidential or exempt by law *shall* will be redacted.

2. ~~If~~ *When* an authorized insurer is considering underwriting a risk insured by the corporation, relevant underwriting files and confidential claims files may be released to the insurer provided the insurer agrees in writing, notarized and under oath, to maintain the confidentiality of such files. ~~If~~ *When* a file is transferred to an insurer that file is no longer a public record because it is not held by an agency subject to the provisions of the public records law. Underwriting files and confidential claims files may also be released to staff of and the board of governors of the market assistance plan established pursuant to s. 627.3515, who must retain the confidentiality of such files, except such files may be

released to authorized insurers that are considering assuming the risks to which the files apply, provided the insurer agrees in writing, notarized and under oath, to maintain the confidentiality of such files. Finally, the corporation or the board or staff of the market assistance plan may make the following information obtained from underwriting files and confidential claims files available to licensed general lines insurance agents: name, address, and telephone number of the residential property owner or insured; location of the risk; rating information; loss history; and policy type. The receiving licensed general lines insurance agent must retain the confidentiality of the information received.

3. *A policyholder who has filed suit against the corporation has the right to discover the contents of his or her own claims file to the same extent that discovery of such contents would be available from a private insurer in litigation as provided by the Florida Rules of Civil Procedure, the Florida Evidence Code, and other applicable law. Pursuant to subpoena, a third party has the right to discover the contents of an insured’s or applicant’s underwriting or claims file to the same extent that discovery of such contents would be available from a private insurer by subpoena as provided by the Florida Rules of Civil Procedure, the Florida Evidence Code, and other applicable law, and subject to any confidentiality protections requested by the corporation and agreed to by the seeking party or ordered by the court. The corporation may release confidential underwriting and claims file contents and information as it deems necessary and appropriate to underwrite or service insurance policies and claims, subject to any confidentiality protections deemed necessary and appropriate by the corporation.*

4.2. Portions of meetings of the corporation are exempt from the provisions of s. 286.011 and s. 24(b), Art. I of the State Constitution wherein confidential underwriting files or confidential open claims files are discussed. All portions of corporation meetings which are closed to the public shall be recorded by a court reporter. The court reporter shall record the times of commencement and termination of the meeting, all discussion and proceedings, the names of all persons present at any time, and the names of all persons speaking. No portion of any closed meeting shall be off the record. Subject to the provisions hereof and s. 119.07(1)(e)-(g), the court reporter’s notes of any closed meeting shall be retained by the corporation for a minimum of 5 years. A copy of the transcript, less any exempt matters, of any closed meeting wherein claims are discussed shall become public as to individual claims after settlement of the claim.

And the directory clause is amended as follows:

On line(s) 1084, after “(p),” insert: (w),

And the title is amended as follows:

On line(s) 203, after the semicolon (;) insert: clarifying the right of certain parties to discover underwriting and claims file records; authorizing the corporation to release such records as it deems necessary;

On motion by Senator Atwater, **CS for CS for SB’s 2860 and 1196** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—7

Alexander	Lawson	Ring
Dockery	Oelrich	Siplin
Hill		

SENATOR RING PRESIDING

CS for CS for SB 610—A bill to be entitled An act relating to physical education; providing a short title; amending s. 1003.455, F.S.; requiring physical education in grades 6 through 8; providing for waivers under certain circumstances; requiring school districts to notify parents of the waiver options; providing an effective date.

—as amended April 10 was read the third time by title.

On motion by Senator Constantine, **CS for CS for SB 610** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—1

Oelrich

Vote after roll call:

Yea—Dean

CS for CS for SB 370—A bill to be entitled An act relating to the personal care attendant program; amending s. 413.402, F.S.; revising provisions governing a program to provide personal care attendants for persons who have disabilities; requiring the Florida Endowment Foundation for Vocational Rehabilitation to enter into an agreement by a certain date with the Florida Association of Centers for Independent Living to administer a program to provide such attendants to persons who have severe and chronic disabilities; requiring that the parties execute a memorandum of understanding; naming the program the “James Patrick Memorial Work Incentive Personal Attendant Services Program”; providing for payment for the administration of the program; removing a provision requiring interagency memoranda of agreement; revising eligibility requirements for participation in the personal care attendant program; removing provisions concerning the training, selection, and recruitment of personal care attendants; providing for training of program participants concerning hiring and managing an attendant; providing for the adoption and revision of program policies and procedures by the association in cooperation with an oversight group; providing for membership in the oversight group; amending s. 413.4021, F.S.; increasing the percentage of revenues collected from persons who fail to remit sales tax which is deposited in the special reserve account of the Florida Endowment Foundation for Vocational Rehabilitation to administer the program; deleting a provision requiring that the Florida Endowment Foundation for Vocational Rehabilitation select an entity to administer the program; providing for automatic enrollment in the program for certain persons; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **CS for CS for SB 370** was passed and certified to the House. The vote on passage was:

Yeas—39

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

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

Nays—None

CS for SB 2366—A bill to be entitled An act relating to medical faculty certificates; amending s. 458.3145, F.S.; authorizing additional universities to employ medical faculty certificateholders; providing a limitation on the number of certificateholders per university; providing an effective date.

—was read the third time by title.

On motion by Senator Diaz de la Portilla, **CS for SB 2366** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Constantine

CS for CS for SB 1648—A bill to be entitled An act relating to human immunodeficiency virus testing; amending s. 381.004, F.S.; requiring that when consent cannot be obtained within the time necessary to conduct an HIV test on an individual and begin prophylactic treatment of exposed medical personnel, the results of the HIV test shall be documented only in the medical file of the medical personnel and not in the medical file of the patient unless he or she gives consent; authorizing appropriate medical personnel under the supervision of a licensed physician to make the decision to test under these conditions; requiring those personnel to document the significant exposure requiring the HIV testing without valid consent in accordance with written protocol based on the medical judgment of a licensed physician; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **CS for CS for SB 1648** was passed and certified to the House. The vote on passage was:

Yeas—39

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

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

Nays—None

CS for SB 1370—A bill to be entitled An act relating to the Florida Patient Safety Corporation; amending s. 381.0271, F.S.; authorizing a representative appointed by the Florida Council of Medical School Deans to serve on the board of directors of the corporation; deleting provisions requiring that the corporation establish specific advisory committees; authorizing the corporation to create and dissolve advisory committees upon a majority vote of the board of directors; deleting obsolete organizational provisions; requiring that the corporation’s board of directors conduct quarterly meetings; requiring the Agency for Health Care Administration to make available adverse incident reports to designated agents of the Florida Patient Safety Corporation; requiring the corporation to evaluate the effects of the sharing of electronic records on patient safety; requiring the corporation to encourage the use of evidence-based medicine; deleting responsibilities related to the provision of access to a library of evidence-based medicine and patient safety practices; requiring a plan for the implementation of patient safety technologies; deleting obsolete provisions and reporting requirements; providing an effective date.

—was read the third time by title.

On motion by Senator Jones, **CS for SB 1370** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for SB 2618—A bill to be entitled An act relating to public health; amending s. 381.006, F.S.; limiting application of the environmental health program of the Department of Health to state institutions for the mentally ill rather than all institutions used for the incarceration of prisoners and inmates; amending s. 381.86, F.S.; revising responsibilities of the Institutional Review Board; repealing s. 381.85, F.S., the Florida Biomedical and Social Research Act; repealing s. 381.895, F.S., relating to standards for compressed air used for recreational diving; providing an effective date.

—was read the third time by title.

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

Amendment 1 (567648)(with title amendment)—Between lines 43 and 44, insert:

Section 3. Section 381.98, Florida Statutes, is amended to read:

381.98 The Florida Public Health ~~Institute Foundation~~, Inc.; establishment; purpose; mission; duties; board of directors.—

(1) The Florida Public Health ~~Institute Foundation~~, Inc., referred to in this section as “the corporation,” is established for the purpose of *advancing the knowledge and practice of public health, including disseminating breakthrough findings in biomedical research and promot-*

ing health awareness in this state and providing services to the Department of Health.

~~(2) The corporation’s mission includes disseminating information about innovative biomedical research and clinical trials in this state as well as making Floridians and their treatment providers aware of specified diseases and conditions and available methods of preventing, diagnosing, treating, and curing those diseases and conditions.~~

~~(2)(3) The purpose and objective of the corporation is shall be to operate exclusively for charitable, scientific, and educational purposes; to protect and improve the health and well-being of Florida’s people and environment through partnerships committed to program innovation, education, applied research, and policy development; and to engage in charitable programs dedicated to improving the health of Floridians.~~

~~(3)(4) The corporation shall be established as a not-for-profit entity qualifying under s. 501(c)(3) of the Internal Revenue Code. The corporation may receive, hold, invest, and administer property and any moneys acquired from private, local, state, and federal sources, as well as technical and professional income generated or derived from the mission-related activities of the corporation. The corporation shall have all of the powers conferred upon corporations organized under chapter 617.~~

~~(4)(5) The corporation’s duties include procuring funds necessary for accomplishing the purpose and mission of the corporation. The corporation shall strive to complement, supplement, and enhance the missions of the various organizations, entities, and departments represented on its board by serving as the lead corporation in the state for promoting public health awareness.~~

~~(5)(6) The affairs of the corporation shall be managed by an executive director appointed by a board of directors. consisting of:~~

~~(6) The board of directors shall be elected in accordance with the bylaws of the corporation and must include, but need not be limited to:~~

- ~~(a) The State Surgeon General or his or her designee.~~
- ~~(b) A representative of the Florida Public Health Association former member of the Senate appointed by the President of the Senate.~~
- ~~(c) Representatives of local health departments, with at least one representative from the southern, central, and northern areas of the state A former member of the House of Representatives appointed by the Speaker of the House of Representatives.~~

~~(d) Representatives from institutions of higher learning A representative of the American Heart Association.~~

~~(e) Representatives from the private health care, business, or foundation community A representative of the American Cancer Society, Florida Division, Inc.~~

- ~~(f) A representative of the American Lung Association of Florida.~~
- ~~(g) A representative of the American Diabetes Association, South Coastal Region.~~
- ~~(h) A representative of the Alzheimer’s Association.~~
- ~~(i) A representative of the Epilepsy Foundation.~~
- ~~(j) A representative of the National Parkinson Foundation.~~
- ~~(k) A representative of the March of Dimes, Florida Chapter.~~
- ~~(l) A representative of the Arthritis Foundation, Florida Chapter.~~
- ~~(m) A representative of the American Liver Foundation.~~
- ~~(n) A representative of the Florida Council for Behavioral Health care, Inc.~~
- ~~(o) A representative of the Florida Alcohol and Drug Abuse Association.~~
- ~~(p) A representative of Pharmaceutical Research and Manufacturers of America.~~

- (q) A representative of the Florida Public Health Association.
 - (r) A representative of the Florida Association of County Health Officers.
 - (s) A public health academician selected by the State Health Officer.
 - (t) A representative of the Florida Academy of Family Physicians.
 - (u) Three consumers who have demonstrated an interest in protecting the public health appointed by the Florida Public Health Association.
 - (v) A representative of the Florida Association of Health Plans.
- (7) The majority of board members must be nonstate employees.
- (7) Members of the board of directors shall serve for 2-year terms and shall serve without compensation. Each organization represented on the board of directors shall cover the expenses of its representative.

~~(8) The corporation, in consultation with the Department of Health and the Florida Center for Universal Research to Eradicate Disease, shall facilitate communication between biomedical researchers and health care providers each month according to the health awareness schedule established by the Florida Public Health Foundation, Inc., in order to ensure ongoing dialogue between researchers, treatment providers, and the department.~~

(8)(9) The corporation and the Department of Health shall enter into partnerships with providers of continuing education for health care practitioners, including, but not limited to, hospitals and state and local medical organizations, to ensure that practitioners are aware of the most recent and complete diagnostic and treatment tools.

(9)(10) The corporation may provide personnel to the Department of Health for the purpose of performing duties and responsibilities outlined in private and public grants received by the Department of Health. These personnel are not state employees and are not entitled to retirement credit and other benefits provided to state employees under chapters 110 and 112. These personnel shall perform services *under pursuant* to an agreement between the corporation and the Department of Health.

(10)(11) The corporation may purchase goods, services, and property for use by the Department of Health. These purchases are not subject to the provisions of chapters 253, 255, and 287, nor to the control or direction of the Department of Environmental Protection or the Department of Management Services.

(11)(12) The corporation shall provide an annual report concerning its activities and finances to the Florida Center for Universal Research to Eradicate Disease and shall provide copies of the annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(Redesignate subsequent sections.)

And the title is amended as follows:

On line 8, after the semicolon (;) insert: amending s. 381.98, F.S.; changing the name of the Florida Public Health Foundation, Inc., to the Florida Public Health Institute, Inc.; providing that the purpose of the institute is to advance the knowledge and practice of public health, including promoting health awareness in this state; providing for the objectives of the institute; requiring that the institute be established as a not-for-profit entity qualifying under s. 501(c)(3) of the Internal Revenue Code; providing for the duties of the institute; providing that affairs of the institute be managed by an executive director appointed by a board of directors; providing for membership on the board of directors; requiring the institute to present an annual report concerning its activities and finances to the Governor, the President of the Senate, and the Speaker of the House of Representatives;

On motion by Senator Jones, **CS for SB 2618** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for CS for SB 2630—A bill to be entitled An act relating to organ and tissue donation; amending s. 765.203, F.S.; deleting a provision in the form that designates a health care surrogate that provides an exception for anatomical gifts; amending s. 765.512, F.S.; revising provisions for making an organ donation; adding additional persons to the list of persons who may donate a decedent's body; removing the provision prohibiting a spouse from making a donation if the decedent's adult son or daughter objects; amending s. 765.514, F.S.; providing additional mechanisms for making an anatomical gift including registering with the organ and tissue donor registry; revising the uniform donor card to specify the type of donation; deleting a statement of public policy that prohibits restrictions on who may receive an anatomical gift, a provision specifying who can accept a gift, and a provision designating a physician to carry out appropriate procedures; amending s. 765.515, F.S.; requiring the Department of Highway Safety and Motor Vehicles to inform the donor registry of instances of making an anatomical gift and of withdrawal of an anatomical gift; deleting a provision requiring the Agency for Health Care Administration and the department to maintain a donor registry; creating s. 765.5155, F.S.; providing legislative intent with respect to establishing an online organ and tissue donor registry; requiring administration of the donor registry to be procured by competitive solicitation; specifying the duties of the contractor including the operation of the registry, a continuing public education program about organ donation, and the preparation of an annual report; authorizing the agency to adopt rules relating to providing research access to the registry; providing for funding and for voluntary contributions to the registry; designating the donor registry as the "Joshua Abbott Organ and Tissue Donor Registry"; amending s. 765.516, F.S.; authorizing revocation of an anatomical gift by a donor through removal of his or her name from the registry; amending s. 765.517, F.S.; revising provisions relating to verification of a donor's consent at death; amending s. 765.521, F.S.; conforming a cross-reference; amending s. 765.522, F.S.; revising duties of hospital administrators with respect to reporting suitable donor candidates at or near the time of death; updating references to organ procurement organizations; repealing s. 765.5215, F.S., relating to an education program relating to anatomical gifts; repealing s. 765.5216, F.S., relating to the organ and tissue donor education panel; providing an effective date.

—was read the third time by title.

On motion by Senator Oelrich, **CS for CS for SB 2630** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Siplin
Storms
Nays—None

Villalobos
Webster

Wilson
Wise

Bullard
Carlton
Constantine
Crist
Dean
Deutch
Diaz de la Portilla
Dockery
Fasano
Gaetz
Garcia

Geller
Haridopolos
Hill
Jones
Joyner
Justice
King
Lawson
Lynn
Margolis
Oelrich

Peaden
Posey
Rich
Ring
Saunders
Siplin
Storms
Villalobos
Webster
Wilson
Wise

Nays—None

CS for SB 2610—A bill to be entitled An act relating to public records; creating s. 765.5155, F.S.; providing an exemption from public-records requirements for information in the organ and tissue donor registry which would identify a donor; providing an exception; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Oelrich, **CS for SB 2610** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

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

Dockery
Fasano
Gaetz
Garcia
Geller
Haridopolos
Hill
Jones
Joyner
Justice
King
Lawson
Lynn

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

Nays—None

CS for CS for SB 2760—A bill to be entitled An act relating to dentistry; amending s. 466.003, F.S.; providing a definition; amending s. 466.006, F.S.; revising the requirements for entitlement to take the necessary examinations to practice dentistry in this state; creating s. 466.0067, F.S.; providing requirements for application for a health access dental license in this state; creating s. 466.00671, F.S.; providing requirements for renewal of a health access dental license; creating s. 466.00672, F.S.; providing conditions in which the Board of Dentistry of the Department of Health may revoke a health access dental license; providing that the failure of a holder of a health access dental license to limit the practice of dentistry to health access settings is the unlicensed practice of dentistry; creating s. 466.00673, F.S.; providing for the repeal of statutory language regarding health access dental licensure; creating s. 466.00775, F.S.; requiring the board to adopt rules; amending s. 466.011, F.S.; conforming provisions to changes made in this act; amending s. 466.021, F.S.; revising requirements relating to retention of dental laboratories by dentists; changing terminology to reflect employment of dental laboratories and to change references to work orders to prescriptions; requiring a dental laboratory to keep the original or an electronic copy of prescriptions; amending s. 466.032, F.S.; requiring specified continuing education for renewal of registration of a dental laboratory by a time certain; providing a listing of agencies or organizations that are authorized to develop and offer continuing education; requiring a dental laboratory owner to submit a sworn statement attesting to compliance with continuing education requirements and providing specified information; authorizing the Department of Health to request documentation of continuing education; authorizing the department to request such documentation at random without cause; providing exemptions from continuing education requirements; providing for voluntary compliance by certain dental laboratories; providing an effective date.

—as amended April 10 was read the third time by title.

On motion by Senator Peaden, **CS for CS for SB 2760** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President
Alexander

Aronberg
Atwater

Baker
Bennett

On motion by Senator Haridopolos, by two-thirds vote **HB 5065** was withdrawn from the Fiscal Policy and Calendar Committee.

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

HB 5065—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; providing for the adoption of the 2008 version of the Internal Revenue Code; prohibiting use of certain amounts in computing adjusted federal income for determining state corporate income tax liability; providing legislative intent; providing construction requirements against using certain federally allowable bonus depreciation for computing state net income; providing a definition; amending s. 220.13, F.S.; specifying additional amounts as additions to taxable income for purposes of adjusted federal income; amending ss. 220.241 and 220.33, F.S.; revising due dates for filing and paying estimated corporate income taxes; authorizing the Department of Revenue to adopt rules for certain administrative purposes; providing for retroactive operation; providing effective dates.

—a companion measure, was substituted for **CS for SB 1586** as amended and read the second time by title.

MOTION

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

Senator Haridopolos moved the following amendment which was adopted:

Amendment 1 (391688)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (n) of subsection (1), paragraph (c) of subsection (2), and subsection (3) of section 220.03, Florida Statutes, are amended to read:

220.03 Definitions.—

(1) **SPECIFIC TERMS.**—When used in this code, and when not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the following terms shall have the following meanings:

(n) “Internal Revenue Code” means the United States Internal Revenue Code of 1986, as amended and in effect on January 1, 2008 ~~2007~~, except as provided in subsection (3).

(2) **DEFINITIONAL RULES.**—When used in this code and neither otherwise distinctly expressed nor manifestly incompatible with the intent thereof:

(c) Any term used in this code shall have the same meaning as when used in a comparable context in the Internal Revenue Code and other statutes of the United States relating to federal income taxes, as such code and statutes are in effect on January 1, 2008 ~~2007~~. However, if subsection (3) is implemented, the meaning of any term shall be taken at the time the term is applied under this code.

(3) **FUTURE FEDERAL AMENDMENTS.**—

(a) On or after January 1, 1972, when expressly authorized by law, any amendment to the Internal Revenue Code shall be given effect under this code in such manner and for such periods as are prescribed

in the Internal Revenue Code, to the same extent as if such amendment had been adopted by the Legislature of this state. However, any such amendment shall have effect under this code only to the extent that the amended provision of the Internal Revenue Code shall be taken into account in the computation of net income subject to tax hereunder.

(b)1. Section 102 of Pub. L. No. 110-185 amends s. 179(b) of the Internal Revenue Code of 1986, as amended, and provides temporary increases in the limitations of expensing specified depreciable business assets for tax years beginning after December 31, 2007. The amount of such temporary increases may not be used in computing adjusted federal income for the purpose of determining corporate income tax liability in this state.

2. Section 103 of Pub. L. No. 110-185 amends s. 168(k) of the Internal Revenue Code of 1986, as amended, for specified property acquired after December 31, 2007, and before January 1, 2009. Section 103 provides an additional allowance equal to 50 percent of the adjusted basis of the qualified property entitled to a depreciation deduction by s. 167(a) for the taxable year in which such property is placed in service. The amount of such special depreciation allowances may not be used in computing adjusted federal income for the purpose of determining corporate income tax liability in this state.

3. It is the intent of the Legislature that ss. 102 and 103 of Pub. L. No. 110-185 be construed to disallow a deduction for bonus depreciation allowed under s. 168 of the Internal Revenue Code of 1986, as amended, in computing state net income. The applicable depreciation conventions and recovery periods shall be computed in the same manner as they are computed by the taxpayer in determining federal taxable income. As used in this chapter, the term "bonus depreciation" includes all amounts allowed as a special allowance under s. 168(k) of the Internal Revenue Code of 1986, as amended.

Section 2. Paragraph (a) of subsection (1) of section 220.13, Florida Statutes, is amended to read:

220.13 "Adjusted federal income" defined.—

(1) The term "adjusted federal income" means an amount equal to the taxpayer's taxable income as defined in subsection (2), or such taxable income of more than one taxpayer as provided in s. 220.131, for the taxable year, adjusted as follows:

(a) Additions.—There shall be added to such taxable income:

1. The amount of any tax upon or measured by income, excluding taxes based on gross receipts or revenues, paid or accrued as a liability to the District of Columbia or any state of the United States which is deductible from gross income in the computation of taxable income for the taxable year.

2. The amount of interest which is excluded from taxable income under s. 103(a) of the Internal Revenue Code or any other federal law, less the associated expenses disallowed in the computation of taxable income under s. 265 of the Internal Revenue Code or any other law, excluding 60 percent of any amounts included in alternative minimum taxable income, as defined in s. 55(b)(2) of the Internal Revenue Code, if the taxpayer pays tax under s. 220.11(3).

3. In the case of a regulated investment company or real estate investment trust, an amount equal to the excess of the net long-term capital gain for the taxable year over the amount of the capital gain dividends attributable to the taxable year.

4. That portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.181. This subparagraph shall expire on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

5. That portion of the ad valorem school taxes paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.182. This subparagraph shall expire on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

6. The amount of emergency excise tax paid or accrued as a liability to this state under chapter 221 which tax is deductible from gross income in the computation of taxable income for the taxable year.

7. That portion of assessments to fund a guaranty association incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year.

8. In the case of a nonprofit corporation which holds a pari-mutuel permit and which is exempt from federal income tax as a farmers' cooperative, an amount equal to the excess of the gross income attributable to the pari-mutuel operations over the attributable expenses for the taxable year.

9. The amount taken as a credit for the taxable year under s. 220.1895.

10. Up to nine percent of the eligible basis of any designated project which is equal to the credit allowable for the taxable year under s. 220.185.

11. The amount taken as a credit for the taxable year under s. 220.187.

12. The amount taken as a credit for the taxable year under s. 220.192.

13. The amount taken as a credit for the taxable year under s. 220.193.

14. Any amount in excess of \$25,000 allowable as a deduction for federal income tax purposes under s. 179 of the Internal Revenue Code of 1986, as amended, for the taxable year.

15. Any amount allowable as a deduction for federal income tax purposes under s. 167 or s. 168 of the Internal Revenue Code of 1986, as amended, for the taxable year to the extent that such amount includes bonus depreciation allowable as deduction under s. 168(k).

Section 3. Effective January 1, 2009, section 220.241, Florida Statutes, is amended to read:

220.241 Declaration; time for filing.—A declaration of estimated tax under this code shall be filed ~~on or~~ before the 1st day of the 5th month of each taxable year, except that if the minimum tax requirement of s. 220.24(1) is first met:

(1) After the 3rd month and before the 6th month of the taxable year, the declaration shall be filed ~~on or~~ before the 1st day of the 7th month;

(2) After the 5th month and before the 9th month of the taxable year, the declaration shall be filed ~~on or~~ before the 1st day of the 10th month; or

(3) After the 8th month and before the 12th month of the taxable year, the declaration shall be filed for the taxable year ~~on or~~ before the 1st day of the succeeding taxable year.

Section 4. Effective January 1, 2009, subsections (1), (2), and (3) of section 220.33, Florida Statutes, are amended to read:

220.33 Payments of estimated tax.—A taxpayer required to file a declaration of estimated tax pursuant to s. 220.24 shall pay such estimated tax as follows:

(1) If the declaration is required to be filed ~~on or~~ before the 1st ~~first~~ day of the 5th ~~fifth~~ month of the taxable year, the estimated tax shall be paid in four equal installments. The first installment shall be paid at the time of the required filing of the declaration; the second and third installments shall be paid ~~on or~~ before the 1st day of the 7th ~~month~~ and ~~before the 1st day of the 10th month~~ months of the taxable year, respectively; and the fourth installment shall be paid ~~on or~~ before the 1st day of the next taxable year.

(2) If the declaration is required to be filed ~~on or~~ before the 1st ~~first~~ day of the 7th ~~seventh~~ month of the taxable year, the estimated tax shall be paid in three equal installments. The first installment shall be paid at the time of required filing of the declaration; the second installment shall be paid ~~on or~~ before the 1st day of the 10th month of the taxable year; and the third installment shall be paid ~~on or~~ before the 1st day of the next taxable year.

(3) If the declaration is required to be filed ~~on or~~ before the 1st day of the 10th month of the taxable year, the estimated tax shall be paid in

two equal installments: at the time of required filing of the declaration for such taxable year and on or before the 1st day of the next taxable year, respectively.

Section 5. *The Department of Revenue may adopt rules necessary to administer the provisions of this act, including rules, forms, and guidelines for computing, claiming, and adding back bonus depreciation under s. 168(k) and deductions under s. 179 of the Internal Revenue Code of 1986, as amended.*

Section 6. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law and shall apply retroactively to January 1, 2008.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to corporate income tax; amending s. 220.03, F.S.; providing for the adoption of the 2008 version of the Internal Revenue Code; providing for exceptions to adoption; amending s. 220.13, F.S., relating to the determination of adjusted federal income; conforming provisions; amending ss. 220.241 and 220.33, F.S.; revising the due date for filing and paying estimated corporate income tax; authorizing the Department of Revenue to adopt rules; providing for retroactive application; providing effective dates.

On motion by Senator Haridopolos, by two-thirds vote **HB 5065** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for SB 1588—A bill to be entitled An act relating to property taxation; amending s. 193.114, F.S.; revising the requirements specifying the information that must be included on the real property assessment roll and on the tangible personal property roll; amending s. 193.1142, F.S.; authorizing the executive director of the Department of Revenue to require that additional data be provided on the assessment rolls; requiring that assessment rolls be submitted in a format specified by the executive director; authorizing a property appraiser to use an alternative format in a case of hardship; specifying additional parcel-level data that may be required; amending s. 193.155, F.S.; revising provisions governing the manner in which homestead property may be assessed at less than just value; requiring that notice of the abandonment of a homestead be in writing and delivered to the property appraiser before or at the time of filing a new application; providing procedures for the transfer of an assessment limitation from a previous homestead to a new homestead; authorizing property appraisers to share confidential tax information; authorizing a taxpayer to file an action in circuit court requiring a property appraiser to provide certain information; authorizing a taxpayer to file a petition with the value adjustment board; providing for a nonrefundable fee; authorizing a taxpayer to file for the transfer of an assessment limitation in a year subsequent to the first year following establishment of the new homestead; prohibiting a refund of taxes for previous years; providing requirements for hearings before the value adjustment board; amending ss. 193.1554 and 193.1555, F.S., relating to nonhomestead residential property and non-residential real property; requiring that an increase in the value of property be apportioned among parcels under certain conditions; amending s. 193.1556, F.S.; requiring that a property owner notify the property appraiser of any change in ownership or control; amending s.

194.011, F.S.; providing procedures under which a taxpayer may object to an assessment of homestead property at less than just value; requiring that the value adjustment board in the previous county hear the matter if the taxpayer disagrees with the previous assessment; providing for an appeal in the taxpayer's new county under certain circumstances; requiring that the circuit court review decisions of the value adjustment boards under certain circumstances; amending s. 196.031, F.S.; specifying the order in which homestead exemptions are applied; amending s. 196.183, F.S.; clarifying the taxation of freestanding property; clarifying the meaning of the phrase "site where the owner of tangible personal property transacts business"; providing for previously assessed owners to qualify for the exemption without filing a return at the option of the property appraiser; requiring that property appraisers annually notify taxpayers of the duty to file a return if they no longer qualify for the exemption; amending s. 197.3632, F.S.; requiring that the tax collector provide certain additional information to the Department of Revenue concerning non-ad valorem assessments; amending s. 200.065, F.S.; clarifying the calculation of maximum millage beginning in the 2009-2010 fiscal year; amending s. 200.185, F.S.; clarifying the calculation of maximum millage for the 2008-2009 fiscal year; authorizing the Department of Revenue to adopt emergency rules; delaying the date by which applications for an assessment of property under s. 193.155(8), F.S., for 2008 must be submitted; requiring the Department of Revenue to report to the Legislature by a specified date on the effect of recent changes in the law governing tax notices and the assessment limitations and maximum millage limitations; providing for the Legislature to appropriate moneys to offset the reduction in ad valorem tax revenue experienced by fiscally constrained counties; requiring that counties apply to the Department of Revenue; specifying the documentation that must be provided to the department; providing a formula for calculating the reduction in ad valorem revenue; repealing s. 9, ch. 2007-339, Laws of Florida, relating to the legislative appropriation of funds to offset the reduction in ad valorem tax revenues in fiscally constrained counties; providing for application of the act; providing effective dates.

—as amended April 10 was read the third time by title.

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

Amendment 1 (040718)—Between lines 343 and 344, insert:

(e) If one or more persons who previously owned a single homestead and each received the homestead exemption qualify for a new homestead where all persons who qualify for homestead exemption in the new homestead also qualified for homestead exemption in the previous homestead without an additional person qualifying for homestead exemption in the new homestead, the reduction in just value shall be calculated pursuant to paragraph (a) or paragraph (b), without application of paragraph (c) or paragraph (d).

(Redesignate paragraphs.)

Amendment 2 (919180)—Delete line(s) 852 and 853 and insert: personal income, unless a higher rate is adopted, in which case the

Amendment 3 (837512)—Delete line(s) 872 and 873 and insert: for change ~~growth~~ in per capita Florida personal income, may

Amendment 4 (331178)—Delete line(s) 934 and insert: , except

On motion by Senator Haridopolos, **CS for SB 1588** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Rich	Siplin	Webster
Ring	Storms	Wilson
Saunders	Villalobos	Wise

Nays—None

CS for CS for SB 1302—A bill to be entitled An act relating to wastewater disposal; amending s. 373.0361, F.S., relating to regional water supply planning; requiring the South Florida Water Management District to include water supply development projects that promote the elimination of ocean outfalls in its regional water supply plan; amending s. 373.0831, F.S., relating to water resource and supply development; providing for projects that implement reuse as a means of eliminating ocean outfalls to receive priority funding consideration; amending s. 373.1961, F.S., relating to funding for water supply projects; providing priority funding for projects that implement reuse that assists with the elimination of ocean outfalls; amending s. 373.250, F.S., relating to the reuse of reclaimed water; directing the South Florida Water Management District to require the use of reclaimed water made available through the elimination of ocean outfalls under certain conditions; amending s. 403.085, F.S., relating to waste water treatment; prohibiting the construction of new ocean outfalls; prohibiting the use of ocean outfalls as a method of sanitary sewage disposal; amending s. 403.086, F.S., relating the treatment of wastewater; providing legislative intent; prohibiting the new construction of an expanded discharge to ocean outfalls; defining the term “facility’s actual flow on an annual basis”; requiring that domestic wastewater discharges to ocean outfalls meet advanced wastewater treatment and management requirements by a date certain; providing an exemption from meeting advanced wastewater treatment and management requirements under specific conditions; providing wastewater reuse requirements for facilities that discharge through ocean outfalls by a date certain; providing prohibitions for the discharge of domestic wastewater through ocean outfalls under specific conditions by a date certain; providing reporting requirements for permitted ocean outfall facilities; providing reporting requirements for the Department of Environmental Protection; providing a compliance schedule for facilities discharging through ocean outfalls; creating s. 403.08601, F.S., establishing the Leah Schad Memorial Ocean Outfall Program; establishing a funding mechanism and providing a statutory cross reference; amending s. 403.1651, F.S.; providing a dedicated account within the Ecosystem Management and Restoration Trust Fund; amending s. 403.1835, F.S., relating to water pollution control financial assistance; providing for the inclusion of domestic wastewater ocean outfalls in laws requiring the elimination of discharges to specific water bodies; providing an effective date.

—as amended April 10 was read the third time by title.

On motion by Senator Saunders, **CS for CS for SB 1302** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for SB 1630—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 500.148, F.S.; revising an exemption from the public-records law provided for certain information provided to the Department of Agriculture and Consumer Services under its regulatory authority; saving the exemption from repeal under the Open Government Sunset Review Act; deleting the provision providing for repeal of the exemption; providing an effective date.

—was read the third time by title.

On motion by Senator Alexander, **CS for SB 1630** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for SB 2222—A bill to be entitled An act relating to a review of the Department of Citrus under the Florida Government Accountability Act; reenacting ss. 20.29, 601.04, and 601.05, F.S., relating to the Department of Citrus and the Florida Citrus Commission; amending s. 601.15, F.S.; revising the deadline by which the Florida Citrus Commission sets the annual citrus excise tax rate; deleting a provision requiring the commission to consider certain projected collection of taxes in setting the rate; conforming provisions relating to the season upon which the tax rate applies; repealing s. 601.154, F.S., relating to the Citrus Stabilization Act of Florida; providing an effective date.

—was read the third time by title.

On motion by Senator Alexander, **CS for SB 2222** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for SB 1378—A bill to be entitled An act relating to rights of homeowners; amending s. 720.304, F.S.; authorizing a homeowner to display certain types of flags in a respectful manner on his or her property, regardless of any covenants, restrictions, bylaws, rules, or requirements of the parcel owner’s homeowners’ association; providing a list of flags that may be displayed; providing size limitations for such flags; authorizing a homeowner to erect a flagpole meeting specified requirements on his or her property; authorizing a homeowner to display certain flags from such flagpole; providing restrictions; providing for the application of such provisions related to the display of flags and construction of a flagpole; amending s. 723.075, F.S.; providing that certain homeowners may be part of the homeowners’ association and may serve on the board of directors of the association under certain circumstances; providing an effective date.

—as amended April 10 was read the third time by title.

On motions by Senator Fasano, **CS for SB 1378** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for SB 2224—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 119.011, F.S.; defining the term “paratransit” for purposes of the public records law; amending s. 119.071, F.S.; expanding an exemption from public-records requirements which is provided for information identifying an applicant for or a recipient of paratransit services so that the exemption applies to all agencies; providing for future legislative review of the exemption under the Open Government Sunset Review Act; repealing s. 119.0713(2), F.S., relating to the prior exemption provided for such information; providing a statement of public necessity; repealing s. 2 of chapter 2003-110, Laws of Florida; deleting provisions providing for repeal of the exemption; amending ss. 257.34 and 257.35, F.S.; conforming cross-references; providing an effective date.

—was read the third time by title.

On motion by Senator Garcia, **CS for SB 2224** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SB 220—A bill to be entitled An act relating to change of name; amending s. 68.07, F.S.; requiring that a person filing a petition for change of name submit fingerprints for a state and national criminal history records check before the court hearing on the petition; providing an exception to such requirement; providing procedures for the taking and submission of fingerprints; providing for the payment of costs associated with processing fingerprints and conducting criminal history checks; requiring the return of the results of a criminal history records check to the clerk of court; providing for the scheduling of a hearing on a petition to restore a former name when a criminal history records check is required; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **SB 220** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for SB 274—A bill to be entitled An act relating to the POW-MIA flag; creating s. 256.14, F.S.; requiring the Department of Environmental Protection to purchase and display the POW-MIA flag at state parks displaying the United States flag; providing an effective date.

—was read the third time by title.

On motion by Senator Dean, **CS for SB 274** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for SB 300—A bill to be entitled An act relating to service of process; amending s. 30.231, F.S.; increasing the fees charged by the sheriff in civil cases for service of process; exempting the State of Florida and its agencies from increased fees; deleting a prohibition on additional fees for certain documents; amending s. 48.021, F.S.; providing that criminal witness subpoenas and criminal summonses may be served by a special process server appointed by the local sheriff or by a certified process server; amending s. 48.27, F.S., to conform; providing for selection of authorized certified process servers to serve such subpoenas and summonses; amending s. 56.041, F.S.; providing that all unsatisfied executions in the possession of the sheriff docketed before October 1, 2001, may be returned to the issuing court; amending s. 56.21, F.S.; requiring the submission of an affidavit before levying a judgment upon real property; requiring the sheriff to furnish to the judgment debtor or the debtor’s attorney of record a copy of the notice of sale, notice of levy, and affidavit within a specified period before execution of a sale or levy; amending s. 56.27, F.S.; requiring that priority of liens on real property be based on the effective date of the judgment lien for a specified purpose; requiring a levying creditor to deliver to the sheriff at the time of the levy request an affidavit setting forth certain information and attestations; amending ss. 741.30 and 784.046, F.S., relating to service of process in cases of domestic violence or sexual abuse; authorizing clerks of court to transmit facsimile copies of previously certified injunctions to sheriffs upon request; requiring sheriffs to verify receipt of facsimile copies of injunctions with clerks of court before attempting service; au-

thorizing law enforcement officers to serve facsimile copies of injunctions in the same manner as certified copies; providing an effective date.

—was read the third time by title.

MOTION

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

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

Amendment 1 (217250)(with title amendment)—Delete line(s) 156-237, and insert: of all judgment creditors and other lienholders, or to all judgment creditors and other lienholders who do not have an attorney of record, who have acquired a judgment lien as provided in s. 55.10(1) and (2), s. 55.202, or s. 55.204(3), or s. 695.01, and whose liens have not lapsed at the time of levy, at the address listed in the judgment lien certificate or other recorded liens, or, if amended, in any amendment thereto to the judgment lien certificate, and to all secured creditors who have filed financing statements as provided in part V of chapter 679 in the name of the judgment debtor reflecting a security interest in property of the kind to be sold at the execution sale at the address listed in the financing statement, or, if amended, in any amendment to the financing statement. Such notice shall be made in the same manner as notice is made to any judgment debtor under this section. When levying upon real property, notice of such levy and execution sale and affidavit required by s. 56.27(4) shall be made to the property owner of record in the same manner as notice is made to any judgment debtor pursuant to this section, and shall be made to each other person holding a mortgage or other lien against the real property as disclosed by the affidavit. When selling real or personal property, the sale date shall not be earlier than 30 days after the date of the first advertisement.

Section 6. Subsections (1), (2), and (4) of section 56.27, Florida Statutes, are amended to read:

56.27 Executions; payment of money collected.—

(1) All money received under executions shall be paid, in the order prescribed, to the following: the sheriff, for costs; the levying creditor in the amount of \$500 as liquidated expenses; and if the levy is upon real property, the first priority lienholder under s. 55.10(1) and (2), s. 55.10; and if the levy is upon personal property, the first priority lienholder under s. 55.202, s. 55.204(3), or s. 55.208(2), as set forth in an affidavit required by subsection (4), or his or her attorney, in satisfaction of the judgment lien, if provided that the judgment lien has not lapsed at the time of the levy. The receipt of the attorney shall be a release of the officer paying the money to him or her. If When the name of more than one attorney appears in the court file, the money shall be paid to the attorney who originally commenced the action or who made the original defense unless the file shows that another attorney has been substituted.

(2)(a) If When property sold under execution brings more than the amount needed to satisfy the provisions of subsection (1), the surplus shall be paid in the order of priority to any judgment lienholders whose judgment liens have not lapsed, unless the affidavit required by subsection (4) discloses that the property is also subject to any recorded mortgage, financing statement, tax warrant, or other lien, other than a judgment lien, that is junior in priority to the levying creditor's judgment lien. For the purpose of the sheriff's distribution of the surplus to judgment lienholders under this paragraph, priority of judgment liens on personal property shall be based on the effective date of the judgment lien acquired under s. 55.202, s. 55.204(3), or s. 55.208(2), and priority of judgment liens on real property shall be based on the effective date of the judgment lien acquired under s. 55.10(1) and (2), as set forth in an affidavit required under subsection (4). If there is a surplus after all valid judgment liens and execution liens have been satisfied under this paragraph, the surplus must be paid to the owner of the property sold defendant.

(b) If the affidavit required by subsection (4) discloses that the property is also subject to any recorded mortgage, financing statement, tax warrant, or other lien, other than a judgment lien, that is junior in priority to the levying creditor's judgment lien, any surplus from the sale of the property shall be paid over to the registry of the court from which the execution issued for further proceedings to determine the priority in

which such surplus shall be distributed among judgment lienholders, other lienholders, and the owner of the property sold.

(4) Before the date of the first publication or posting of the notice of sale provided for under s. 56.21, at the time of the levy request to the sheriff, the levying creditor shall deliver to the sheriff an affidavit setting forth all of the following as to the judgment debtor:

(a) For a personal property levy, an attestation by that the levying creditor or the creditor's attorney of record that he or she has reviewed the database or judgment lien records established in accordance with ss. 55.201-55.209 and that the information contained in the affidavit based on that review is true and correct. For a real property levy in accordance with s. 55.10(1) and (2), an attestation by the levying creditor or his or her attorney of record that he or she has reviewed the records of the clerk of court of the county where the property is situated, or that he or she has performed a title search, and that the information contained in the affidavit, including a disclosure of all judgment liens, mortgages, financing statements, tax warrants, and other liens against the real property, based on that review or title search is true and correct.;

(b) The information required under s. 55.203(1) and (2) for each judgment lien certificate indexed under the name of the judgment debtor as to each judgment creditor; the file number assigned to the record of the original and, if any, the second judgment lien; and the date of filing for each judgment lien certificate under s. 55.202 or s. 55.204(3). For each judgment lien recorded on real property, the information contained in the certified copy of recordation of lien pursuant to s. 55.10(1) and (2), and for each other lien recorded on real property, the name and address of the lienholder as shown in the copy of the recorded lien disclosed by the title search.;

And the title is amended as follows:

Delete line(s) 18-27 and insert: property; requiring the sheriff to furnish to the judgment debtor or lienholder or the debtor's or lienholder's attorney of record a copy of the notice of sale, notice of levy, and affidavit with a specified period before execution of a sale or levy; amending s. 56.27, F.S.; requiring that priority of liens on real property be based on the effective date of the judgment lien for a specified purpose, unless an affidavit discloses that the property is subject to a recorded mortgage, financing statement, tax warrant or other lien that is junior in priority to the judgment lien; requiring a levying creditor to deliver the affidavit to the sheriff at the time of the levy request setting forth certain information and attestations; requiring certain information to be contained in the certified copy of recordation of lien; amending ss. 741.30 and 784.046, F.S.,

On motion by Senator Crist, CS for SB 300 as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SB 366—A bill to be entitled An act relating to elderly persons and disabled adults; amending s. 825.102, F.S.; reclassifying the offense of aggravated abuse of an elderly person or disabled adult from a second-degree felony to a first-degree felony; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code, to conform; creating s. 943.17296, F.S., relating to training on identifying and investigating elder abuse for certified law enforcement

officers; requiring that the training be completed by a time certain; providing that an officer's certification becomes inactive in certain circumstances related to the failure to complete the training; providing an effective date.

—was read the third time by title.

On motion by Senator Margolis, **SB 366** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for SB 464—A bill to be entitled An act relating to real estate conveyances; creating s. 689.28, F.S.; providing legislative intent regarding transfer fee covenants; providing definitions; providing that certain transfer fee covenants are unenforceable against subsequent owners, purchasers, and mortgagees; providing that a presumption is not created in favor of transfer fee covenants recorded before the effective date of the act; amending ss. 689.01 and 692.01, F.S.; clarifying that corporations may execute conveyances; providing an effective date.

—was read the third time by title.

On motion by Senator Aronberg, **CS for SB 464** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for HB 29—A bill to be entitled An act relating to DNA testing; amending s. 943.325, F.S.; revising offenses for which a conviction requires the person convicted to provide biological specimens in specified circumstances; providing an effective date.

—was read the third time by title.

On motion by Senator Dean, **CS for HB 29** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Atwater	Bullard
Alexander	Baker	Carlton
Aronberg	Bennett	Constantine

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

Nays—None

CS for SB 622—A bill to be entitled An act relating to orders of no contact; amending s. 921.244, F.S.; requiring that offenders convicted of specified violent offenses be prohibited from having any contact with the victim; providing penalties; providing that the penalty for violation of such an order run consecutive to the sentence for the original violation; providing an effective date.

—was read the third time by title.

On motion by Senator Dockery, **CS for SB 622** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

MOTION

On motion by Senator King, the rules were waived and time of recess was extended until completion of the appropriations bills at the beginning of the Special Order Calendar and announcements.

CS for SB 1616—A bill to be entitled An act relating to interagency data sharing; amending s. 790.065, F.S.; authorizing the Department of Law Enforcement to provide data collected from court records to the Department of Agriculture and Consumer Services for purposes of determining eligibility for concealed weapons and firearm licenses; adding involuntary outpatient treatment to the definition of “committed to a mental institution” in the criteria considered for license qualifications and firearm purchases; providing an effective date.

—as amended April 10 was read the third time by title.

On motion by Senator Aronberg, **CS for SB 1616** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

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

Geller	Lynn	Siplin
Haridopolos	Margolis	Storms
Hill	Oelrich	Villalobos
Jones	Peaden	Webster
Joyner	Posey	Wilson
Justice	Rich	Wise
King	Ring	
Lawson	Saunders	
Nays—None		

THE PRESIDENT PRESIDING

SPECIAL ORDER CALENDAR

HB 5001—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2008, and ending June 30, 2009, 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.

Senator Carlton moved **Amendment 1 (997040)** which was adopted.

Pursuant to Rule 7.6, **Amendment 1 (997040)** constituted an entirely new bill and was not published in the Journal.

On motions by Senator Carlton, by two-thirds vote **HB 5001** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—27		
Mr. President	Dean	Lynn
Alexander	Diaz de la Portilla	Oelrich
Atwater	Dockery	Peaden
Baker	Fasano	Posey
Bennett	Gaetz	Saunders
Carlton	Garcia	Storms
Constantine	Haridopolos	Villalobos
Crist	Jones	Webster
Dawson	King	Wise
Nays—13		
Aronberg	Joyner	Rich
Bullard	Justice	Ring
Deutch	Lawson	Siplin
Geller	Margolis	Wilson
Hill		

HB 5003—A bill to be entitled An act implementing the 2008-2009 General Appropriations Act; providing legislative intent; amending s. 1001.451, F.S.; revising the incentive grant amounts for regional consortium service organizations; amending s. 1012.225, F.S.; revising the dates when Merit Award Program plans must be submitted; amending s. 394.908, F.S.; requiring that funds appropriated for forensic mental health treatment services be allocated to the areas of the state having the greatest demand for services and treatment capacity; providing allocation requirements for specified funds appropriated for mental health services; providing for a health care collaborative action network and discount health care pilot program in Miami-Dade County; authorizing the Executive Office of the Governor to approve the increase in nonoperating transfer budget authority for trust funds in the Department of Children and Family Services; authorizing the Department of Corrections and the Department of Juvenile Justice to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the respective department; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; amending s. 216.292, F.S.; authorizing certain transfers of appropriations for operations from general revenue between budget categories and entities of the criminal conflict and civil regional counsels and the budget category for child dependency and civil conflict cases within the

Justice Administrative Commission; providing for future expiration of such provisions; authorizing the Department of Legal Affairs to expend appropriated funds on programs funded in the preceding fiscal year; authorizing the Department of Legal Affairs to transfer certain funds to pay salaries and benefits; amending s. 112.24, F.S.; providing circumstances under which a receiving party is not required to pay certain reimbursement costs for a state employee pursuant to an intergovernmental interchange; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; amending s. 110.123, F.S.; providing for the state's monthly contribution for employees under the state group insurance program; authorizing the Department of Financial Services to expend certain funds for salaries and related expenses; amending s. 215.5595, F.S.; revising legislative findings; providing for appropriated state funds to be exchanged for surplus notes issued by residential property insurers under the program; revising the conditions and requirements for providing funds to insurers under the program; requiring a commitment by the insurer to meet minimum premium-to-surplus writing ratios for residential property insurance and for taking policies out of Citizens Property Insurance Corporation; authorizing the State Board of Administration to charge a fee for late payments; providing that amendments made by the act do not affect the terms of surplus notes approved prior to a specified date; authorizing the State Board of Administration and an insurer to renegotiate such terms consistent with such amendments; requiring Citizens Property Insurance Corporation to transfer funds to the General Revenue Fund for appropriation by the Legislature for program purposes; prohibiting certain statutory amendments or transfer of funds for use by Citizens Property Insurance Corporation for certain purposes; amending s. 252.373, F.S.; requiring the Division of Emergency Management to provide emergency power generators to special-needs hurricane evacuation shelters from the Emergency Management, Preparedness, and Assistance Trust Fund; amending s. 215.559, F.S.; requiring the Division of Emergency Management to provide emergency power generators to special-needs hurricane evacuation shelters from the Grants and Donations Trust Fund; amending s. 288.1088, F.S.; requiring the availability of incentives to stimulate economic growth in certain rural areas; amending s. 553.75, F.S.; authorizing the use of communication media technology at certain meetings of the Florida Building Commission; amending s. 259.032, F.S.; authorizes the transfer of funds from the Conservation and Recreation Lands Trust Fund for certain cleanup and beach restoration activities; providing for reversion of certain provisions; amending s. 216.221, F.S.; providing for conditions under which the Governor is authorized to request a transfer of funds from the Budget Stabilization Fund to the General Revenue Fund; amending s. 215.5601, F.S.; providing for conditions under which the Governor is authorized to request a transfer of funds from the Lawton Chiles Endowment Fund to the General Revenue Fund and providing for a schedule of repayment; providing for temporary reduction of legislators' salaries; prohibiting the Department of Revenue from making certain distributions in the 2008-2009 fiscal year to certain sports facilities; providing for the effect of a veto of one or more specific appropriations or proviso to which implementing language refers; providing for the continued operation of certain provisions notwithstanding a future repeal or expiration provided by the act; providing for severability; providing effective dates.

—was read the second time by title.

Senator Carlton moved the following amendment which was adopted:

Amendment 1 (766262)(with title amendment)—Delete 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 for the 2008-2009 fiscal year.*

Section 2. *In order to implement Specific Appropriations 6, 7, and 81 through 83 of the 2008-2009 General Appropriations Act, the calculations of the Florida Education Finance Program for the 2008-2009 fiscal year in the document entitled "Public School Funding - The Florida Education Finance Program" dated April 3, 2008, and filed with the Secretary of the Senate are incorporated by reference for the purposes 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.*

Section 3. *In order to implement Specific Appropriation 464 of the 2008-2009 General Appropriations Act, and notwithstanding s. 394.908(3)(a) and (b), Florida Statutes, \$92,566,551 from the General Revenue Fund and \$13,295,722 from trust funds appropriated in Specific Appropriation 464 shall be allocated to the areas of the state having the greatest demand for services and treatment capacity. This section expires July 1, 2009.*

Section 4. *In order to implement Specific Appropriation 397 of the 2008-2009 General Appropriations Act, and notwithstanding s. 394.908(3)(a) and (b), Florida Statutes, \$29,619,045 from the trust funds appropriated in Specific Appropriation 397 shall be allocated as specified in the General Appropriations Act.*

Section 5. *In order to implement Specific Appropriations 302 and 314 of the 2008-2009 General Appropriations Act, the Department of Children and Family Services shall ensure that all public and private agencies and institutions participating in child welfare cases enter information specified by rule of the department into the Florida Safe Families Network in order to maintain the accuracy and usefulness of the system. The Florida Safe Families Network is intended to be the department's automated child welfare case-management system designed to provide child welfare workers with a mechanism for managing child welfare cases more efficiently and tracking children and families more effectively. The department shall coordinate with the Office of the State Courts Administrator and the Statewide Guardian Ad Litem Office for the purpose of providing any judge or magistrate and any guardian ad litem assigned to a dependency court case with access to information in the Florida Safe Families Network relating to a child welfare case which is required to be filed with the court pursuant to chapter 39, Florida Statutes, by the date of the network's release during the 2008-2009 fiscal year. The department shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2009, with respect to progress on providing access to the Florida Safe Families Network as provided in this section. This section expires July 1, 2009.*

Section 6. *In order to fulfill legislative intent regarding the use of funds contained in Specific Appropriations 721M, 721Z, 721AK, and 1146 of the 2008-2009 General Appropriations Act, the Department of Corrections and the Department of Juvenile Justice may expend appropriated funds to assist in defraying the costs of impacts that are incurred by a municipality or county and associated with opening or operating a facility under the authority of the respective department which is located within that municipality or county. The amount that is to be paid under this section for any facility may not exceed 1 percent of the facility construction cost, less building impact fees imposed by the municipality or by the county if the facility is located in the unincorporated portion of the county. This section expires July 1, 2009.*

Section 7. In order to implement Specific Appropriations 708 through 766 and 780 through 806 of the 2008-2009 General Appropriations Act, subsection (4) of section 216.262, Florida Statutes, is amended to read:

216.262 Authorized positions.—

(4) Notwithstanding the provisions of this chapter on increasing the number of authorized positions, and for the 2008-2009 ~~2007-2008~~ fiscal year only, if the average daily ~~actual~~ inmate population of the Department of Corrections exceeds the inmate population projections of the February 15, 2008 ~~16, 2007~~, Criminal Justice Estimating Conference by 1 percent for 2 consecutive months or 2 percent for any month, the Executive Office of the Governor, with the approval of the Legislative Budget Commission, shall immediately notify the Criminal Justice Estimating Conference, which shall convene as soon as possible to revise the estimates. The Department of Corrections may then submit a budget amendment requesting the establishment of positions in excess of the number authorized by the Legislature and additional appropriations from unallocated general revenue sufficient to provide for essential staff, fixed capital improvements, and other resources to provide classification, security, food services, health services, and other variable expenses within the institutions to accommodate the estimated increase in the inmate population. All actions taken pursuant to the authority granted in this subsection shall be subject to review and approval by the Legislative Budget Commission. This subsection expires July 1, 2009 ~~2008~~.

Section 8. *In order to implement Specific Appropriations 1301 and 1302 of the 2008-2009 General Appropriations Act, the Department of*

Legal Affairs is authorized to expend appropriated funds in Specific Appropriations 1301 and 1302 on the same programs that were funded by the department pursuant to specific appropriations made in general appropriations acts in prior years.

Section 9. In order to implement Specific Appropriation 1210 of the 2008-2009 General Appropriations Act, subsection (4) of section 932.7055, Florida Statutes, is amended to read:

932.7055 Disposition of liens and forfeited property.—

(4) The proceeds from the sale of forfeited property shall be disbursed in the following priority:

(a) Payment of the balance due on any lien preserved by the court in the forfeiture proceedings.

(b) Payment of the cost incurred by the seizing agency in connection with the storage, maintenance, security, and forfeiture of such property.

(c) Payment of court costs incurred in the forfeiture proceeding.

(d) Notwithstanding any other provision of this subsection, and for the 2008-2009 ~~2007-2008~~ fiscal year only, the funds in a special law enforcement trust fund established by the governing body of a municipality may be expended to reimburse the general fund of the municipality for moneys advanced from the general fund to the special law enforcement trust fund prior to October 1, 2001. This paragraph expires July 1, 2009 ~~2008~~.

Section 10. In order to implement Specific Appropriation 1080 of the 2008-2009 General Appropriations Act, subsection (3) of section 985.686, Florida Statutes, is reenacted to read:

985.686 Shared county and state responsibility for juvenile detention.—

(3) Each county shall pay the costs of providing detention care, exclusive of the costs of any preadjudicatory nonmedical educational or therapeutic services and \$2.5 million provided for additional medical and mental health care at the detention centers, for juveniles for the period of time prior to final court disposition. The department shall develop an accounts payable system to allocate costs that are payable by the counties.

Section 11. *The amendment to s. 985.686(3), Florida Statutes, as carried forward by this act from chapter 2007-73, Laws of Florida, shall expire July 1, 2009, and the text of that subsection shall revert to that in existence on June 30, 2008, 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 which expire pursuant to this section.*

Section 12. *In order to implement Specific Appropriation 786 of the 2008-2009 General Appropriations Act, the Department of Corrections shall comply with the following reimbursement limitations:*

(1) *If no contract exists between the Department of Corrections and the health care provider or hospital regarding services, payments may not exceed 110 percent of the Medicare allowable rate.*

(2) *If a contract has been executed between the Department of Corrections and the health care provider or hospital, payments shall continue at the currently contracted rates through the current term of the contract; however, if the contract expires or is subject to renewal during the 2007-2008 fiscal year, the payments may not exceed 110 percent of Medicare allowable rate.*

(3) *If the Department of Corrections enters into a new contract with a health care provider or hospital, the payments may not exceed 110 percent of the Medicare allowable rate.*

(4) *Notwithstanding the limitations of subsections (1), (2), and (3) to the contrary, the Department of Corrections may pay up to 125 percent of the Medicare allowable rate for hospitals that reported to the Agency for Health Care Administration, through hospital audited financial data, a negative operating margin for the previous year.*

The Department of Corrections may not negotiate contracts for medical services for rates other than rates based on a percentage of the Medicare allowable rate.

Section 13. *In order to implement Specific Appropriations 1654, 1662, 1767, and 1773 of the 2008-2009 General Appropriations Act, moneys in the Invasive Plant Control Trust Fund are authorized to be transferred to the Save Our Everglades Trust Fund for Everglades restoration projects and to the Ecosystem Management and Restoration Trust Fund for the Water Restoration Action Plan, as provided in the General Appropriations Act. This section expires July 1, 2009.*

Section 14. In order to implement Specific Appropriations 1654 and 1662 of the 2008-2009 General Appropriations Act, subsection (6) of section 201.15, Florida Statutes, as amended by section 43 of chapter 2007-73 and section 1 of chapter 2007-335, Laws of Florida, 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:

(6) The lesser of two and twenty-eight hundredths percent of the remaining taxes collected under this chapter or \$34.1 million in each fiscal year shall be paid into the State Treasury to the credit of the Invasive Plant Control Trust Fund to carry out the purposes set forth in ss. 369.22 and 369.252, *Everglades restoration, and the Water Resource Action Plan, as provided in the General Appropriations Act.*

Section 15. *In order to implement the appropriation of funds in Special Categories-Risk Management Insurance of the 2008-2009 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor is authorized to transfer funds appropriated in the appropriation category "Special Categories-Risk Management Insurance" of the 2008-2009 General Appropriations Act between departments in order to align the budget authority granted with the premiums paid by each department for risk management insurance. This section expires July 1, 2009.*

Section 16. *In order to implement the appropriation of funds in Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract of the 2008-2009 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor is authorized to transfer funds appropriated in the appropriation category "Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract" of the 2008-2009 General Appropriations Act between departments in order to align the budget authority granted with the assessments that must be paid by each agency to the Department of Management Services for human resource management services. This section expires July 1, 2009.*

Section 17. In order to implement Specific Appropriation 1775 of the 2008-2009 General Appropriations Act, subsection (3) of section 253.01, Florida Statutes, is amended to read:

253.01 Internal Improvement Trust Fund established.—

(3) In addition to the uses allowed in subsection (2) for the 2008-2009 2007-2008 fiscal year, moneys in the Internal Improvement Trust Fund are authorized to be transferred to the ~~Ecosystem Management and Restoration Trust Fund~~ for grants and aids to local governments for the ~~drinking water facility construction state revolving loan program, water projects~~ as provided in the General Appropriations Act. This subsection expires July 1, 2009 2008.

Section 18. In order to implement Specific Appropriations 2801 through 2814 of the 2008-2009 General Appropriations Act, subsection (7) of section 255.503, Florida Statutes, is amended to read:

255.503 Powers of the Department of Management Services.—The Department of Management Services shall have all the authority necessary to carry out and effectuate the purposes and provisions of this act, including, but not limited to, the authority to:

(7)(a) Sell, lease, release, or otherwise dispose of facilities in the pool in accordance with applicable law.

(b) No later than the date upon which the department recommends to the Division of State Lands of the Department of Environmental Protection the disposition of any facility within the Florida Facilities Pool, the department shall provide to the President of the Senate, the Speaker of the House of Representatives, the Executive Office of the Governor, and the Division of Bond Finance of the State Board of Administration an analysis that includes:

1. The cost benefit of the proposed facility disposition, including the facility's current operating expenses, condition, and market value, and viable alternatives for work space for impacted state employees.

2. The effect of the proposed facility disposition on the financial status of the Florida Facilities Pool, including the effect on rental rates and coverage requirement for the bonds.

This paragraph expires July 1, 2009 2008.

Section 19. In order to implement Specific Appropriations 2826 through 2835 of the 2008-2009 General Appropriations Act, paragraph (a) of subsection (3) and subsection (6) of section 287.17, Florida Statutes, are reenacted to read:

287.17 Limitation on use of motor vehicles and aircraft.—

(3)(a) The term "official state business" may not be construed to permit the use of a motor vehicle for commuting purposes, unless special assignment of a motor vehicle is authorized as a perquisite by the Department of Management Services, required by an employee after normal duty hours to perform duties of the position to which assigned, or authorized for an employee whose home is the official base of operation.

(6) It is the intention of the Legislature that persons traveling on state aircraft for purposes consistent with, but not necessarily constituting, official state business may travel only when accompanying persons who are traveling on official state business and that such persons shall pay the state for all costs associated with such travel. Notwithstanding paragraph (3)(a), a person traveling on state aircraft for purposes other than official state business shall pay for any trip not exclusively for state business by paying a prorated share of all fixed and variable expenses related to the ownership, operation, and use of such aircraft.

Section 20. *The amendment of s. 287.17, Florida Statutes, as carried forward by this act from chapters 2005-71, 2006-26, and 2007-73, Laws of Florida, shall expire July 1, 2009, and the text of that section shall revert to that in existence on June 30, 2005, except that any amendments to such text enacted other than by chapters 2005-71, 2006-26, and 2007-73, Laws of Florida, shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to this section.*

Section 21. *Notwithstanding s. 403.7095, Florida Statutes, in order to implement Specific Appropriation 1819 of the 2008-2009 General Appropriations Act, the Department of Environmental Protection shall award:*

(1) *The sum of \$9,428,773 in grants equally to counties having populations of fewer than 100,000 for waste tire and litter prevention, recycling education, and general solid waste programs.*

(2) *The sum of \$4,944,281 to be used for the Innovative Grant Program.*

This section expires July 1, 2009.

Section 22. In order to implement Specific Appropriation 1336 through 1496 of the 2008-2009 General Appropriations Act, section 570.20, Florida Statutes, is amended to read:

570.20 General Inspection Trust Fund.—

(1) All donations and all inspection fees and other funds authorized and received from whatever source in the enforcement of the inspection laws administered by the department shall be paid into the General Inspection Trust Fund of Florida, which is created in the office of the Chief Financial Officer. All expenses incurred in carrying out the provisions of the inspection laws shall be paid from this fund as other funds are paid from the State Treasury. A percentage of all revenue deposited in this fund, including transfers from any subsidiary accounts, shall be deposited in the General Revenue Fund pursuant to chapter 215, except

that funds collected for marketing orders shall pay at the rate of 3 percent.

(2) For the 2008-2009 ~~2007-2008~~ fiscal year only and notwithstanding any other provision of law to the contrary, in addition to the spending authorized in subsection (1), moneys in the General Inspection Trust Fund may be appropriated for programs operated by the department which are related to the programs authorized by this chapter. This subsection expires July 1, 2009 ~~2008~~.

Section 23. *In order to implement Specific Appropriations 2536, 2537, 2538, 2539, and 2542 of the 2008-2009 General Appropriations Act, for the 2008-2009 fiscal year only and notwithstanding any conflicting requirements of section 4 of chapter 2006-12, Laws of Florida, the Department of Financial Services may expend \$998,820 of the funds appropriated by section 4 of chapter 2006-12, Laws of Florida, for salaries, other personnel services, and related expenses.*

Section 24. In order to implement Section 61 of the 2008-2009 General Appropriations Act, subsection (13) of section 253.034, Florida Statutes, is amended to read:

253.034 State-owned lands; uses.—

(13) Notwithstanding the provisions of this section, funds from the sale of property by the Department of Highway Safety and Motor Vehicles located in Palm Beach County are authorized to be deposited into the Highway Safety Operating Trust Fund to facilitate the exchange as provided in the General Appropriations Act, provided that at the conclusion of both exchanges the values are equalized. This subsection expires July 1, 2009 ~~2008~~.

Section 25. In order to implement Specific Appropriation 2638 of the 2008-2009 General Appropriations Act, paragraph (b) of subsection (9) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.—

(9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

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

1. Fifty-five percent of the proceeds from the Florida Professional Sports Team plate must be deposited into the Professional Sports Development Trust Fund within the Office of Tourism, Trade, and Economic Development. These funds must be used solely to attract and support major sports events in this state. As used in this subparagraph, the term “major sports events” means, but is not limited to, championship or all-star contests of Major League Baseball, the National Basketball Association, the National Football League, the National Hockey League, the men’s and women’s National Collegiate Athletic Association Final Four basketball championship, or a horseracing or dogracing Breeders’ Cup. All funds must be used to support and promote major sporting events, and the uses must be approved by the Florida Sports Foundation.

2. The remaining proceeds of the Florida Professional Sports Team license plate must be allocated to the Florida Sports Foundation, a direct-support organization of the Office of Tourism, Trade, and Economic Development. These funds must be deposited into the Professional Sports Development Trust Fund within the Office of Tourism, Trade, and Economic Development. These funds must be used by the Florida Sports Foundation to promote the economic development of the sports industry; to distribute licensing and royalty fees to participating professional sports teams; to promote education programs in Florida schools that provide an awareness of the benefits of physical activity and nutrition standards; to partner with the Department of Education and the Department of Health to develop a program that recognizes schools whose students demonstrate excellent physical fitness or fitness improvement; to institute a grant program for communities bidding on minor sporting events that create an economic impact for the state; to distribute funds to Florida-based charities designated by the Florida Sports Foundation and the participating professional sports teams; and to fulfill the sports promotion responsibilities of the Office of Tourism, Trade, and Economic Development.

3. The Florida Sports Foundation shall provide an annual financial audit in accordance with s. 215.981 of its financial accounts and records

by an independent certified public accountant pursuant to the contract established by the Office of Tourism, Trade, and Economic Development as specified in s. 288.1229(5). The auditor shall submit the audit report to the Office of Tourism, Trade, and Economic Development for review and approval. If the audit report is approved, the office shall certify the audit report to the Auditor General for review.

4. For the 2008-2009 ~~2007-2008~~ fiscal year only and notwithstanding the provisions of subparagraphs 1. and 2., proceeds from the Professional Sports Development Trust Fund may also be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games. This subparagraph expires July 1, 2009 ~~2008~~.

Section 26. In order to implement Specific Appropriation 2115 of the 2008-2009 General Appropriations Act, subsection (5) of section 339.135, Florida Statutes, is amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(5)(a) ADOPTION OF THE WORK PROGRAM.—The original approved budget for operational and fixed capital expenditures for the department shall be the Governor’s budget recommendation and the first year of the tentative work program, as both are amended by the General Appropriations Act and any other act containing appropriations. In accordance with the appropriations act, the department shall, prior to the beginning of the fiscal year, adopt a final work program which shall only include the original approved budget for the department for the ensuing fiscal year together with any roll forwards approved pursuant to paragraph (6)(c) and the portion of the tentative work program for the following 4 fiscal years revised in accordance with the original approved budget for the department for the ensuing fiscal year together with said roll forwards. The adopted work program may include only those projects submitted as part of the tentative work program developed under the provisions of subsection (4) plus any projects which are separately identified by specific appropriation in the General Appropriations Act and any roll forwards approved pursuant to paragraph (6)(c). However, any transportation project of the department which is identified by specific appropriation in the General Appropriations Act shall be deducted from the funds annually distributed to the respective district pursuant to paragraph (4)(a). In addition, the department shall not in any year include any project or allocate funds to a program in the adopted work program that is contrary to existing law for that particular year. Projects shall not be undertaken unless they are listed in the adopted work program.

(b) Notwithstanding paragraph (a), and for the 2008-2009 ~~2007-2008~~ fiscal year only, the Department of Transportation shall transfer funds to the Office of Tourism, Trade, and Economic Development in an amount equal to \$60 million ~~\$25,400,000~~ for the purpose of funding economic development transportation projects. This transfer shall not reduce, delete, or defer any existing projects funded, as of July 1, 2008 ~~2007~~, in the Department of Transportation’s 5-year work program. This paragraph expires July 1, 2009 ~~2008~~.

(c) Notwithstanding paragraph (a), and for the 2007-2008 fiscal year only, the Department of Transportation shall provide funds for the Seaport Strategic Planning and Financing Task Force in an amount not to exceed \$75,000; the preliminary engineering and environmental plans and activities for the construction of an interchange on Suncoast Parkway and Lutz Fern Road in an amount not to exceed \$975,000; the Rehabilitation of Local Bridges in an amount not to exceed \$300,000; and the East Winterberry Bridge Replacement in an amount not to exceed \$500,000. To fund these specific appropriations, the Department of Transportation shall not reduce, delete, or defer any existing projects funded as of July 1, 2007, in the 5-year work program. This paragraph expires July 1, 2008.

Section 27. In order to implement Specific Appropriations 1511, 1586, and 1606A and section 63 of the 2008-2009 General Appropriations Act, section 553.721, Florida Statutes, is amended to read:

553.721 Surcharge.—

(1) In order for the Department of Community Affairs to administer and carry out the purposes of this part and related activities, there is hereby created a surcharge, to be assessed at the rate of one-half cent per square foot under-roof floor space permitted pursuant to s. 125.56(4)

or s. 166.201. However, for additions, alterations, or renovations to existing buildings, the surcharge shall be computed on the basis of the square footage being added, altered, or renovated. The unit of government responsible for collecting a permit fee pursuant to s. 125.56(4) or s. 166.201 shall collect such surcharge and remit the funds collected to the department on a quarterly calendar basis, and such unit of government may retain an amount up to 5 percent of the surcharge collected to cover costs associated with the collection and remittance of such surcharge. All funds remitted to the department pursuant to this subsection shall be deposited in the Operating Trust Fund. Funds collected from such surcharge shall not be used to fund research on techniques for mitigation of radon in existing buildings. Funds used by the department as well as funds to be transferred to the Department of Health shall be as prescribed in the annual General Appropriations Act. The department shall adopt rules governing the collection and remittance of surcharges in accordance with chapter 120.

(2) *Notwithstanding subsection (1), and for the 2008-2009 fiscal year only, the amount transferred from the Operating Trust Fund to the Grants and Donations Trust Fund of the Department of Community Affairs pursuant to the General Appropriations Act for the 2008-2009 fiscal year shall be used for the regional planning councils, civil legal assistance, and the Front Porch Florida Initiative.*

Section 28. *In order to implement the issuance of new debt authorized in the 2008-2009 General Appropriations Act, and pursuant to the requirements of s. 215.98, Florida Statutes, the Legislature determines that the authorization and issuance of debt for the 2008-2009 fiscal year is in the best interest of the state and should be implemented.*

Section 29. In order to implement the transfer of moneys to the General Revenue Fund from trust funds in the 2008-2009 General Appropriations Act, paragraph (b) of subsection (2) of section 215.32, Florida Statutes, is reenacted to read:

215.32 State funds; segregation.—

(2) The source and use of each of these funds shall be as follows:

(b)1. The trust funds shall consist of moneys received by the state which under law or under trust agreement are segregated for a purpose authorized by law. The state agency or branch of state government receiving or collecting such moneys shall be responsible for their proper expenditure as provided by law. Upon the request of the state agency or branch of state government responsible for the administration of the trust fund, the Chief Financial Officer may establish accounts within the trust fund at a level considered necessary for proper accountability. Once an account is established within a trust fund, the Chief Financial Officer may authorize payment from that account only upon determining that there is sufficient cash and releases at the level of the account.

2. In addition to other trust funds created by law, to the extent possible, each agency shall use the following trust funds as described in this subparagraph for day-to-day operations:

a. Operations or operating trust fund, for use as a depository for funds to be used for program operations funded by program revenues, with the exception of administrative activities when the operations or operating trust fund is a proprietary fund.

b. Operations and maintenance trust fund, for use as a depository for client services funded by third-party payors.

c. Administrative trust fund, for use as a depository for funds to be used for management activities that are departmental in nature and funded by indirect cost earnings and assessments against trust funds. Proprietary funds are excluded from the requirement of using an administrative trust fund.

d. Grants and donations trust fund, for use as a depository for funds to be used for allowable grant or donor agreement activities funded by restricted contractual revenue from private and public nonfederal sources.

e. Agency working capital trust fund, for use as a depository for funds to be used pursuant to s. 216.272.

f. Clearing funds trust fund, for use as a depository for funds to account for collections pending distribution to lawful recipients.

g. Federal grant trust fund, for use as a depository for funds to be used for allowable grant activities funded by restricted program revenues from federal sources.

To the extent possible, each agency must adjust its internal accounting to use existing trust funds consistent with the requirements of this subparagraph. If an agency does not have trust funds listed in this subparagraph and cannot make such adjustment, the agency must recommend the creation of the necessary trust funds to the Legislature no later than the next scheduled review of the agency's trust funds pursuant to s. 215.3206.

3. All such moneys are hereby appropriated to be expended in accordance with the law or trust agreement under which they were received, subject always to the provisions of chapter 216 relating to the appropriation of funds and to the applicable laws relating to the deposit or expenditure of moneys in the State Treasury.

4.a. Notwithstanding any provision of law restricting the use of trust funds to specific purposes, unappropriated cash balances from selected trust funds may be authorized by the Legislature for transfer to the Budget Stabilization Fund and General Revenue Fund in the General Appropriations Act.

b. This subparagraph does not apply to trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body; the State Transportation Trust Fund; the trust fund containing the net annual proceeds from the Florida Education Lotteries; the Florida Retirement System Trust Fund; trust funds under the management of the State Board of Education or the Board of Governors of the State University System, where such trust funds are for auxiliary enterprises, self-insurance, and contracts, grants, and donations, as those terms are defined by general law; trust funds that serve as clearing funds or accounts for the Chief Financial Officer or state agencies; trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and other trust funds authorized by the State Constitution.

Section 30. *Any section of this act which implements a specific appropriation or specifically identified proviso language in the act making appropriations for the 2008-2009 fiscal year is void if the specific appropriation or specifically identified proviso language is vetoed. Any section of this act which implements more than one specific appropriation or more than one portion of specifically identified proviso language in the act making appropriations for the 2008-2009 fiscal year is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.*

Section 31. *If any other act passed in 2008 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 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 provided by this act.*

Section 32. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does 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 severable.*

Section 33. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2008; or, if this act fails to become law until after that date, it shall take effect upon becoming a law and shall operate retroactively to July 1, 2008.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act implementing the 2008-2009 General Appropriations Act; providing legislative intent; incorporating by reference certain calculations of the Florida Education Finance Program for the 2008-2009 fiscal year; providing for allocating funds for alcohol, drug abuse, and mental health services to areas of the state having the greatest demand for services and treatment capacity and as specified in the General Appropriations Act; requiring the Department of Children and Family

Services to ensure information is entered into the Florida Safe Families Network; requiring coordination between the department and the Office of the State Courts Administrator and the Statewide Guardian Ad Litem Office to provide information relating to child welfare cases; requiring a report to the Governor and Legislature; providing for future expiration of such provisions; authorizing the Department of Corrections and the Department of Juvenile Justice to expend funds to defray the cost of impacts incurred by a municipality or county which are associated with a facility operated by each respective department; providing for future expiration of such authorization; amending s. 216.262, F.S.; extending the expiration date of provisions authorizing additional positions to operate added prison bed capacity; authorizing the Department of Legal Affairs to expend funds for certain programs pursuant to specific appropriations; amending s. 932.7055, F.S.; extending the expiration date of provisions authorizing the expenditure of funds in a special law enforcement trust fund established by the governing body of a municipality; reenacting s. 985.686(3), F.S., providing for the payment of costs of providing detention care for juveniles; providing for the future expiration of certain amendments to such provisions; specifying certain limitations on reimbursements to a health care provider or hospital by the Department of Corrections; providing an exception for hospitals that reported a negative operating margin for the prior year; requiring that contract rates of the Department of Corrections be based on a percentage of the Medicare allowable rate; amending s. 201.15, F.S.; providing for moneys in the Invasive Plant Control Trust Fund from the excise tax on documents to be used for Everglades restoration and for the Water Resource Action Plan; authorizing the transfer of moneys in the Invasive Plant Control Trust Fund to the Save Our Everglades Trust Fund and the Ecosystem Management and Restoration Trust Fund; authorizing the Executive Office of the Governor to transfer certain specified funds between departments for purposes of paying risk management insurance; providing for expiration of such authority; authorizing the Executive Office of the Governor to transfer certain specified funds between departments for purposes of paying for human resource management services; providing for expiration of such authority; amending s. 253.01, F.S.; providing for moneys in the Internal Improvement Trust Fund to be used for grants and aids to local governments for the drinking water facility construction state revolving loan program; providing for future expiration of such provision; amending s. 255.503, F.S.; delaying the expiration of provisions authorizing the Department of Management Services to sell, lease, or otherwise dispose of facilities within the Florida Facilities Pool and report to the Legislature, the Governor, and the Division of Bond Finance; reenacting s. 287.17(3)(a) and (6), F.S.; authorizing the use of state aircraft for commuting; providing for the future expiration of certain amendments to such provisions; requiring the Department of Environmental Protection to award funds to certain small counties for programs in litter prevention, recycling and solid waste programs, and the Innovation Grant Program; amending s. 570.20, F.S.; delaying the expiration of provisions authorizing moneys in the General Inspection Trust Fund to be appropriated for certain programs operated by the Department of Agriculture and Consumer Services; authorizing the Department of Financial Services to expend certain funds for salaries, other personnel services, and related expenses; amending s. 253.034, F.S.; delaying the expiration of provisions authorizing the deposit of funds from the sale of property located in Palm Beach County into the Highway Safety Operating Trust Fund by the Department of Highway Safety and Motor Vehicles; amending s. 320.08058, F.S.; delaying the expiration of provisions authorizing proceeds from the Professional Sports Development Trust Fund to be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games; amending s. 339.135, F.S.; delaying the expiration of provisions requiring the Department of Transportation to transfer funds to the Office of Tourism, Trade, and Economic Development for the purpose of funding economic development transportation projects; amending s. 553.721, F.S.; providing for the proceeds from the surcharge collected by the Department of Community Affairs on building additions and renovations to be used to fund regional planning councils, civil legal assistance, and the Front Porch Florida Initiative; providing for the authorization and issuance of new debt; reenacting s. 215.32(2)(b), F.S., relating to the source and use of certain trust funds in order to implement the transfer of moneys in the General Revenue Fund from trust funds in the 2008-2009 General Appropriations Act; providing for the effect of a veto of one or more specific appropriations or proviso provisions to which implementing language refers; providing for the continued operation of certain provisions notwithstanding a future repeal or expiration provided by the act; providing for severability; providing for contingent retroactive application; providing effective dates.

On motions by Senator Carlton, by two-thirds vote **HB 5003** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

HB 5045—A bill to be entitled An act relating to workers' compensation medical services and supplies; providing for a type two transfer of responsibilities with respect to the provision of workers' compensation medical services and supplies from the Agency for Health Care Administration to the Department of Financial Services; amending ss. 440.13 and 440.125, F.S.; revising terminology and removing language relating to the sharing and maintenance of confidential medical records, reports, and information, to conform; providing an effective date.

—was read the second time by title.

Senator Alexander moved the following amendment which was adopted:

Amendment 1 (608648)(with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Alexander, by two-thirds vote **HB 5045** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 5047—A bill to be entitled An act relating to the Board of Architecture and Interior Design; amending s. 481.205, F.S.; deleting delegation of certain duties and authority of the Department of Business and Professional Regulation under ss. 455.225, 455.228, and 455.32, F.S., to the board; deleting the requirement for the board to contract with a corporation or business entity to provide investigative, legal, prosecutorial, and other required services; deleting requirements for recordkeeping by such corporation or business entity; deleting authority of the board to use specified funds to perform duties; deleting requirement for the board to

submit a separate annual budget request for funding certain board activities; providing an effective date.

—was read the second time by title.

Senator Alexander moved the following amendment which was adopted:

Amendment 1 (258210)(with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Alexander, by two-thirds vote **HB 5047** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 5049—A bill to be entitled An act relating to mortgage broker’s licenses; amending s. 494.0033, F.S.; revising requirements for mortgage broker license tests; revising fee requirements; requiring applicants to bear certain costs; providing limitations; providing an effective date.

—was read the second time by title.

Senator Alexander moved the following amendment which was adopted:

Amendment 1 (667074)(with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Alexander, by two-thirds vote **HB 5049** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

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

Villalobos
Webster
Wilson
Nays—None
Wise

HB 5053—A bill to be entitled An act relating to the Division of Certified Public Accounting; amending s. 20.165, F.S.; eliminating the requirement for the location of division offices; providing an effective date.

—was read the second time by title.

Senator Alexander moved the following amendment which was adopted:

Amendment 1 (694668)(with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Alexander, by two-thirds vote **HB 5053** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 5055—A bill to be entitled An act relating to racing animal medication research; 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; providing an effective date.

—was read the second time by title.

Senator Alexander moved the following amendment which was adopted:

Amendment 1 (799726)(with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Alexander, by two-thirds vote **HB 5055** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Bennett	Dawson
Alexander	Bullard	Dean
Aronberg	Carlton	Deutch
Atwater	Constantine	Diaz de la Portilla
Baker	Crist	Dockery

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

Nays—None

Vote after roll call:

Yea—Joyner

CS for HB 5057—A bill to be entitled An act relating to the Insurance Capital Build-Up Incentive Program; amending s. 215.5595, F.S.; revising legislative findings; providing for appropriation of state funds in exchange for surplus notes issued by residential property insurers under the program; revising the conditions and requirements for providing funds to insurers under the program; requiring a commitment by the insurer to meet minimum premium-to-surplus writing ratios for residential property insurance and for taking policies out of Citizens Property Insurance Corporation; authorizing the State Board of Administration to charge a fee for late payments; providing that amendments made by the act do not affect the terms of surplus notes approved prior to a specified date; authorizing the State Board of Administration and an insurer to renegotiate such terms consistent with such amendments; requiring Citizens Property Insurance Corporation to transfer funds to the General Revenue Fund for appropriation by the Legislature for program purposes; requiring the board to transfer each quarter certain funds to the corporation under certain circumstances; prohibiting Citizens Property Insurance Corporation from using certain statutory changes or authorized transfers of funds as justification or cause to seek any rate or assessment increase; providing an effective date.

—was read the second time by title.

Senator Alexander moved the following amendment which was adopted:

Amendment 1 (466848)(with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Alexander, by two-thirds vote **CS for HB 5057** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 5079—A bill to be entitled An act relating to the Department of Environmental Protection; amending s. 20.255, F.S.; renaming the Office of Legislative and Government Affairs within the Department of Environmental Protection as the Office of Legislative Affairs to conform to changes made by this act; creating the Office of Intergovernmental

Programs within the Department of Environmental Protection to conform to changes made by this act; renaming the Division of Resource Assessment and Management within the Department of Environmental Protection as the Division of Environmental Assessment and Restoration to conform to changes made by this act; amending s. 253.01, F.S.; providing for the transfer of a specified portion of funds from the Internal Improvement Trust Fund to the General Revenue Fund for a specified period; amending s. 258.034, F.S.; providing for the transfer of a specified portion of funds from the State Park Trust Fund to the General Revenue Fund for a specified period; amending s. 259.032, F.S.; deleting the requirement for the transfer of certain funds to the Plant Industry Trust Fund within the Department of Agriculture and Consumer Services; providing for the transfer of a specified portion of funds from the Conservation and Recreation Lands Trust Fund to the General Revenue Fund for a specified period; amending s. 369.25, F.S.; conforming references and provisions relating to certain regulatory authority for aquatic plants to conform to changes made by this act; amending s. 369.251, F.S.; conforming references relating to certain regulatory authority for invasive nonnative plants to conform to changes made by this act; amending s. 373.59, F.S.; providing for the transfer of a specified portion of funds from the Water Management Lands Trust Fund to the General Revenue Fund for a specified period; amending s. 376.11, F.S.; providing for the transfer of a specified portion of funds from the Florida Coastal Protection Trust Fund to the General Revenue Fund for a specified period; amending s. 376.307, F.S.; providing for the transfer of a specified portion of funds from the Water Quality Assurance Trust Fund to the General Revenue Fund for a specified period; amending s. 376.3071, F.S.; providing for the transfer of a specified portion of funds from the Inland Protection Trust Fund to the General Revenue Fund for a specified period; amending s. 403.0873, F.S.; providing for the transfer of a specified portion of funds from the Air Pollution Control Trust Fund to the General Revenue Fund for a specified period; amending s. 403.890, F.S.; providing for the transfer of a specified portion of funds from the Water Protection and Sustainability Program Trust Fund to the General Revenue Fund for a specified period; deleting the requirement for the distribution of specified funds to the Department of Environmental Protection for the implementation of an alternative water supply program; revising the distribution of specified funds to the Department of Environmental Protection and the Department of Agriculture and Consumer Services for certain activities relating to water quality standards; deleting the requirement for the distribution of specified funds to water management districts for certain surface water restoration activities; deleting the requirement for the distribution of specified funds to the Department of Environmental Protection for the Disadvantaged Small Community Wastewater Grant Program; deleting obsolete provisions relating to the distribution of certain funds; amending s. 581.145, F.S.; conforming references relating to certain regulatory authority for aquatic plants to conform to changes made by this act; providing for the type two transfer of the Bureau of Invasive Plant Management in Department of Environmental Protection to the Fish and Wildlife Conservation Commission; transferring specified authority relating to aquatic plants and invasive nonnative plants from the bureau to the Department of Agriculture and Consumer Services; providing an effective date.

—was read the second time by title.

Senator Alexander moved the following amendment which was adopted:

Amendment 1 (814062)(with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Alexander, by two-thirds vote **HB 5079** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

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

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

Nays—None

HB 5081—A bill to be entitled An act relating to trust funds of the Fish and Wildlife Conservation Commission; amending s. 370.0603, F.S.; providing for the transfer of specified funds from the Marine Resources Conservation Trust Fund to the General Revenue Fund for a specified period; amending s. 372.09, F.S.; providing for the transfer of specified funds from the State Game Trust Fund to the General Revenue Fund for a specified period; providing an effective date.

—was read the second time by title.

Senator Alexander moved the following amendment which was adopted:

Amendment 1 (811288)(with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Alexander, by two-thirds vote **HB 5081** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 5067—A bill to be entitled An act relating to state infrastructure; amending s. 201.15, F.S.; revising the amount of funds from certain taxes distributed to the State Transportation Trust Fund; providing for revised funding levels for Department of Transportation projects; deleting a provision for distributing certain amounts to the Grants and Donations Trust Fund in the Department of Community Affairs for certain purposes; amending s. 215.211, F.S.; providing for specified service charges on certain revenues distributed to the State Transportation Trust Fund; revising provisions for funds to be used to fund the County Incentive Grant Program and the Small County Outreach Program; amending s. 311.09, F.S.; revising provisions for evaluation, approval, and funding of seaport projects; revising duties and responsibilities of the Florida Seaport Transportation and Economic Development Council; amending s. 316.251, F.S.; conforming a cross-reference to changes made by the act; amending s. 318.15, F.S.; increasing the nonrefundable service charge paid to the Department of Highway Safety and Motor Vehicles or to the clerk of the court to reinstate a suspended driver's license and privilege to drive; providing for disposition of proceeds collected; amending s. 318.18, F.S.; increasing the additional civil penalty for late payment of civil traffic penalties; providing for distribution and use of moneys collected; directing a portion of the moneys collected be used to

recruit and retain officers of the Florida Highway Patrol; amending s. 319.001, F.S.; defining the term "certificate of title"; amending s. 319.40, F.S.; authorizing the issuance of electronic motor vehicle titles in lieu of paper motor vehicle titles; authorizing the department to collect and use e-mail addresses of motor vehicle owners and registrants as a notification method; amending ss. 320.04 and 320.06, F.S.; providing for distribution of certain moneys collected relating to registration of motor vehicles and mobile homes; amending s. 320.08, F.S.; revises uses of certain motorcycle and moped license tax fees; amending ss. 320.0805 and 320.08056, F.S.; providing for disposition of certain specialty license plate processing fees; amending s. 320.20, F.S.; providing for distribution of certain proceeds from license tax fees; amending s. 320.203, F.S., relating to disposition of biennial license tax moneys; conforming provisions to changes made by the act; amending s. 320.95, F.S.; authorizing the department to collect and use e-mail addresses of motor vehicle owners and registrants as a notification method; amending s. 322.025, F.S.; revising provisions for funding of certain driver improvement programs; amending s. 322.0255, F.S.; eliminating requirements for motorcycle safety education course reimbursements; amending s. 322.17, F.S.; revising disposition of proceeds from fees for duplicate and replacement certificates; repealing s. 322.181, F.S., relating to a study of effects of aging on driving ability; eliminating the Florida At-Risk Driver Council; amending s. 322.21, F.S.; increasing the service fees for reinstating a suspended or revoked driver's license or commercial motor vehicle license; revising provisions for distribution and use of the funds received; requiring that a certain amount of the funds be used to establish a recruitment and retention salary payment plan for officers of the Florida Highway Patrol; amending s. 322.29, F.S., relating to the surrender and return of a license; conforming provisions to changes made by the act; amending s. 324.071, F.S.; providing for distribution of driver's license reinstatement fees; amending s. 328.30, F.S.; authorizing the use of electronic mail for distribution of vessel titles; authorizing the department to collect and use e-mail addresses of vessel owners and registrants as a notification method; amending s. 328.80, F.S.; authorizing the department to accept certain applications by electronic or telephonic means; authorizing the department to collect and use e-mail addresses of vessel owners and registrants as a notification method; amending s. 334.044, F.S.; revising duties of the Department of Transportation; removing certain roadside beautification provisions; amending s. 339.135, F.S.; providing for use of transportation revenues; providing for revised funding levels for Department of Transportation projects; amending ss. 403.890, 403.891, and 501.976, F.S.; conforming cross-references to changes made by the act; amending s. 1013.63, F.S.; revising provisions for funding the University Concurrency Trust Fund within the Department of Education; transferring the Office of Motor Carrier Compliance to the Division of the Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles; directing the Division of Statutory Revision of the Office of Legislative Services to prepare a reviser's bill to conform the Florida Statutes to organizational changes made by the act; providing an effective date.

—was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (254956)(with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Fasano, by two-thirds vote **HB 5067** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

Posey	Siplin	Webster	Crist	Hill	Rich
Rich	Storms	Wilson	Dawson	Jones	Ring
Ring	Villalobos	Wise	Dean	Joyner	Saunders
Nays—None			Deutch	Justice	Siplin
Vote after roll call:			Diaz de la Portilla	King	Storms
Yea—Saunders			Dockery	Lawson	Villalobos
			Fasano	Lynn	Webster
			Gaetz	Margolis	Wilson
			Garcia	Oelrich	Wise
			Geller	Peaden	
			Haridopolos	Posey	

HB 5069—A bill to be entitled An act relating to approved budgets for operations and fixed capital outlay; amending s. 216.181, F.S.; providing that certain salary rate provisions do not apply to the Executive Office of the Governor; providing an effective date.

—was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (135010)(with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Fasano, by two-thirds vote **HB 5069** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Alexander, Baker

HB 5071—A bill to be entitled An act relating to the Professional Sports Development Trust Fund; amending s. 320.08058, F.S.; removing a timeframe restriction on the use of proceeds from the fund for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games; providing an effective date.

—was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (253520)(with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Fasano, by two-thirds vote **HB 5071** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Atwater	Bullard
Alexander	Baker	Carlton
Aronberg	Bennett	Constantine

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

Nays—None

HB 5073—A bill to be entitled An act relating to the Department of State; amending s. 15.09, F.S.; eliminating the fee charged by the department for searching of papers or records; amending s. 267.031, F.S.; eliminating the requirement for the establishment of regional offices for the purpose of assisting the department in the delivery of historic preservation services; amending s. 267.173, F.S.; eliminating reference to contracting with the University of West Florida as a regional office serving a specified area, to conform; repealing s. 267.174, F.S., relating to the Discovery of Florida Quincentennial Commemoration Commission; providing an effective date.

—was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (772532)(with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Fasano, by two-thirds vote **HB 5073** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Bullard

HB 5075—A bill to be entitled An act relating to reorganization of the Parole Commission; changing the name to the Parole Board; transferring the commission to the Department of Corrections for administrative purposes; amending ss. 11.905, 20.315, 20.32, 23.21, 112.011, 186.005, 255.502, 311.12, 322.16, 394.926, 394.927, 775.089, 775.16, 784.07, 784.078, 843.01, 843.02, 843.08, 893.11, and 921.16, F.S.; conforming provisions to changes made by the act; repealing s. 921.20, F.S., relating to a classification summary to be furnished to the Parole Commission; amending ss. 921.21, 921.22, 940.03, 940.05, 941.23, 943.0311, 943.06, 943.325, 944.012, 944.02, 944.024, 944.091, 944.23, 944.291, 944.4731, 945.091, 945.10, 945.25, 945.47, and 945.73, F.S.; conforming provisions to changes made by the act; repealing s. 947.001, F.S., relating to a short title to chapter 947, F.S.; amending ss. 947.002, 947.005, 947.01, and

947.02, F.S.; conforming provisions to changes made by the act; repealing s. 947.021, F.S., relating to expedited appointments to the Parole Commission; amending ss. 947.03 and 947.04, F.S.; conforming provisions to changes made by the act; providing a transitional provision relating to assignment of former Parole Commissioners to temporary duty for specified purposes; repealing s. 947.045, F.S., relating to the commission's Federal Grants Trust Fund; amending ss. 947.05, 947.06, 947.07, 947.071, 947.10, 947.11, 947.12, and 947.13, F.S.; conforming provisions to changes made by the act; repealing s. 947.135, F.S., relating to a mutual participation program; repealing s. 958.15, F.S., relating to exempting youthful offenders in mutual participation program agreements from specified provisions; amending ss. 947.1405, 947.141, 947.146, 947.149, 947.15, 947.16, 947.165, 947.168, 947.172, 947.173, 947.174, 947.1745, 947.1746, 947.1747, 947.18, 947.181, 947.185, 947.19, 947.20, 947.21, 947.22, 947.23, 947.24, 947.26, 948.09, 948.10, 949.05, 951.29, 957.06, 958.045, 960.001, 960.17, 985.04, and 985.045, F.S.; conforming provisions to changes made by the act; reenacting s. 948.06(6), F.S., relating to violations of community control, to incorporate the amendments to ss. 947.22 and 947.23, F.S., in references thereto; providing a directive to the Division of Statutory Revision; transferring statutory powers, duties and functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds for the administration of the Parole Commission by a type two transfer from the Parole Commission to the Department of Corrections; providing legislative intent concerning the hiring of former Parole Commission employees by the department; specifying legislative intent concerning the nature of the transfer; providing provisions that apply if a court should rule that the Parole Board is not a continuation of the Parole Commission; providing an effective date.

—was read the second time by title.

Senator Crist moved the following amendment which was adopted:

Amendment 1 (673036)(with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Crist, by two-thirds vote **HB 5075** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Wise

HB 5093—A bill to be entitled An act relating to tuberculosis control; amending ss. 392.51 and 392.69, F.S.; revising legislative intent with respect to delivery of tuberculosis control services; requiring appropriations to be designated for the monitoring of and provision of services to persons with contagious tuberculosis and to provide a system of voluntary, community-oriented care; removing requirements for the use of funds; revising duties of the advisory board; removing references to the A.G. Holley State Hospital; providing an effective date.

—was read the second time by title.

Senator Peaden moved the following amendment which was adopted:

Amendment 1 (777728)(with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motions by Senator Peaden, by two-thirds vote **HB 5093** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 5083—A bill to be entitled An act relating to education; amending s. 121.021, F.S.; deleting salary supplements for National Board for Professional Teaching Standards certification from the definition of “compensation” under the Florida Retirement System; amending s. 1002.33, F.S.; excluding charter school Merit Award Program funds from the calculation of school district administrative fees; amending s. 1007.271, F.S.; deleting dual enrollment funding provisions; amending s. 1011.62, F.S.; revising provisions relating to the calculation of full-time equivalent membership for dual enrollment instruction; authorizing 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 school board transfers funds from its allocation for research-based reading instruction; providing for future expiration of certain provisions; amending s. 1011.71, F.S.; revising requirements for school district expenditure of revenue generated by the district school tax millage; providing for future expiration of such provisions; amending s. 1012.72, F.S., relating to the Dale Hickam Excellent Teaching Program; eliminating as authorized expenditures the fee subsidy for National Board for Professional Teaching Standards certification, the portfolio preparation incentive, the bonus for mentoring and related services, and the employer's share of Florida Retirement System contributions; revising the requirements by which a teacher may qualify for a bonus; deleting provisions to conform; amending s. 1011.52, F.S.; requiring the first accredited medical school to enter into an annual operating agreement with a government-owned hospital meeting specified criteria; providing for maintenance of affiliation; requiring submission of documentation of the agreement to the Department of Education prior to payment from appropriation; providing an effective date.

—was read the second time by title.

Senator Wise moved the following amendment which was adopted:

Amendment 1 (232396)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (c) is added to subsection (2) of section 1001.451, Florida Statutes, to read:

1001.451 Regional consortium service organizations.—In order to provide a full range of programs to larger numbers of students, minimize duplication of services, and encourage the development of new programs and services:

(2)

(c) *Notwithstanding paragraph (a), the appropriation for the 2008-2009 fiscal year may be less than \$50,000 per school district and eligible member. If the amount appropriated is insufficient to provide \$50,000, the funds available must be prorated among all eligible districts and members.*

Section 2. *The amendment to s. 1001.451(2)(c), Florida Statutes, made by this act shall expire July 1, 2009, and the text of that section shall revert to that in existence on June 30, 2008, 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 which expire pursuant to this section.*

Section 3. Paragraphs (l) through (v) of subsection (1), paragraphs (a) and (b) of subsection (4), subsection (6) of section 1011.62, Florida Statutes, and subsection (8) of that section as amended by section 2 of chapter 2007-328, Laws of Florida, are amended, present subsections (10) and (11) of that section are amended and redesignated as subsections (11) and (12), respectively, and a new subsection (10) is added to that section, to read:

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

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(l) Calculation of additional full-time equivalent membership based on international baccalaureate examination scores of students.—A value of 0.16 ~~0.24~~ full-time equivalent student membership shall be calculated for each student enrolled in an international baccalaureate course who receives a score of 4 or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an international baccalaureate diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. The school district shall distribute to each classroom teacher who provided international baccalaureate instruction:

1. A bonus in the amount of \$50 for each student taught by the International Baccalaureate teacher in each international baccalaureate course who receives a score of 4 or higher on the international baccalaureate examination.

2. An additional bonus of \$500 to each International Baccalaureate teacher in a school designated with a grade of “D” or “F” who has at least one student scoring 4 or higher on the international baccalaureate examination, regardless of the number of classes taught or of the number of students scoring a 4 or higher on the international baccalaureate examination.

Bonuses awarded to a teacher according to this paragraph shall not exceed \$2,000 in any given school year and shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

(m) Calculation of additional full-time equivalent membership based on Advanced International Certificate of Education examination scores of students.—A value of 0.16 ~~0.24~~ full-time equivalent student membership shall be calculated for each student enrolled in a full-credit Advanced International Certificate of Education course who receives a score of E or higher on a subject examination. A value of 0.08 ~~0.12~~ full-time equivalent student membership shall be calculated for each student enrolled in a half-credit Advanced International Certificate of Education course who receives a score of E or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an Advanced International Certificate of Education diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. The school district shall distribute to each classroom teacher who provided Advanced International Certificate of Education instruction:

1. A bonus in the amount of \$50 for each student taught by the Advanced International Certificate of Education teacher in each full-credit Advanced International Certificate of Education course who receives a score of E or higher on the Advanced International Certificate of Education examination. A bonus in the amount of \$25 for each student taught by the Advanced International Certificate of Education teacher in each half-credit Advanced International Certificate of Education course who receives a score of E or higher on the Advanced International Certificate of Education examination.

2. An additional bonus of \$500 to each Advanced International Certificate of Education teacher in a school designated with a grade of “D” or “F” who has at least one student scoring E or higher on the full-credit Advanced International Certificate of Education examination, regardless of the number of classes taught or of the number of students scoring an E or higher on the full-credit Advanced International Certificate of Education examination.

3. Additional bonuses of \$250 each to teachers of half-credit Advanced International Certificate of Education classes in a school designated with a grade of “D” or “F” which has at least one student scoring an E or higher on the half-credit Advanced International Certificate of Education examination in that class. The maximum additional bonus for a teacher awarded in accordance with this subparagraph shall not exceed \$500 in any given school year. Teachers receiving an award under subparagraph 2. are not eligible for a bonus under this subparagraph.

Bonuses awarded to a teacher according to this paragraph shall not exceed \$2,000 in any given school year and shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

(n) Calculation of additional full-time equivalent membership based on college board advanced placement scores of students.—A value of 0.16 ~~0.24~~ full-time equivalent student membership shall be calculated for each student in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination for the prior year and added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. Each district must allocate at least 80 percent of the funds provided to the district for advanced placement instruction, in accordance with this paragraph, to the high school that generates the funds. The school district shall distribute to each classroom teacher who provided advanced placement instruction:

1. A bonus in the amount of \$50 for each student taught by the Advanced Placement teacher in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination.

2. An additional bonus of \$500 to each Advanced Placement teacher in a school designated with a grade of “D” or “F” who has at least one student scoring 3 or higher on the College Board Advanced Placement Examination, regardless of the number of classes taught or of the number of students scoring a 3 or higher on the College Board Advanced Placement Examination.

Bonuses awarded to a teacher according to this paragraph shall not exceed \$2,000 in any given school year and shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

(o) Calculation of additional full-time equivalent membership based on completion of high school level algebra courses by students in grades 6 through 8.—A value of 0.088 full-time equivalent student membership shall be calculated for each student in grades 6 through 8 who completes a high school level algebra course and receives a grade of C or better. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 6 through 8. Each district must allocate the funds provided to the district for students in grades 6 through 8 who complete a high school level algebra course and receive a grade of C or better to the school that generated the funds.

(p) Calculation of supplemental allocation for juvenile justice education programs.—Beginning with the 2007-2008 General Appropriations Act, the total K-12 weighted full-time equivalent student membership in juvenile justice education programs in each school district shall be multiplied by the amount of the state average class size reduction factor multiplied by the district’s cost differential. An amount equal to the sum

of this calculation shall be allocated in the FEFP to each school district to supplement other sources of funding for students in juvenile justice education programs.

(o)(q) Calculation of additional full-time equivalent membership based on certification of successful completion of industry-certified career and professional academy programs pursuant to s. 1003.492.—A value of 0.3 full-time equivalent student membership shall be calculated for each student who completes an industry-certified career and professional academy program under s. 1003.492 and who is issued the highest level of an industry certification and a high school diploma certificate. Such value shall be added to the total full-time equivalent student membership in secondary career education programs for grades 9 through 12 in the subsequent year for courses that were not funded through dual enrollment. *The additional full-time equivalent membership authorized under this paragraph may not exceed 0.3 per student.* Unless a different amount is specified in the General Appropriations Act, the appropriation for this calculation is limited to \$15 \$20 million annually. If the appropriation is insufficient to fully fund the total calculation, the appropriation shall be prorated.

(p)(r) Calculation of additional full-time equivalent membership for the Florida Virtual School.—The total reported full-time equivalent student membership in core-curricula courses as defined in s. 1003.01(14) for the Florida Virtual School shall be multiplied by 0.114, and such value shall be added to the total full-time equivalent student membership.

(q)(s) Year-round-school programs.—The Commissioner of Education is authorized to adjust student eligibility definitions, funding criteria, and reporting requirements of statutes and rules in order that year-round-school programs may achieve equivalent application of funding requirements with non-year-round-school programs.

(r)(t) Extended-school-year program.—It is the intent of the Legislature that students be provided additional instruction by extending the school year to 210 days or more. Districts may apply to the Commissioner of Education for funds to be used in planning and implementing an extended-school-year program. The Department of Education shall recommend to the Legislature the policies necessary for full implementation of an extended school year.

(s)(u) Determination of the basic amount for current operation.—The basic amount for current operation to be included in the Florida Education Finance Program for kindergarten through grade 12 for each district shall be the product of the following:

1. The full-time equivalent student membership in each program, multiplied by
2. The cost factor for each program, adjusted for the maximum as provided by paragraph (c), multiplied by
3. The base student allocation.

(t)(v) Computation for funding through the Florida Education Finance Program.—The State Board of Education may adopt rules establishing programs and courses for which the student may earn credit toward high school graduation.

(4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the General Appropriations Act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program for kindergarten through grade 12 programs shall be calculated as follows:

- (a) Estimated taxable value calculations.—
- 1.a. Not later than 2 working days prior to July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the taxable value for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. Not later than July 19, the Commissioner of Education shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 95 percent of the estimated state total taxable value for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The

Commissioner of Education shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district required local effort for that year.

b. The General Appropriations Act shall direct the computation of the statewide adjusted aggregate amount for required local effort for all school districts collectively from ad valorem taxes to ensure that no school district's revenue from required local effort millage will produce more than 90 percent of the district's total Florida Education Finance Program calculation under ss. 1011.62, 1011.67, and 1011.68, and the adjustment of the required local effort millage rate of each district that produces more than 90 percent of its total Florida Education Finance Program entitlement to a level that will produce only 90 percent of its total Florida Education Finance Program entitlement in the July calculation.

2. As revised data are received from property appraisers, the Department of Revenue shall amend the certification of the estimate of the taxable value for school purposes.

(b) Final calculation.—

1. *The taxable value for school purposes certified by the Department of Revenue which is used in the fourth calculation with the annualized full-time student membership from the February student survey shall be the final taxable value used in the final calculation.* ~~On September 1 of each year, the Department of Revenue shall certify to the Commissioner of Education the total of the prior year final taxable value for school purposes in each school district and the total for all school districts in the state. The commissioner shall use the final taxable value certified on September 1 for school purposes for each school district in the final calculation of the annual Florida Education Finance Program allocations.~~

2. For purposes of this paragraph, the final taxable value for school purposes shall be the taxable value for school purposes on which the tax bills are computed and mailed to the taxpayers, adjusted to reflect final administrative actions of value adjustment boards and judicial decisions pursuant to chapter 194. For each county that has not submitted a revised tax roll reflecting final value adjustment board actions and final judicial decisions, the Department of Revenue shall certify the most recent revision of the taxable value for school purposes. The value certified in subparagraph 1. ~~on September 1~~ shall be the final taxable value for school purposes for that year, and no further adjustments shall be made, except those made pursuant to paragraph (11)(b).

(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 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 if all instructional material purchases have been completed for that fiscal year, but no sooner than March 1, 2009.*

(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 shall submit a report to the Legislature which identifies by district and by categorical fund the amount transferred and the specific academic classroom activity for which the funds were expended.*

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

(8) **DECLINE IN FULL-TIME EQUIVALENT STUDENTS.**—In those districts where there is a decline between prior year and current year unweighted FTE students, a percent ~~50 percent~~ of the decline in the unweighted FTE students as determined by the Legislature shall be multiplied by the prior year calculated FEFP per unweighted FTE student and shall be added to the allocation for that district. For this purpose, the calculated FEFP shall be computed by multiplying the weighted FTE students by the base student allocation and then by the district cost differential. If a district transfers a program to another institution not under the authority of the district's school board, including a charter technical career center, the decline is to be multiplied by a factor of 0.15. However, if the funds provided for the Florida Education Finance Program in the General Appropriations Act for any fiscal year are reduced by a subsequent appropriation for that fiscal year, the percent of the decline in the unweighted FTE students to be funded shall be determined by the Legislature and designated in the subsequent appropriation.

(10) *Calculation of supplemental allocation for juvenile justice education programs.*—*The total K-12 weighted full-time equivalent student membership in juvenile justice education programs in each school district shall be multiplied by the amount of the state average class-size-reduction factor multiplied by the district's cost differential. An amount equal to the sum of this calculation shall be allocated in the FEFP to each school district to supplement other sources of funding for students in juvenile justice education programs.*

(11)(10) **QUALITY ASSURANCE GUARANTEE.**—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per K-12 unweighted FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per unweighted FTE student which shall include the adjusted FTE dollars as provided in subsection (12) (~~11~~), quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per unweighted FTE, the increase shall be calculated for the current year. The current year funds from which the guarantee shall be determined shall include the adjusted FTE dollars as provided in subsection (12) (~~11~~) and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per unweighted FTE to prior year funds per unweighted FTE shall be computed. For those school districts which have less than the legislatively assigned percentage increase, funds shall be provided to guarantee the assigned percentage increase in funds per unweighted FTE student. Should appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

(12)(11) **TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR CURRENT OPERATION.**—The total annual state allocation to each district for current operation for the FEFP shall be distributed periodically in the manner prescribed in the General Appropriations Act.

(a) The basic amount for current operation for the FEFP as determined in subsection (1), multiplied by the district cost differential factor as determined in subsection (2), plus the amounts provided for categorical components within the FEFP, plus the discretionary millage compression supplement as determined in subsection (5), the amount for the sparsity supplement as determined in subsection (7), the decline in full-time equivalent students as determined in subsection (8), the research-based reading instruction allocation as determined in subsection (9), *the allocation for juvenile justice education programs as determined in subsection (10), and the quality assurance guarantee as determined in subsection (11) (~~10~~), instructional materials as determined in s. 1011.67, and student transportation as determined in s. 1011.68,* less the required local effort as determined in subsection (4). If the funds appropriated for the purpose of funding the total amount for current operation as provided in this paragraph are not sufficient to pay the state requirement

in full, the department shall prorate the available state funds to each district in the following manner:

1. Determine the percentage of proration by dividing the sum of the total amount for current operation, as provided in this paragraph for all districts collectively, and the total district required local effort into the sum of the state funds available for current operation and the total district required local effort.

2. Multiply the percentage so determined by the sum of the total amount for current operation as provided in this paragraph and the required local effort for each individual district.

3. From the product of such multiplication, subtract the required local effort of each district; and the remainder shall be the amount of state funds allocated to the district for current operation.

(b) The amount thus obtained shall be the net annual allocation to each school district. However, if it is determined that any school district received an underallocation or overallocation for any prior year because of an arithmetical error, assessment roll change required by final judicial decision, full-time equivalent student membership error, or any allocation error revealed in an audit report, the allocation to that district shall be appropriately adjusted. Beginning with audits for the 2001-2002 fiscal year, if the adjustment is the result of an audit finding in which group 2 FTE are reclassified to the basic program and the district weighted FTE are over the weighted enrollment ceiling for group 2 programs, the adjustment shall not result in a gain of state funds to the district. If the Department of Education audit adjustment recommendation is based upon controverted findings of fact, the Commissioner of Education is authorized to establish the amount of the adjustment based on the best interests of the state.

(c) The amount thus obtained shall represent the net annual state allocation to each district; however, notwithstanding any of the provisions herein, each district shall be guaranteed a minimum level of funding in the amount and manner prescribed in the General Appropriations Act.

Section 4. *The amendment to s. 1011.62(6), Florida Statutes, made by this act shall expire July 1, 2009, and the text of that section shall revert to that in existence on the day before the effective date of chapter 2007-328, Laws of Florida, 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 which expire pursuant to this section.*

Section 5. Subsection (2) of section 1011.71, Florida Statutes, is amended, present subsections (3) through (7) of that section are redesignated as subsections (4) through (8), respectively, and a new subsection (3) is added to that section to read:

1011.71 District school tax.—

(2) In addition to the maximum millage levy as provided in subsection (1), each school board may levy not more than *1.8 mills* ~~2 mills~~ against the taxable value for school purposes for district schools, including charter schools at the discretion of the school board, to fund:

(a) New construction and remodeling projects, as set forth in s. 1013.64(3)(b) and (6)(b) and included in the district's educational plant survey pursuant to s. 1013.31, without regard to prioritization, sites and site improvement or expansion to new sites, existing sites, auxiliary facilities, athletic facilities, or ancillary facilities.

(b) Maintenance, renovation, and repair of existing school plants or of leased facilities to correct deficiencies pursuant to s. 1013.15(2).

(c) The purchase, lease-purchase, or lease of school buses.

(d) The purchase, lease-purchase, or lease of new and replacement equipment.

(e) Payments for educational facilities and sites due under a lease-purchase agreement entered into by a district school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not exceeding, in the aggregate, an amount equal to three-fourths of the proceeds from the millage levied by a district school board pursuant to this subsection.

- (f) Payment of loans approved pursuant to ss. 1011.14 and 1011.15.
- (g) Payment of costs directly related to complying with state and federal environmental statutes, rules, and regulations governing school facilities.
- (h) Payment of costs of leasing relocatable educational facilities, of renting or leasing educational facilities and sites pursuant to s. 1013.15(2), or of renting or leasing buildings or space within existing buildings pursuant to s. 1013.15(4).
- (i) Payment of the cost of school buses when a school district contracts with a private entity to provide student transportation services if the district meets the requirements of this paragraph.

1. The district's contract must require that the private entity purchase, lease-purchase, or lease, and operate and maintain, one or more school buses of a specific type and size that meet the requirements of s. 1006.25.

2. Each such school bus must be used for the daily transportation of public school students in the manner required by the school district.

3. Annual payment for each such school bus may not exceed 10 percent of the purchase price of the state pool bid.

4. The proposed expenditure of the funds for this purpose must have been included in the district school board's notice of proposed tax for school capital outlay as provided in s. 200.065(10).

(j) Payment of the cost of the opening day collection for the library media center of a new school.

(3) If the revenue from the millage authorized in subsection (2) is insufficient to make payments due under a lease-purchase agreement entered into prior to June 30, 2008, by a district school board pursuant to s. 1011.71 (2)(e), an amount equal to 0.2 mills of the taxable value for school purposes within the school district shall be legally available for such payments, notwithstanding other restrictions on the use of such revenues imposed by law.

Section 6. Subsection (2) of section 1012.72, Florida Statutes, and subsection (5) of that section as created by section 7 of chapter 2007-328, Laws of Florida, are amended, present subsections (3), (4), and (5) of that section are redesignated as subsections (4), (5), and (6), respectively, and a new subsection (3) is added to that section, 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 monetary incentives and bonuses may be provided for initial certification for up to one 10-year period.* 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. 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.~~

~~(a)(e) 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.~~

~~(b)(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 (a) (e) 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.~~

~~(c)(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 *or the school district* 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.

(3) A school district may pay the following:

~~(a) A fee subsidy 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, who satisfies the prerequisites for participating in the NBPTS certification program, and who agrees, in writing, to pay at least 10 percent or more 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 up 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 up to \$150 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) The employer's share of Florida Retirement System contributions for any bonus payments under paragraphs (2)(a) and (b).~~

~~(6)(5) If the funds available in any fiscal year are insufficient to pay in full the annual bonuses for certification and for providing mentoring and related services, such payments for mentoring and related services shall be prorated among the eligible recipients. If the mentoring and related services are prorated, school districts may pay a portion or all of the balance. If funds are insufficient to pay in full the annual bonuses for certification, payments of bonuses for certification shall be prorated among the eligible recipients.~~

Section 7. Subsection (4) of section 1013.45, Florida Statutes, is amended to read:

1013.45 Educational facilities contracting and construction techniques.—

(4) Except as otherwise provided in this section and s. 481.229, the services of a registered architect must be used for the development of plans for the erection, enlargement, or alteration of any educational facility. The services of a registered architect are not required for a minor renovation project for which the construction cost is less than \$50,000 or for the placement or hookup of relocatable educational facilities that conform with standards adopted under s. 1013.37. However, boards must provide compliance with building code requirements and ensure that these structures are adequately anchored for wind resistance as required by law. ~~A district school board shall~~ ~~boards are encouraged to consider the reuse of existing construction documents or design criteria packages if where such reuse is feasible and practical. If a school district's 5-year educational facilities work plan includes the construction of two or more new schools for students in the same grade group and program, such as elementary, middle, or high school, the district school board shall require that prototype design and construction be used for the construction of these schools.~~ Notwithstanding s. 287.055, a board may purchase the architectural services for the design of educational or ancillary facilities under an existing contract agreement for professional services held by a district school board in the State of Florida, provided that the purchase is to the economic advantage of the purchasing board, the services conform to the standards prescribed by rules of the State Board of Education, and such reuse is not without notice to, and permission from, the architect of record whose plans or design criteria are being reused. Plans shall be reviewed for compliance with the state requirements for educational facilities. Rules adopted under this section must establish uniform prequalification, selection, bidding, and negotiation procedures applicable to construction management contracts and the design-build process. This section does not supersede any small, woman-owned or minority-owned business enterprise preference program adopted by a board. Except as otherwise provided in this section, the negotiation procedures applicable to construction management contracts and the design-build process must conform to the requirements of s. 287.055. A board may not modify any rules regarding construction management contracts or the design-build process.

Section 8. This act shall take effect July 1, 2008.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public school funding; amending s. 1001.451, F.S., relating to regional consortium service organizations; authorizing the Department of Education to appropriate a lesser amount of an incentive grant per school district and eligible member for a specified fiscal year; providing for the future expiration of such provisions; amending s. 1011.62, F.S.; decreasing the value of full-time equivalent student membership calculated for each student enrolled in an International Baccalaureate course, a full-credit Advanced International Certificate of Education course, or an advanced placement course who receives a certain score on an examination; deleting provisions relating to the calculation of additional full-time equivalent membership based on completion of high school level algebra courses and supplemental allocation for juvenile justice education programs; revising provisions relating to the calculation of additional full-time equivalent membership based on certification of successful completion of industry-certified career and professional academy programs; revising provisions relating to the calculation of additional full-time equivalent membership for the Florida Virtual School; providing the final taxable value used in the final calculation to determine the amount school districts are required to put toward the cost of the Florida Education Finance Program; providing for certain categorical funds; requiring the Department of Education to submit a report to the Legislature regarding such categorical funds; requiring a district school board to submit an amendment to the department if such board transfers funds from its research-based reading instruction allocation; revising provisions relating to the calculation of declining unweighted full-time equivalent students; providing a calculation for the supplemental allocation for juvenile justice education programs; providing for the future expiration of certain provisions governing the transfer of categorical funds; amending s. 1011.71, F.S.; decreasing the maximum millage a school district is allowed to levy against the taxable value for school purposes; authorizing a school district to redirect a specified amount of millage if revenues are insufficient to cover payments due under a lease-purchase agreement; amending s. 1012.72, F.S., relating to the Dale Hickam Excellent Teaching Program; providing that monetary incentives and bonuses be provided for up to a certain period; deleting provisions relating to a fee subsidy and a portfolio preparation incentive; authorizing a school district to pay a certain percentage of a

fee subsidy to the National Board of Professional Teaching Standards on behalf of certain persons, a portfolio-preparation incentive up to a specified amount to certain teachers, and the employer's share of contributions to the Florida Retirement System; amending s. 1013.45, F.S.; requiring a district school board to reuse existing construction documents or design criteria packages if feasible and practical; requiring the use of prototype design and construction under certain circumstances; providing an effective date.

On motions by Senator Wise, by two-thirds vote **HB 5083** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—30

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

Nays—10

Aronberg	Joyner	Ring
Dawson	Justice	Siplin
Deutch	Rich	Wilson
Geller		

Vote after roll call:

Yea to Nay—Hill, Lawson

HB 5077—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 215.20, F.S.; including the Agricultural Emergency Eradication Trust Fund within specified trust funds that are subject to the service charge on income of a revenue nature; amending s. 570.191, F.S.; revising the uses of the Agricultural Emergency Eradication Trust Fund; repealing s. 570.1911, F.S., relating to notice of certification of an agricultural emergency; amending s. 570.20, F.S.; providing for the transfer of certain funds from the General Inspection Trust Fund to the General Revenue Fund for a specified period; removing obsolete provisions; amending s. 581.212, F.S.; providing for the transfer of certain funds from the Plant Industry Trust Fund to the General Revenue Fund for a specified period; repealing s. 585.105, F.S., relating to the purchase, distribution, and administration of approved brucella vaccine by the department; providing an effective date.

—was read the second time by title.

Senator Alexander moved the following amendment which was adopted:

Amendment 1 (302926)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 570.191, Florida Statutes, is amended to read:

570.191 Agricultural Emergency Eradication Trust Fund.—There is created in the office of the commissioner the Agricultural Emergency Eradication Trust Fund. Funds in the trust fund may be made available for the promotion, advancement, and protection of agriculture in this state, including maintaining or increasing market share and suppressing or eradicating wildfire, animal or plant disease, insect infestation, or a plant or pest that endangers or threatens agriculture upon certification by the commissioner that an agricultural emergency exists and that funds specifically appropriated for the emergency's purpose are exhausted or insufficient to eliminate the agricultural emergency. The term "agricultural emergency" means an animal or plant disease, insect infestation, or plant or pest endangering or threatening the horticultural, aquacultural, or other agricultural interests in this state.

Section 2. Section 570.1911, Florida Statutes, is repealed.

Section 3. This act shall take effect July 1, 2008.
 And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to agriculture; amending s. 570.191, F.S.; providing that money in the Agricultural Emergency Eradication Trust Fund be made available under certain circumstances; repealing s. 570.1911, F.S., relating to notice of certification of an agricultural emergency; providing an effective date.

On motions by Senator Alexander, by two-thirds vote **HB 5077** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 5051—A bill to be entitled An act relating to duties of the Division of Hotels and Restaurants relating to the Florida Building Code and the Florida Fire Prevention Code; amending s. 509.032, F.S.; eliminating the requirement for the Division of Hotels and Restaurants to provide technical support to assist the Florida Building Commission in updating the construction standards of the Florida Building Code and the State Fire Marshal in updating the Florida Fire Prevention Code; eliminating the requirement for the division to enforce the Florida Building Code and the Florida Fire Prevention Code in conducting its inspections; providing an effective date.

—was read the second time by title.

Senator Alexander moved the following amendment which was adopted:

Amendment 1 (086296)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 455.2281, Florida Statutes, is amended to read:

455.2281 Unlicensed activities; fees; disposition.—In order to protect the public and to ensure a consumer-oriented department, it is the intent of the Legislature that vigorous enforcement of regulation for all professional activities is a state priority. All enforcement costs should be covered by professions regulated by the department. Therefore, the department ~~may shall~~ impose, upon initial licensure and each renewal thereof, a special fee ~~not to exceed of~~ \$5 per licensee. Such fee shall be set by department rule for each profession and shall be in addition to all other fees collected from each licensee and shall fund efforts to combat unlicensed activity. Any profession regulated by the department which offers services that are not subject to regulation when provided by an unlicensed person may use funds in its unlicensed activity account to inform the public of such situation. The board with concurrence of the department, or the department when there is no board, may earmark up to \$5 of the current licensure fee for this purpose, if such board, or profession regulated by the department, is not in a deficit and has a reasonable cash balance. A board or profession regulated by the department may authorize the transfer of funds from the operating fund account to the unlicensed activity account of that profession if the operating fund account is not in a deficit and has a reasonable cash balance. *The department may adopt rules to waive the unlicensed activity special fee for a period not to exceed 2 years if both the operating account and the*

unlicensed activity account have an excess cash balance. The department shall make direct charges to this fund by profession and shall not allocate indirect overhead. The department shall seek board advice regarding enforcement methods and strategies prior to expenditure of funds; however, the department may, without board advice, allocate funds to cover the costs of continuing education compliance monitoring under s. 455.2177. The department shall directly credit, by profession, revenues received from the department’s efforts to enforce licensure provisions. The department shall include all financial and statistical data resulting from unlicensed activity enforcement and from continuing education compliance monitoring as separate categories in the quarterly management report provided for in s. 455.219. The department shall not charge the account of any profession for the costs incurred on behalf of any other profession. For an unlicensed activity account, a balance which remains at the end of a renewal cycle may, with concurrence of the applicable board and the department, be transferred to the operating fund account of that profession. *For the 2008-2009 fiscal year, for each profession subject to fees imposed by this section, the department shall waive fees if the long-range estimates of revenue forecast a reasonable excess cash balance as required in s. 455.219. The department shall also reduce fees for all other professions based upon excess cash estimates. A report of all fee adjustments granted under this section, by profession, shall be provided to the chairs of the Senate Fiscal Policy and Calendar Committee and House Policy and Budget Council by September 15, 2009.*

Section 2. Section 548.035, Florida Statutes, is amended to read:

548.035 Permit fees.—

~~(1) The commission shall set permit fees for professional matches at \$1,800 per event, based on seating capacity of the premises where the program is to be presented as follows:~~

~~(a) If the seating capacity is less than 2,000 persons, the fee shall not exceed \$50.~~

~~(b) If the seating capacity is 2,000 persons or more but does not exceed 5,000 persons, the fee shall not exceed \$100.~~

~~(c) If the seating capacity exceeds 5,000 persons, the fee shall not exceed \$250.~~

~~(2) For mixed martial arts matches, the commission shall require a minimum fee of \$5,000 per event. For purposes of this section, an “event” is one or more matches comprising a show.~~

Section 3. Paragraph (a) of subsection (2) of section 718.501, Florida Statutes, is amended to read:

718.501 Powers and duties of Division of Florida Land Sales, Condominiums, and Mobile Homes.—

~~(2)(a) The department, by rule, may set fees to be paid annually by Effective January 1, 1992, each condominium association that which operates more than two units. Such fees may not exceed shall pay to the division an annual fee in the amount of \$4 for each residential unit in condominiums operated by the association. If the assessed fee is not paid by March 1, then the association shall be assessed a penalty of 10 percent of the amount due, and the association will not have standing to maintain or defend any action in the courts of this state until the amount due, plus any penalty, is paid. For the 2008-2009 fiscal year, the department shall reduce the annual fee paid by each condominium association as required by this paragraph to \$2 for each residential unit.~~

Section 4. Paragraph (a) of subsection (2) of section 719.501, Florida Statutes, is amended to read:

719.501 Powers and duties of Division of Florida Land Sales, Condominiums, and Mobile Homes.—

~~(2)(a) The department, by rule, may set fees to be paid annually by each cooperative association shall pay to the division, on or before January 1 of each year. An annual fee may not exceed in the amount of \$4 for each residential unit in cooperatives operated by the association. If the assessed fee is not paid by March 1, then the association shall be assessed a penalty of 10 percent of the amount due, and the association shall not have the standing to maintain or defend any action in the courts of this state until the amount due is paid. For the 2008-2009 fiscal year, the department shall reduce the annual fee paid by each cooperative association as required by this paragraph to \$2 for each residential unit.~~

Section 5. Section 721.27, Florida Statutes, is amended to read:

721.27 Annual fee for each timeshare unit in plan.—On January 1 of each year, each managing entity of a timeshare plan located in this state shall collect as a common expense and pay to the division an annual fee to be set by rule, not to exceed of \$2 for each 7 days of annual use availability that exist within the timeshare plan at that time, and subject to any limitations on the amount of such annual fee pursuant to s. 721.58. If any portion of the annual fee is not paid by March 1, the managing entity may be assessed a penalty pursuant to s. 721.26. *For the 2008-2009 fiscal year, the department shall reduce the annual fee paid by each managing entity of a timeshare plan as required in this section to 50 cents for each 7 days of annual use.*

Section 6. Paragraph (d) of subsection (2) of section 509.032, Florida Statutes, is amended to read:

509.032 Duties.—

(2) INSPECTION OF PREMISES.—

(d) The division shall adopt and enforce sanitation rules consistent with law to ensure the protection of the public from food-borne illness in those establishments licensed under this chapter. These rules shall provide the standards and requirements for obtaining, storing, preparing, processing, serving, or displaying food in public food service establishments, approving public food service establishment facility plans, conducting necessary public food service establishment inspections for compliance with sanitation regulations, cooperating and coordinating with the Department of Health in epidemiological investigations, and initiating enforcement actions, and for other such responsibilities deemed necessary by the division. The division may not establish by rule any regulation governing the design, construction, erection, alteration, modification, repair, or demolition of any public lodging or public food service establishment. It is the intent of the Legislature to preempt that function to the Florida Building Commission and the State Fire Marshal through adoption and maintenance of the Florida Building Code and the Florida Fire Prevention Code. The division shall provide technical assistance to the commission and the State Fire Marshal in updating the construction standards of the Florida Building Code and the Florida Fire Prevention Code which govern public lodging and public food service establishments. Further, the division shall enforce the provisions of the Florida Building Code and the Florida Fire Prevention Code which apply to public lodging and public food service establishments in conducting any inspections authorized by this part.

Section 7. This act shall take effect July 1, 2008.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 455.2281, F.S.; authorizing the department to set by rule the fees paid annually by professions regulated by the department; limiting the amount of such fees; authorizing the department to adopt rules to waive the unlicensed activity special fee if certain accounts have an excess balance; requiring the department to waive or reduce fees under certain conditions for all professions subject to fees; requiring that a report of fee adjustments be submitted to the Legislature by a specified date; amending s. 548.035, F.S.; revising the amount of the permit fee charged for pugilistic exhibition events; amending s. 718.501, F.S.; authorizing the department to set by rule the fees paid annually by condominium associations; limiting the amount of such fees; requiring the department to reduce condominium association fees to a certain amount for a specified time; amending s. 719.501, F.S.; authorizing the department to set by rule the fees paid annually by cooperative associations; limiting the amount of such fees; requiring the department to reduce cooperative association fees to a certain amount for a specified time; amending s. 721.27, F.S.; authorizing the department to set by rule the fees paid annually by timeshare plans; limiting the amount of such fees; requiring the department to reduce the annual fee paid by timeshare plans to a certain amount for a specified time; amending s. 509.032, F.S.; deleting a provision requiring that the division provide certain assistance to the State Fire Marshal; deleting a provision requiring that the division provide technical assistance to the Florida Building Commission when updating the construction standards of the Florida Fire Prevention Code; deleting a provision requiring that the division enforce certain provisions of the Florida Fire Prevention Code; providing an effective date.

On motions by Senator Alexander, by two-thirds vote **HB 5051** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 5043—A bill to be entitled An act relating to the surplus lines tax; amending s. 626.932, F.S.; reallocating distributions of surplus lines tax collections to the Insurance Regulatory Trust Fund and the General Revenue Fund; providing an effective date.

—was read the second time by title.

Senator Alexander moved the following amendment which was adopted:

Amendment 1 (464080)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 17.0315, Florida Statutes, is created to read:

17.0315 *Financial and cash management system; task force.—*
(1) *The Chief Financial Officer shall be the head of and appoint members to a task force that shall include the executive director of the Agency for Enterprise Information Technology and the director of the Office of Policy and Budget in the Executive Office of the Governor. The task force is established to develop a successor financial and cash management system that:*

- (a) *Promotes transparency in the accounting of public funds;*
- (b) *Provides timely and accurate transactional processes by agencies and their professional staffs;*
- (c) *Interfaces with other systems providing human resources, procurement of goods and services, and other enterprise functions;*
- (d) *Interfaces with the existing legislative appropriations, planning, and budgeting systems;*
- (e) *Permits proper disbursement and auditing controls consistent with the respective constitutional duties of the Chief Financial Officer and the Legislature;*
- (f) *Supports executive reporting and data analysis requirements; and*
- (g) *Follows the information technology strategy developed by the Agency for Enterprise Information Technology.*

(2) *Members appointed to the task force, or their designee, shall consult with state agency administrative services directors, finance and accounting offices, and budget directors of all branches of Florida government. The task force shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report that:*

- (a) *Identifies problems and opportunities posed by current law and the current administration with existing state accounting systems;*
- (b) *Provides developmental solutions to known failures identified by external review and audit reports;*

(c) *Recommends business processes and requirements to support a standardized statewide accounting system;*

(d) *Identifies revised rulemaking procedures needed to ensure the operational and security integrity of any successor system;*

(e) *Evaluates different funding approaches to equitably distribute common accounting infrastructure costs across all participating users; and*

(f) *Provides an executable, enterprise-wide work product that can be used as the basis for a revised competitive procurement for the implementation of a successor system.*

The Chief Financial Officer shall submit the initial report, along with draft legislation recommended to implement a standardized statewide financial and cash management system, by January 1, 2009.

Section 2. Paragraph (a) of subsection (3) of section 20.121, Florida Statutes, is amended to read:

20.121 Department of Financial Services.—There is created a Department of Financial Services.

(3) FINANCIAL SERVICES COMMISSION.—Effective January 7, 2003, there is created within the Department of Financial Services the Financial Services Commission, composed of the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture, which shall for purposes of this section be referred to as the commission. Commission members shall serve as agency head of the Financial Services Commission. The commission shall be a separate budget entity and shall be exempt from the provisions of s. 20.052. Commission action shall be by majority vote consisting of at least three affirmative votes. The commission shall not be subject to control, supervision, or direction by the Department of Financial Services in any manner, including purchasing, transactions involving real or personal property, personnel, or budgetary matters.

(a) Structure.—The major structural unit of the commission is the office. Each office shall be headed by a director. The following offices are established:

1. The Office of Insurance Regulation, which shall be responsible for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the insurance code or chapter 636. The head of the Office of Insurance Regulation is the Director of the Office of Insurance Regulation, who may also be known as the Commissioner of Insurance Regulation.

2.a. The Office of Financial Regulation, which shall be responsible for all activities of the Financial Services Commission relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry. The head of the office is the Director of the Office of Financial Regulation, who may also be known as the Commissioner of Financial Regulation. The Office of Financial Regulation shall include a Bureau of Financial Investigations, which shall function as a criminal justice agency for purposes of ss. 943.045-943.08 and shall have a separate budget. The bureau may conduct investigations within or outside this state as the bureau deems necessary to aid in the enforcement of this section. If, during an investigation, the office has reason to believe that any criminal law of this state has or may have been violated, the office shall refer any records tending to show such violation to state or federal law enforcement or prosecutorial agencies and shall provide investigative assistance to those agencies as required.

b. *The Strategic Markets Research and Assessment Unit is established within the Office of Financial Regulation. The unit shall report on September 1, 2008, and quarterly thereafter, to the Financial Services Commission, the President of the Senate, and the Speaker of the House of Representatives on the status of Florida's financial services markets. At a minimum, the report must include a summary of key national and international economic issues, trends, and threats that broadly impact the condition of the financial services industries, along with the effect of such conditions on financial institutions, the securities industries, other financial entities, the credit market, and the economic status of the residents and businesses of Florida. In order to ensure adequate protection*

for the economic well-being of the residents and businesses of Florida, the unit shall also submit to the commission, the President of the Senate, and the Speaker of the House of Representatives its findings and recommendations regarding regulatory and policy changes.

Section 3. Section 517.315, Florida Statutes, is amended to read:

517.315 Fees.—All fees of any nature collected by the office pursuant to this chapter shall be disbursed as follows:

(1) The office shall transfer the amount of fees required to be deposited into the Securities Guaranty Fund pursuant to s. 517.131;

(2) After the transfer required in subsection (1), the office shall transfer ~~\$20~~ of the \$50 assessment fee collected from each associated person under s. 517.12(10) and (11) *and 30.44 percent of the \$100 assessment fee paid by dealers and investment advisors for each office in the state under s. 517.12(10) and (11)* to the Regulatory Trust Fund; and

(3) All remaining fees shall be deposited into the General Revenue Fund.

Section 4. Subsection (5) of section 626.932, Florida Statutes, is amended to read:

626.932 Surplus lines tax.—

(5) The department shall deposit *19.02* ~~24.3~~ percent of all taxes collected under this section to the credit of the Insurance Regulatory Trust Fund. *Eighty and ninety-eight hundredths* ~~Seventy-five and seven-tenths~~ percent of all taxes collected under this section shall be deposited into the General Revenue Fund.

Section 5. Subsection (7) of section 626.938, Florida Statutes, is amended to read:

626.938 Report and tax of independently procured coverages.—

(7) The department shall deposit *19.02* ~~24.3~~ percent of all taxes and interest collected under this section to the credit of the Insurance Regulatory Trust Fund. *Eighty and ninety-eight hundredths* ~~Seventy-five and seven-tenths~~ percent of all taxes and interest collected under this section shall be deposited into the General Revenue Fund.

Section 6. This act shall take effect July 1, 2008.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to financial services; creating s. 17.0315, F.S.; establishing a task force to develop a successor financial and cash management system; requiring the Chief Financial Officer to appoint members to and head such task force; requiring that the directors of the Agency for Enterprise Information Technology and the Office of Policy and Budget in the Executive Office of the Governor participate as members of the task force; providing a purpose; requiring members to consult with the administrative services directors, finance and accounting offices, and budget directors of all branches of state government; requiring the task force to submit a report and draft legislation to the Governor and the Legislature by a certain date; requiring that certain information be included in such report; amending s. 20.121, F.S.; establishing the Strategic Markets Research and Assessment Unit within the Office of Financial Regulation; requiring that the unit periodically report to the Financial Services Commission and the Legislature; specifying the information be included in such report; amending s. 517.315, F.S.; requiring the Office of Financial Regulation of the Financial Services Commission to transfer the entire registration assessment fee paid by associated persons and a certain percentage of the assessment fee paid by dealers and investment advisors to the Regulatory Trust Fund; amending ss. 626.932 and 626.938, F.S.; revising the required percentages of funds collected pursuant to certain taxes on surplus lines premiums and related interest that must be deposited into the Insurance Regulatory Trust Fund and the General Revenue Fund; providing an effective date.

On motions by Senator Alexander, by two-thirds vote **HB 5043** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 5059—A bill to be entitled An act relating to the State Agency Law Enforcement Radio System Trust Fund; amending s. 318.18, F.S.; revising purposes of the trust fund to include the provision of technical assistance to state agencies and local law enforcement agencies with their statewide system of regional law enforcement communications; clarifying that the Department of Management Services shall determine and direct the purposes for which funds are used; reenacting s. 318.21(17), F.S., relating to disposition of civil penalties by county courts, for the purpose of incorporating the amendment to s. 318.18, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

Senator Alexander moved the following amendment which was adopted:

Amendment 1 (954032)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (17) of section 318.18, Florida Statutes, is amended to read:

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

(17) In addition to any penalties imposed, a surcharge of \$3 must be paid for all criminal offenses listed in s. 318.17 and for all noncriminal moving traffic violations under chapter 316. Revenue from the surcharge shall be remitted to the Department of Revenue and deposited quarterly into the State Agency Law Enforcement Radio System Trust Fund of the Department of Management Services for the state agency law enforcement radio system, as described in s. 282.1095, and to provide technical assistance to state agencies and local law enforcement agencies with their statewide systems of regional law enforcement communications, as described in s. 282.111. This subsection expires July 1, 2012. The Department of Management Services may retain funds sufficient to recover the costs and expenses incurred for the purposes of managing, administering, and overseeing the Statewide Law Enforcement Radio System, and providing technical assistance to state agencies and local law enforcement agencies with their statewide systems of regional law enforcement communications. The Department of Management Services working in conjunction with the Joint Task Force on State Agency Law Enforcement Communications shall determine and direct the purposes for which these funds are used to enhance and improve the radio system.

Section 2. This act shall take effect July 1, 2008.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the disposition of traffic infractions; amending s. 318.18, F.S.; requiring that revenue from the surcharge imposed for certain criminal traffic offenses and all noncriminal traffic violations be remitted to the Department of Revenue, deposited quarterly into the State Agency Law Enforcement Radio System Trust Fund of the Department of Management Services, and be used for certain purposes; authorizing the Department of Management Services to retain funds from

such revenue to recover certain costs and expenses; providing an effective date.

On motions by Senator Alexander, by two-thirds vote **HB 5059** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 5061—A bill to be entitled An act relating to revenue administration; amending s. 195.002, F.S.; authorizing payment of salaries and benefits for certain employees associated with certain schools; amending s. 195.022, F.S.; requiring all counties to reproduce department forms at county expense; specifying requirements of the department and property appraisers for payment of expenses of furnishing photographs and maps; authorizing the department to incur certain expenses and charge fees equal to such expenses; providing for deposit of such fees into the Certification Program Trust Fund; providing for separate accounts in the fund for certain purposes; providing for department use of such funds for certain expenses; amending s. 195.087, F.S.; requiring property appraisers to pay certain fees for aerial photographs and certain maps; prohibiting the Department of Revenue from making certain distributions in fiscal year 2008-2009 to certain sports facilities; providing an effective date.

—was read the second time by title.

Senator Alexander moved the following amendment which was adopted:

Amendment 1 (874674)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (2) of section 195.002, Florida Statutes, is amended to read:

195.002 Supervision by Department of Revenue.—

(2) In furtherance of its duty to conduct schools to upgrade assessment skills and collection skills, the department may establish by rule committees on admissions and certification. Additionally, the department may incur reasonable expenses for hiring instructors, travel, office operations, certificates of completion, badges or awards, and food service incidental to conducting such schools; for the salaries and benefits of department employees whose duties are directly associated with developing and conducting such schools; and for administering any certification program under s. 145.10 or s. 145.11. The department may charge a tuition fee and an examination fee to any person who attends such a school and may charge a fee to certify or recertify any person under such a program. The department shall deposit such fees into the Certification Program Trust Fund which is created in the State Treasury. There shall be separate school accounts and program accounts in the trust fund for property appraisers and for tax collectors. The department shall use money in the fund to pay such expenses.

Section 2. Section 195.022, Florida Statutes, is amended to read:

195.022 Forms to be prescribed by Department of Revenue.—The Department of Revenue shall prescribe all forms to be used by property

appraisers, tax collectors, clerks of the circuit court, and value adjustment boards in administering and collecting ad valorem taxes. The department shall prescribe a form for each purpose. For counties *that have with* a population of 100,000 or fewer, the Department of Revenue shall furnish the forms. For counties *that have with* a population greater than 100,000, the county officer shall reproduce forms for distribution at the expense of his or her office. A county officer may use a form other than the form prescribed by the department upon obtaining written permission from the executive director of the department; however, *a no* county officer *may not shall* use a form the substantive content of which is at variance with the form prescribed by the department for the same or a similar purpose. If the executive director finds good cause to grant such permission he or she may do so. The county officer may continue to use such approved form until the law *that which* specifies the form is amended or repealed or until the officer receives written disapproval from the executive director. Otherwise, all such officers and their employees shall use the forms, and follow the instructions applicable to the forms, which are prescribed by the department. The department, upon request of any property appraiser or, in any event, at least once every 3 years, shall prescribe and furnish such aerial photographs and non-property ownership maps to the property appraisers as are necessary to ensure that all real property within the state is properly listed on the roll. *Aerial photographs and nonproperty ownership maps shall be procured and provided in the manner and form prescribed by the department. The costs of all photographs and maps furnished to counties that have a population of 25,000 or fewer shall be paid by the department as provided by law. For counties that have a population greater than 25,000, the department shall furnish such items at the expense of the property appraiser. The department may incur reasonable expenses for procuring aerial photographs and nonproperty ownership maps and may charge a fee to the respective property appraiser equal to the costs incurred. The department shall deposit such fees into the Certification Program Trust Fund, created pursuant to s. 195.002. There shall be a separate account in the trust fund for activities relating to the aid and assistance of providing aerial photographs and nonproperty ownership maps to property appraisers. The department shall use moneys in the trust fund to pay such expenses. All forms and maps furnished by the department shall be paid for by the department as provided by law. All forms and maps and instructions relating to their use shall be substantially uniform throughout the state. An officer may employ supplemental forms and maps, at the expense of his or her office, which he or she deems expedient for the purpose of administering and collecting ad valorem taxes. The forms required in ss. 193.461(3)(a) and 196.011(1) for renewal purposes shall require sufficient information for the property appraiser to evaluate the changes in use since the prior year. If the property appraiser determines, in the case of a taxpayer, that he or she has insufficient current information upon which to approve the exemption, or if the information on the renewal form is inadequate for him or her to evaluate the taxable status of the property, he or she may require the resubmission of an original application.*

Section 3. Subsection (4) of section 195.087, Florida Statutes, is amended to read:

195.087 Property appraisers and tax collectors to submit budgets to Department of Revenue.—

(4) The property appraisers and tax collectors of this state are hereby authorized to pay any fee established by the department for attendance by an employee at a school established and conducted by the department pursuant to s. 195.002. Further, the travel and per diem expenses of such employee may be paid as set forth in s. 112.061. *The property appraisers are authorized to pay a fee established by the department for the costs of aerial photographs and nonproperty ownership maps that are provided by the department, but are not paid by the department pursuant to s. 195.022.*

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

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Revenue; amending s. 195.002, F.S.; authorizing the Department of Revenue to incur reasonable expenses for the salaries and benefits of employees whose duties are directly associated with developing and conducting schools to upgrade assessment and collection skills; amending s. 195.022, F.S.; requiring the department to pay for aerial photographs and nonproperty ownership maps provided to the property appraisers of certain counties; pro-

viding an exception; authorizing the department to charge fees for procuring photographs and maps and deposit the proceeds into the Certification Program Trust Fund; amending s. 195.087, F.S.; authorizing property appraisers to pay the costs of aerial photographs and non-property ownership maps which are not paid by the department; providing an effective date.

On motions by Senator Alexander, by two-thirds vote **HB 5061** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 5085—A bill to be entitled An act relating to health care; transferring and reassigning certain functions and responsibilities, including records, personnel, property, and unexpended balances of appropriations and other resources, from the Department of Health to the Department of Business and Professional Regulation by a type two transfer; providing for the continued validity of pending judicial or administrative actions to which the Department of Health is a party; providing for the continued validity of lawful orders issued by the Department of Health; transferring rules created by the Department of Health to the Department of Business and Professional Regulation; providing for the continued validity of permits and certifications issued by the Department of Health; amending s. 400.179, F.S.; authorizing the Agency for Health Care Administration to transfer funds to the Grants and Donations Trust Fund for certain repayments; amending s. 409.905, F.S.; prohibiting payment for certain hospital inpatient per diem rate adjustment for 2 fiscal years; amending s. 409.906, F.S.; prohibiting payment for Medicaid chiropractic services, hospice care services, and podiatric services for 2 fiscal years; authorizing payment of a specified amount for Medicaid services provided by an anesthesiologist assistant; amending s. 409.908, F.S.; deleting a provision prohibiting Medicaid from making any payment toward deductibles and coinsurance for services not covered by Medicaid; providing limitations on Medicaid payments for coinsurance; revising reimbursement rates for providers of Medicaid prescribed drugs; requiring the agency to revise reimbursement rates for hospitals, nursing homes, county health departments, and community intermediate care facilities for the developmentally disabled for 2 fiscal years; requiring the agency to apply the effect of the revised reimbursement rates to set payment rates for managed care plans and nursing home diversion programs; requiring the agency to establish workgroups to evaluate alternative reimbursement and payment methodologies for hospitals, nursing facilities, and managed care plans; requiring a report; providing for future repeal of the suspension of the use of cost data to set certain rates; amending s. 409.911, F.S.; revising the share data used to calculate disproportionate share payments to hospitals; amending s. 409.9112, F.S.; revising the time period during which the agency is prohibited from distributing disproportionate share payments to regional perinatal intensive care centers; amending s. 409.9113, F.S.; requiring the agency to distribute moneys provided in the General Appropriations Act to statutorily defined teaching hospitals and family practice teaching hospitals under the teaching hospital disproportionate share program for the 2008-2009 fiscal year; amending s. 409.9117, F.S.; prohibiting the agency from distributing moneys under the primary care disproportionate share program for the 2008-2009 fiscal year; amending s. 409.912, F.S.; adding a county for participation in the Medicaid behavioral health care services specialty prepaid plan; revising reimbursement rates to pharmacies for Medicaid prescribed drugs; requiring the

agency to notify the Legislature before seeking an amendment to the state plan in order to implement programs authorized by the Deficit Reduction Act of 2005; creating s. 409.91206, F.S.; providing for proposed alternatives for health and long-term care reforms; amending s. 409.91211, F.S.; providing for expansion of the Medicaid managed care pilot program to Hardee, Highlands, Hillsborough, Manatee, Miami-Dade, Monroe, Pasco, Pinellas, and Polk Counties; permitting fee-for-service provider service networks to be reimbursed on a risk-adjusted capitated basis for certain services; requiring the agency to encourage cost-effective administration by provider service networks; requiring quarterly monitoring and annual evaluation of plan network adequacy; requiring that Medicaid recipients receive prescription drug coverage information for each plan; requiring the agency to set standards for prompt claims payment; revising assignment processes for certain recipients; amending s. 409.9124, F.S.; removing the limitation on the application of certain rates and rate reductions used by the agency to reimburse managed care plans; amending s. 409.913, F.S.; prohibiting mailing of the explanation of benefits for certain Medicaid services; repealing s. 381.0271, F.S., relating to the Florida Patient Safety Corporation; repealing s. 381.0273, F.S., relating to public records exemption for patient safety data; repealing s. 394.4595, F.S., relating to access to patient records by the Florida statewide and local advocacy councils; repealing s. 402.164, F.S., relating to the Florida Statewide Advocacy Council and the Florida local advocacy councils; repealing s. 402.165, F.S., relating to the Florida Statewide Advocacy Council; repealing s. 402.166, F.S., relating to Florida local advocacy councils; repealing s. 402.167, F.S., relating to duties of state agencies that provide client services relating to the Florida Statewide Advocacy Council and the Florida local advocacy councils; repealing s. 409.9061, F.S., relating to authority for a statewide laboratory services contract; repealing s. 430.80, F.S., relating to implementation of a teaching nursing home pilot project; repealing s. 430.83, F.S., relating to the Sunshine for Seniors Program; repealing ss. 464.0195, 464.0196, and 464.0197, F.S., relating to the Florida Center for Nursing; repealing s. 464.0198, F.S., relating to the Florida Center for Nursing Trust Fund; amending ss. 39.001, 39.0011, 39.202, 39.302, 215.22, 394.459, 394.4597, 394.4598, 394.4599, 394.4615, 400.0065, 400.118, 400.141, 415.1034, 415.104, 415.1055, 415.106, 415.107, 429.19, 429.28, 429.34, and 430.04, F.S.; conforming provisions and correcting cross-references; providing an effective date.

—was read the second time by title.

Senator Peaden moved the following amendment which was adopted:

Amendment 1 (975970)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (d) of subsection (2) of section 400.179, Florida Statutes, is amended to read:

400.179 Liability for Medicaid underpayments and overpayments.—

(2) Because any transfer of a nursing facility may expose the fact that Medicaid may have underpaid or overpaid the transferor, and because in most instances, any such underpayment or overpayment can only be determined following a formal field audit, the liabilities for any such underpayments or overpayments shall be as follows:

(d) Where the transfer involves a facility that has been leased by the transferor:

1. The transferee shall, as a condition to being issued a license by the agency, acquire, maintain, and provide proof to the agency of a bond with a term of 30 months, renewable annually, in an amount not less than the total of 3 months' Medicaid payments to the facility computed on the basis of the preceding 12-month average Medicaid payments to the facility.

2. A leasehold licensee may meet the requirements of subparagraph 1. by payment of a nonrefundable fee, paid at initial licensure, paid at the time of any subsequent change of ownership, and paid annually thereafter, in the amount of 1 percent of the total of 3 months' Medicaid payments to the facility computed on the basis of the preceding 12-month average is not available, projected Medicaid payments may be used. The fee shall be deposited into the Health Care Trust Fund and shall be accounted for separately as a Medicaid nursing home overpayment account. These fees shall be used at the sole discretion of the agency to repay nursing home Medicaid overpayments. *The agency may*

transfer funds to the Grants and Donations Trust Fund for such repayments. Payment of this fee shall not release the licensee from any liability for any Medicaid overpayments, nor shall payment bar the agency from seeking to recoup overpayments from the licensee and any other liable party. As a condition of exercising this lease bond alternative, licensees paying this fee must maintain an existing lease bond through the end of the 30-month term period of that bond. The agency is herein granted specific authority to promulgate all rules pertaining to the administration and management of this account, including withdrawals from the account, subject to federal review and approval. This provision shall take effect upon becoming law and shall apply to any leasehold license application. The financial viability of the Medicaid nursing home overpayment account shall be determined by the agency through annual review of the account balance and the amount of total outstanding, unpaid Medicaid overpayments owing from leasehold licensees to the agency as determined by final agency audits.

3. The leasehold licensee may meet the bond requirement through other arrangements acceptable to the agency. The agency is herein granted specific authority to promulgate rules pertaining to lease bond arrangements.

4. All existing nursing facility licensees, operating the facility as a leasehold, shall acquire, maintain, and provide proof to the agency of the 30-month bond required in subparagraph 1., above, on and after July 1, 1993, for each license renewal.

5. It shall be the responsibility of all nursing facility operators, operating the facility as a leasehold, to renew the 30-month bond and to provide proof of such renewal to the agency annually.

6. Any failure of the nursing facility operator to acquire, maintain, renew annually, or provide proof to the agency shall be grounds for the agency to deny, revoke, and suspend the facility license to operate such facility and to take any further action, including, but not limited to, enjoining the facility, asserting a moratorium pursuant to part II of chapter 408, or applying for a receiver, deemed necessary to ensure compliance with this section and to safeguard and protect the health, safety, and welfare of the facility's residents. A lease agreement required as a condition of bond financing or refinancing under s. 154.213 by a health facilities authority or required under s. 159.30 by a county or municipality is not a leasehold for purposes of this paragraph and is not subject to the bond requirement of this paragraph.

Section 2. Subsections (1) and (2) of section 409.904, Florida Statutes, are amended to read:

409.904 Optional payments for eligible persons.—The agency may make payments for medical assistance and related services on behalf of the following persons who are determined to be eligible subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

~~(1)(a) From July 1, 2005, through December 31, 2005, a person who is age 65 or older or is determined to be disabled, whose income is at or below 88 percent of federal poverty level, and whose assets do not exceed established limitations.~~

~~(b) Effective January 1, 2006, and subject to federal waiver approval, a person who is age 65 or older or is determined to be disabled, whose income is at or below 88 percent of the federal poverty level, whose assets do not exceed established limitations, and who is not eligible for Medicare or, if eligible for Medicare, is also eligible for and receiving Medicaid-covered institutional care services, hospice services, or home and community-based services. The agency shall seek federal authorization through a waiver to provide this coverage. *This subsection expires October 31, 2008.*~~

(2)(a) A family, a pregnant woman, a child under age 21, a person age 65 or over, or a blind or disabled person, who would be eligible under any group listed in s. 409.903(1), (2), or (3), except that the income or assets of such family or person exceed established limitations. For a family or person in one of these coverage groups, medical expenses are deductible from income in accordance with federal requirements in order to make a determination of eligibility. A family or person eligible under the coverage known as the "medically needy," is eligible to receive the

same services as other Medicaid recipients, with the exception of services in skilled nursing facilities and intermediate care facilities for the developmentally disabled. *This paragraph expires October 31, 2008.*

(b) *Effective November 1, 2008, a pregnant woman or a child younger than 21 years of age who would be eligible under any group listed in s. 409.903, except that the income or assets of such group exceed established limitations. For a person in one of these coverage groups, medical expenses are deductible from income in accordance with federal requirements in order to made a determination of eligibility. A person eligible under the coverage known as the "medically needy" is eligible to receive the same services as other Medicaid recipients, with the exception of services in skilled nursing facilities and intermediate care facilities for the developmentally disabled.*

Section 3. Subsections (1) and (12) of section 409.906, Florida Statutes, are amended to read:

409.906 Optional Medicaid services.—Subject to specific appropriations, the agency may make payments for services which are optional to the state under Title XIX of the Social Security Act and are furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any optional service that is provided shall be provided only when medically necessary and in accordance with state and federal law. Optional services rendered by providers in mobile units to Medicaid recipients may be restricted or prohibited by the agency. 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 or chapter 216. If necessary to safeguard the state's systems of providing services to elderly and disabled persons and subject to the notice and review provisions of s. 216.177, the Governor may direct the Agency for Health Care Administration to amend the Medicaid state plan to delete the optional Medicaid service known as "Intermediate Care Facilities for the Developmentally Disabled." Optional services may include:

(1) ADULT DENTAL SERVICES.—

(a) The agency may pay for medically necessary, emergency dental procedures to alleviate pain or infection. Emergency dental care shall be limited to emergency oral examinations, necessary radiographs, extractions, and incision and drainage of abscess, for a recipient who is 21 years of age or older.

(b) Beginning July 1, 2006, the agency may pay for full or partial dentures, the procedures required to seat full or partial dentures, and the repair and relining of full or partial dentures, provided by or under the direction of a licensed dentist, for a recipient who is 21 years of age or older.

(c) However, Medicaid ~~may will~~ not provide reimbursement for dental services provided in a mobile dental unit, except for a mobile dental unit:

1. Owned by, operated by, or having a contractual agreement with the Department of Health and complying with Medicaid's county health department clinic services program specifications as a county health department clinic services provider.

2. Owned by, operated by, or having a contractual arrangement with a federally qualified health center and complying with Medicaid's federally qualified health center specifications as a federally qualified health center provider.

3. Rendering dental services to Medicaid recipients, 21 years of age and older, at nursing facilities.

4. Owned by, operated by, or having a contractual agreement with a state-approved dental educational institution.

(d) *This subsection expires September 30, 2008.*

(12) HEARING SERVICES.—The agency may pay for hearing and related services, including hearing evaluations, hearing aid devices, dispensing of the hearing aid, and related repairs, if provided to a recipient by a licensed hearing aid specialist, otolaryngologist, otologist, audiologist,

or physician. *Effective October 1, 2008, the agency may not pay for hearing and related services for adults.*

Section 4. Paragraph (d) of subsection (13) and subsection (14) of section 409.908, Florida Statutes, are amended, and subsection (23) is added to that section, 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.

(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 ~~are shall be~~ limited to 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 ~~are shall be~~ limited to the Medicare deductible per spell of illness. Medicaid ~~may not pay for 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.

5. *Medicaid shall pay all deductibles and coinsurance for portable X-ray Medicare Part B services provided in a nursing home.*

(14) A provider of prescribed drugs shall be reimbursed the least of the amount billed by the provider, the provider's usual and customary charge, or the Medicaid maximum allowable fee established by the agency, plus a dispensing fee. The Medicaid maximum allowable fee for ingredient cost ~~is will be~~ based on the lower of: average wholesale price (AWP) minus ~~16.4 15.4~~ percent, wholesaler acquisition cost (WAC) plus ~~4.75 5.75~~ percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider. Medicaid providers are required to dispense generic drugs if available at lower cost and the agency has not determined that the branded product is more cost-effective, unless the prescriber has requested and received approval to require the branded product. The agency is directed to implement a variable dispensing fee for payments for prescribed medicines while ensuring continued access for Medicaid recipients. The variable dispensing fee may be based upon, but not limited to, either or both the volume of prescriptions dispensed by a

specific pharmacy provider, the volume of prescriptions dispensed to an individual recipient, and dispensing of preferred-drug-list products. The agency may increase the pharmacy dispensing fee authorized by statute and in the annual General Appropriations Act by \$0.50 for the dispensing of a Medicaid preferred-drug-list product and reduce the pharmacy dispensing fee by \$0.50 for the dispensing of a Medicaid product that is not included on the preferred drug list. The agency may establish a supplemental pharmaceutical dispensing fee to be paid to providers returning unused unit-dose packaged medications to stock and crediting the Medicaid program for the ingredient cost of those medications if the ingredient costs to be credited exceed the value of the supplemental dispensing fee. The agency is authorized to limit reimbursement for prescribed medicine in order to comply with any limitations or directions provided for in the General Appropriations Act, which may include implementing a prospective or concurrent utilization review program.

(23)(a) *Effective July 1, 2008, the agency shall reduce provider reimbursement rates on a recurring basis as prescribed in the general appropriations act for the following provider types:*

1. *Inpatient hospitals.*
 2. *Outpatient hospitals.*
 3. *Nursing homes.*
 4. *County health departments.*
 5. *Community intermediate care facilities for the developmentally disabled.*
 6. *Prepaid health plans.*
- (b) *Any increase in reimbursement is subject to a specific appropriation by the Legislature.*

Section 5. Paragraph (a) of subsection (2) of section 409.911, Florida Statutes, is amended to read:

409.911 Disproportionate share program.—Subject to specific allocations established within the General Appropriations Act and any limitations established pursuant to chapter 216, the agency shall distribute, pursuant to this section, moneys to hospitals providing a disproportionate share of Medicaid or charity care services by making quarterly Medicaid payments as required. Notwithstanding the provisions of s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients.

(2) The Agency for Health Care Administration shall use the following actual audited data to determine the Medicaid days and charity care to be used in calculating the disproportionate share payment:

(a) The average of the 2000, 2001, and 2002, 2003, and 2004 audited disproportionate share data to determine each hospital's Medicaid days and charity care for the 2008-2009 ~~2006-2007~~ state fiscal year.

Section 6. Section 409.9112, Florida Statutes, is amended to read:

409.9112 Disproportionate share program for regional perinatal intensive care centers.—In addition to the payments made under s. 409.911, the agency for ~~Health Care Administration~~ shall design and implement a system of making disproportionate share payments to ~~these~~ hospitals that participate in the regional perinatal intensive care center program established pursuant to chapter 383. This system of payments shall conform to with federal requirements and shall distribute funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. Notwithstanding the provisions of s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients. For the 2008-2009 state fiscal year ~~2005-2006~~, the agency *may shall* not distribute moneys under the regional perinatal intensive care centers disproportionate share program.

(1) The following formula shall be used by the agency to calculate the total amount earned for hospitals that participate in the regional perinatal intensive care center program:

TAE = HDSP/THDSP

Where:

TAE = total amount earned by a regional perinatal intensive care center.

HDSP = the prior state fiscal year regional perinatal intensive care center disproportionate share payment to the individual hospital.

THDSP = the prior state fiscal year total regional perinatal intensive care center disproportionate share payments to all hospitals.

(2) The total additional payment for hospitals that participate in the regional perinatal intensive care center program shall be calculated by the agency as follows:

TAP = TAE x TA

Where:

TAP = total additional payment for a regional perinatal intensive care center.

TAE = total amount earned by a regional perinatal intensive care center.

TA = total appropriation for the regional perinatal intensive care center disproportionate share program.

(3) In order to receive payments under this section, a hospital must be participating in the regional perinatal intensive care center program pursuant to chapter 383 and must meet the following additional requirements:

(a) Agree to conform to all departmental and agency requirements to ensure high quality in the provision of services, including criteria adopted by departmental and agency rule concerning staffing ratios, medical records, standards of care, equipment, space, and such other standards and criteria as the department and agency deem appropriate as specified by rule.

(b) Agree to provide information to the department and agency, in a form and manner to be prescribed by rule of the department and agency, concerning the care provided to all patients in neonatal intensive care centers and high-risk maternity care.

(c) Agree to accept all patients for neonatal intensive care and high-risk maternity care, regardless of ability to pay, on a functional space-available basis.

(d) Agree to develop arrangements with other maternity and neonatal care providers in the hospital's region for the appropriate receipt and transfer of patients in need of specialized maternity and neonatal intensive care services.

(e) Agree to establish and provide a developmental evaluation and services program for certain high-risk neonates, as prescribed and defined by rule of the department.

(f) Agree to sponsor a program of continuing education in perinatal care for health care professionals within the region of the hospital, as specified by rule.

(g) Agree to provide backup and referral services to the department's county health departments and other low-income perinatal providers within the hospital's region, including the development of written agreements between these organizations and the hospital.

(h) Agree to arrange for transportation for high-risk obstetrical patients and neonates in need of transfer from the community to the hospital or from the hospital to another more appropriate facility.

(4) Hospitals which fail to comply with any of the conditions in subsection (3) or the applicable rules of the department and agency *may shall* not receive any payments under this section until full compliance is achieved. A hospital which is not in compliance in two or more consecutive quarters *may shall* not receive its share of the funds. Any forfeited funds shall be distributed by the remaining participating regional perinatal intensive care center program hospitals.

Section 7. Section 409.9113, Florida Statutes, is amended to read:

409.9113 Disproportionate share program for teaching hospitals.— In addition to the payments made under ss. 409.911 and 409.9112, the agency for Health Care Administration shall make disproportionate share payments to statutorily defined teaching hospitals for their increased costs associated with medical education programs and for tertiary health care services provided to the indigent. This system of payments shall conform to with federal requirements and shall distribute funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. Notwithstanding s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients. For the 2008-2009 state fiscal year 2006-2007, the agency shall distribute the moneys provided in the General Appropriations Act to statutorily defined teaching hospitals and family practice teaching hospitals under the teaching hospital disproportionate share program. The funds provided for statutorily defined teaching hospitals shall be distributed in the same proportion as the state fiscal year 2003-2004 teaching hospital disproportionate share funds were distributed or as otherwise provided in the General Appropriations Act. The funds provided for family practice teaching hospitals shall be distributed equally among family practice teaching hospitals.

(1) On or before September 15 of each year, the agency for Health Care Administration shall calculate an allocation fraction to be used for distributing funds to state statutory teaching hospitals. Subsequent to the end of each quarter of the state fiscal year, the agency shall distribute to each statutory teaching hospital, as defined in s. 408.07, an amount determined by multiplying one-fourth of the funds appropriated for this purpose by the Legislature times such hospital's allocation fraction. The allocation fraction for each such hospital shall be determined by the sum of three primary factors, divided by three. The primary factors are:

(a) The number of nationally accredited graduate medical education programs offered by the hospital, including programs accredited by the Accreditation Council for Graduate Medical Education and the combined Internal Medicine and Pediatrics programs acceptable to both the American Board of Internal Medicine and the American Board of Pediatrics at the beginning of the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the hospital represents of the total number of programs, where the total is computed for all state statutory teaching hospitals.

(b) The number of full-time equivalent trainees in the hospital, which comprises two components:

1. The number of trainees enrolled in nationally accredited graduate medical education programs, as defined in paragraph (a). Full-time equivalents are computed using the fraction of the year during which each trainee is primarily assigned to the given institution, over the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the hospital represents of the total number of full-time equivalent trainees enrolled in accredited graduate programs, where the total is computed for all state statutory teaching hospitals.

2. The number of medical students enrolled in accredited colleges of medicine and engaged in clinical activities, including required clinical clerkships and clinical electives. Full-time equivalents are computed using the fraction of the year during which each trainee is primarily assigned to the given institution, over the course of the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total number of full-time equivalent students enrolled in accredited colleges of medicine, where the total is computed for all state statutory teaching hospitals.

The primary factor for full-time equivalent trainees is computed as the sum of these two components, divided by two.

(c) A service index that comprises three components:

1. The Agency for Health Care Administration Service Index, computed by applying the standard Service Inventory Scores established by the agency for Health Care Administration to services offered by the given hospital, as reported on Worksheet A-2 for the last fiscal year reported to the agency before the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the

given hospital represents of the total Agency for Health Care Administration Service Index values, where the total is computed for all state statutory teaching hospitals.

2. A volume-weighted service index, computed by applying the standard Service Inventory Scores established by the agency for Health Care Administration to the volume of each service, expressed in terms of the standard units of measure reported on Worksheet A-2 for the last fiscal year reported to the agency before the date on which the allocation factor is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total volume-weighted service index values, where the total is computed for all state statutory teaching hospitals.

3. Total Medicaid payments to each hospital for direct inpatient and outpatient services during the fiscal year preceding the date on which the allocation factor is calculated. This includes payments made to each hospital for such services by Medicaid prepaid health plans, whether the plan was administered by the hospital or not. The numerical value of this factor is the fraction that each hospital represents of the total of such Medicaid payments, where the total is computed for all state statutory teaching hospitals.

The primary factor for the service index is computed as the sum of these three components, divided by three.

(2) By October 1 of each year, the agency shall use the following formula to calculate the maximum additional disproportionate share payment for statutorily defined teaching hospitals:

$$TAP = THAF \times A$$

Where:

TAP = total additional payment.

THAF = teaching hospital allocation factor.

A = amount appropriated for a teaching hospital disproportionate share program.

Section 8. Section 409.9117, Florida Statutes, is amended to read:

409.9117 Primary care disproportionate share program.—For the 2008-2009 state fiscal year 2006-2007, the agency may shall not distribute moneys under the primary care disproportionate share program.

(1) If federal funds are available for disproportionate share programs in addition to those otherwise provided by law, there shall be created a primary care disproportionate share program.

(2) The following formula shall be used by the agency to calculate the total amount earned for hospitals that participate in the primary care disproportionate share program:

$$TAE = HDSP/THDSP$$

Where:

TAE = total amount earned by a hospital participating in the primary care disproportionate share program.

HDSP = the prior state fiscal year primary care disproportionate share payment to the individual hospital.

THDSP = the prior state fiscal year total primary care disproportionate share payments to all hospitals.

(3) The total additional payment for hospitals that participate in the primary care disproportionate share program shall be calculated by the agency as follows:

$$TAP = TAE \times TA$$

Where:

TAP = total additional payment for a primary care hospital.

TAE = total amount earned by a primary care hospital.

TA = total appropriation for the primary care disproportionate share program.

(4) In ~~establishing the establishment~~ and funding of this program, the agency shall use the following criteria in addition to those specified in s. 409.911, and payments may not be made to a hospital unless the hospital agrees to:

(a) Cooperate with a Medicaid prepaid health plan, if one exists in the community.

(b) Ensure the availability of primary and specialty care physicians to Medicaid recipients who are not enrolled in a prepaid capitated arrangement and who are in need of access to such physicians.

(c) Coordinate and provide primary care services free of charge, except copayments, to all persons with incomes up to 100 percent of the federal poverty level who are not otherwise covered by Medicaid or another program administered by a governmental entity, and to provide such services based on a sliding fee scale to all persons with incomes up to 200 percent of the federal poverty level who are not otherwise covered by Medicaid or another program administered by a governmental entity, except that eligibility may be limited to persons who reside within a more limited area, as agreed to by the agency and the hospital.

(d) Contract with any federally qualified health center, if one exists within the agreed geopolitical boundaries, concerning the provision of primary care services, in order to guarantee delivery of services in a nonduplicative fashion, and to provide for referral arrangements, privileges, and admissions, as appropriate. The hospital shall agree to provide at an onsite or offsite facility primary care services within 24 hours to which all Medicaid recipients and persons eligible under this paragraph who do not require emergency room services are referred during normal daylight hours.

(e) Cooperate with the agency, the county, and other entities to ensure the provision of certain public health services, case management, referral and acceptance of patients, and sharing of epidemiological data, as the agency and the hospital find mutually necessary and desirable to promote and protect the public health within the agreed geopolitical boundaries.

(f) In cooperation with the county in which the hospital resides, develop a low-cost, outpatient, prepaid health care program to persons who are not eligible for the Medicaid program, and who reside within the area.

(g) Provide inpatient services to residents within the area who are not eligible for Medicaid or Medicare, and who do not have private health insurance, regardless of ability to pay, on the basis of available space, except that nothing shall prevent the hospital from establishing bill collection programs based on ability to pay.

(h) Work with the Florida Healthy Kids Corporation, the Florida Health Care Purchasing Cooperative, and business health coalitions, as appropriate, to develop a feasibility study and plan to provide a low-cost comprehensive health insurance plan to persons who reside within the area and who do not have access to such a plan.

(i) Work with public health officials and other experts to provide community health education and prevention activities designed to promote healthy lifestyles and appropriate use of health services.

(j) Work with the local health council to develop a plan for promoting access to affordable health care services for all persons who reside within the area, including, but not limited to, public health services, primary care services, inpatient services, and affordable health insurance generally.

Any hospital that fails to comply with any of the provisions of this subsection, or any other contractual condition, may not receive payments under this section until full compliance is achieved.

Section 9. Paragraph (b) of subsection (4), paragraph (a) of subsection (39), and subsection (42) of section 409.912, Florida Statutes, are amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician's opinion of the

correct diagnosis for purposes of authorizing future services under the Medicaid program. This section does not restrict access to emergency services or poststabilization care services as defined in 42 C.F.R. part 438.114. Such confirmation or second opinion shall be rendered in a manner approved by the agency. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. The agency shall contract with a vendor to monitor and evaluate the clinical practice patterns of providers in order to identify trends that are outside the normal practice patterns of a provider's professional peers or the national guidelines of a provider's professional association. The vendor must be able to provide information and counseling to a provider whose practice patterns are outside the norms, in consultation with the agency, to improve patient care and reduce inappropriate utilization. The agency may mandate prior authorization, drug therapy management, or disease management participation for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. The agency may competitively bid single-source-provider contracts if procurement of goods or services results in demonstrated cost savings to the state without limiting access to care. The agency may limit its network based on the assessment of beneficiary access to care, provider availability, provider quality standards, time and distance standards for access to care, the cultural competence of the provider network, demographic characteristics of Medicaid beneficiaries, practice and provider-to-beneficiary standards, appointment wait times, beneficiary use of services, provider turnover, provider profiling, provider licensure history, previous program integrity investigations and findings, peer review, provider Medicaid policy and billing compliance records, clinical and medical record audits, and other factors. Providers shall not be entitled to enrollment in the Medicaid provider network. The agency shall determine instances in which allowing Medicaid beneficiaries to purchase durable medical equipment and other goods is less expensive to the Medicaid program than long-term rental of the equipment or goods. The agency may establish rules to facilitate purchases in lieu of long-term rentals in order to protect against fraud and abuse in the Medicaid program as defined in s. 409.913. The agency may seek federal waivers necessary to administer these policies.

(4) The agency may contract with:

(b) An entity that is providing comprehensive behavioral health care services to certain Medicaid recipients through a capitated, prepaid arrangement pursuant to the federal waiver provided for by s. 409.905(5). Such an entity must be licensed under chapter 624, chapter 636, or chapter 641 and must possess the clinical systems and operational competence to manage risk and provide comprehensive behavioral health care to Medicaid recipients. As used in this paragraph, the term "comprehensive behavioral health care services" means covered mental health and substance abuse treatment services that are available to Medicaid recipients. The secretary of the Department of Children and Family Services shall approve provisions of procurements related to children in the department's care or custody prior to enrolling such children in a prepaid behavioral health plan. Any contract awarded under this paragraph must be competitively procured. In developing the behavioral health care prepaid plan procurement document, the agency shall ensure that the procurement document requires the contractor to develop and implement a plan to ensure compliance with s. 394.4574 related to services provided to residents of licensed assisted living facilities that hold a limited mental health license. Except as provided in subparagraph 8., and except in counties where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211, the agency shall seek federal approval to contract with a single entity meeting these requirements to provide comprehensive behavioral health care services to all Medicaid recipients not enrolled in a Medicaid managed care plan authorized under s. 409.91211 or a Medicaid health maintenance organization in an AHCA area. In an AHCA area where the Medicaid managed

care pilot program is authorized pursuant to s. 409.91211 in one or more counties, the agency may procure a contract with a single entity to serve the remaining counties as an AHCA area or the remaining counties may be included with an adjacent AHCA area and shall be subject to this paragraph. Each entity must offer sufficient choice of providers in its network to ensure recipient access to care and the opportunity to select a provider with whom they are satisfied. The network shall include all public mental health hospitals. To ensure unimpaired access to behavioral health care services by Medicaid recipients, all contracts issued pursuant to this paragraph shall require 80 percent of the capitation paid to the managed care plan, including health maintenance organizations, to be expended for the provision of behavioral health care services. In the event the managed care plan expends less than 80 percent of the capitation paid pursuant to this paragraph for the provision of behavioral health care services, the difference shall be returned to the agency. The agency shall provide the managed care plan with a certification letter indicating the amount of capitation paid during each calendar year for the provision of behavioral health care services pursuant to this section. The agency may reimburse for substance abuse treatment services on a fee-for-service basis until the agency finds that adequate funds are available for capitated, prepaid arrangements.

1. By January 1, 2001, the agency shall modify the contracts with the entities providing comprehensive inpatient and outpatient mental health care services to Medicaid recipients in Hillsborough, Highlands, Hardee, Manatee, and Polk Counties, to include substance abuse treatment services.

2. By July 1, 2003, the agency and the Department of Children and Family Services shall execute a written agreement that requires collaboration and joint development of all policy, budgets, procurement documents, contracts, and monitoring plans that have an impact on the state and Medicaid community mental health and targeted case management programs.

3. Except as provided in subparagraph 8., by July 1, 2006, the agency and the Department of Children and Family Services shall contract with managed care entities in each AHCA area except area 6 or arrange to provide comprehensive inpatient and outpatient mental health and substance abuse services through capitated prepaid arrangements to all Medicaid recipients who are eligible to participate in such plans under federal law and regulation. In AHCA areas where eligible individuals number less than 150,000, the agency shall contract with a single managed care plan to provide comprehensive behavioral health services to all recipients who are not enrolled in a Medicaid health maintenance organization or a Medicaid capitated managed care plan authorized under s. 409.91211. The agency may contract with more than one comprehensive behavioral health provider to provide care to recipients who are not enrolled in a Medicaid capitated managed care plan authorized under s. 409.91211 or a Medicaid health maintenance organization in AHCA areas where the eligible population exceeds 150,000. In an AHCA area where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211 in one or more counties, the agency may procure a contract with a single entity to serve the remaining counties as an AHCA area or the remaining counties may be included with an adjacent AHCA area and shall be subject to this paragraph. Contracts for comprehensive behavioral health providers awarded pursuant to this section shall be competitively procured. Both for-profit and not-for-profit corporations shall be eligible to compete. Managed care plans contracting with the agency under subsection (3) shall provide and receive payment for the same comprehensive behavioral health benefits as provided in AHCA rules, including handbooks incorporated by reference. In AHCA area 11, the agency shall contract with at least two comprehensive behavioral health care providers to provide behavioral health care to recipients in that area who are enrolled in, or assigned to, the MediPass program. One of the behavioral health care contracts shall be with the existing provider service network pilot project, as described in paragraph (d), for the purpose of demonstrating the cost-effectiveness of the provision of quality mental health services through a public hospital-operated managed care model. Payment shall be at an agreed-upon capitated rate to ensure cost savings. Of the recipients in area 11 who are assigned to MediPass under the provisions of s. 409.9122(2)(k), a minimum of 50,000 of those MediPass-enrolled recipients shall be assigned to the existing provider service network in area 11 for their behavioral care.

4. By October 1, 2003, the agency and the department shall submit a plan to the Governor, the President of the Senate, and the Speaker of

the House of Representatives which provides for the full implementation of capitated prepaid behavioral health care in all areas of the state.

a. Implementation shall begin in 2003 in those AHCA areas of the state where the agency is able to establish sufficient capitation rates.

b. If the agency determines that the proposed capitation rate in any area is insufficient to provide appropriate services, the agency may adjust the capitation rate to ensure that care will be available. The agency and the department may use existing general revenue to address any additional required match but may not over-obligate existing funds on an annualized basis.

c. Subject to any limitations provided for in the General Appropriations Act, the agency, in compliance with appropriate federal authorization, shall develop policies and procedures that allow for certification of local and state funds.

5. Children residing in a statewide inpatient psychiatric program, or in a Department of Juvenile Justice or a Department of Children and Family Services residential program approved as a Medicaid behavioral health overlay services provider shall not be included in a behavioral health care prepaid health plan or any other Medicaid managed care plan pursuant to this paragraph.

6. In converting to a prepaid system of delivery, the agency shall in its procurement document require an entity providing only comprehensive behavioral health care services to prevent the displacement of indigent care patients by enrollees in the Medicaid prepaid health plan providing behavioral health care services from facilities receiving state funding to provide indigent behavioral health care, to facilities licensed under chapter 395 which do not receive state funding for indigent behavioral health care, or reimburse the unsubsidized facility for the cost of behavioral health care provided to the displaced indigent care patient.

7. Traditional community mental health providers under contract with the Department of Children and Family Services pursuant to part IV of chapter 394, child welfare providers under contract with the Department of Children and Family Services in areas 1 and 6, and inpatient mental health providers licensed pursuant to chapter 395 must be offered an opportunity to accept or decline a contract to participate in any provider network for prepaid behavioral health services.

8. For fiscal year 2004-2005, all Medicaid eligible children, except children in areas 1 and *Highland, Hardee, Polk, and Manatee counties of area 6*, whose cases are open for child welfare services in the HomeSafeNet system, shall be enrolled in MediPass or in Medicaid fee-for-service and all their behavioral health care services including inpatient, outpatient psychiatric, community mental health, and case management shall be reimbursed on a fee-for-service basis. Beginning July 1, 2005, such children, who are open for child welfare services in the HomeSafeNet system, shall receive their behavioral health care services through a specialty prepaid plan operated by community-based lead agencies either through a single agency or formal agreements among several agencies. The specialty prepaid plan must result in savings to the state comparable to savings achieved in other Medicaid managed care and prepaid programs. Such plan must provide mechanisms to maximize state and local revenues. The specialty prepaid plan shall be developed by the agency and the Department of Children and Family Services. The agency is authorized to seek any federal waivers to implement this initiative. Medicaid-eligible children whose cases are open for child welfare services in the HomeSafeNet system and who reside in AHCA area 10 are exempt from the specialty prepaid plan upon the development of a service delivery mechanism for children who reside in area 10 as specified in s. 409.91211(3)(dd).

(39)(a) The agency shall implement a Medicaid prescribed-drug spending-control program that includes the following components:

1. A Medicaid preferred drug list, which shall be a listing of cost-effective therapeutic options recommended by the Medicaid Pharmacy and Therapeutics Committee established pursuant to s. 409.91195 and adopted by the agency for each therapeutic class on the preferred drug list. At the discretion of the committee, and when feasible, the preferred drug list should include at least two products in a therapeutic class. The agency may post the preferred drug list and updates to the preferred drug list on an Internet website without following the rulemaking procedures of chapter 120. Antiretroviral agents are excluded from the preferred drug list. The agency shall also limit the amount of a prescribed

drug dispensed to no more than a 34-day supply unless the drug products' smallest marketed package is greater than a 34-day supply, or the drug is determined by the agency to be a maintenance drug in which case a 100-day maximum supply may be authorized. The agency is authorized to seek any federal waivers necessary to implement these cost-control programs and to continue participation in the federal Medicaid rebate program, or alternatively to negotiate state-only manufacturer rebates. The agency may adopt rules to implement this subparagraph. The agency shall continue to provide unlimited contraceptive drugs and items. The agency must establish procedures to ensure that:

a. There ~~is will be~~ a response to a request for prior consultation by telephone or other telecommunication device within 24 hours after receipt of a request for prior consultation; and

b. A 72-hour supply of the drug prescribed ~~is will be~~ provided in an emergency or when the agency does not provide a response within 24 hours as required by sub-subparagraph a.

2. Reimbursement to pharmacies for Medicaid prescribed drugs shall be set at the lesser of: the average wholesale price (AWP) minus ~~16.4~~ 15.4 percent, the wholesaler acquisition cost (WAC) plus ~~4.75~~ 5.75 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider.

3. The agency shall develop and implement a process for managing the drug therapies of Medicaid recipients who are using significant numbers of prescribed drugs each month. The management process may include, but is not limited to, comprehensive, physician-directed medical-record reviews, claims analyses, and case evaluations to determine the medical necessity and appropriateness of a patient's treatment plan and drug therapies. The agency may contract with a private organization to provide drug-program-management services. The Medicaid drug benefit management program shall include initiatives to manage drug therapies for HIV/AIDS patients, patients using 20 or more unique prescriptions in a 180-day period, and the top 1,000 patients in annual spending. The agency shall enroll any Medicaid recipient in the drug benefit management program if he or she meets the specifications of this provision and is not enrolled in a Medicaid health maintenance organization.

4. The agency may limit the size of its pharmacy network based on need, competitive bidding, price negotiations, credentialing, or similar criteria. The agency shall give special consideration to rural areas in determining the size and location of pharmacies included in the Medicaid pharmacy network. A pharmacy credentialing process may include criteria such as a pharmacy's full-service status, location, size, patient educational programs, patient consultation, disease management services, and other characteristics. The agency may impose a moratorium on Medicaid pharmacy enrollment when it is determined that it has a sufficient number of Medicaid-participating providers. The agency must allow dispensing practitioners to participate as a part of the Medicaid pharmacy network regardless of the practitioner's proximity to any other entity that is dispensing prescription drugs under the Medicaid program. A dispensing practitioner must meet all credentialing requirements applicable to his or her practice, as determined by the agency.

5. The agency shall develop and implement a program that requires Medicaid practitioners who prescribe drugs to use a counterfeit-proof prescription pad for Medicaid prescriptions. The agency shall require the use of standardized counterfeit-proof prescription pads by Medicaid-participating prescribers or prescribers who write prescriptions for Medicaid recipients. The agency may implement the program in targeted geographic areas or statewide.

6. The agency may enter into arrangements that require manufacturers of generic drugs prescribed to Medicaid recipients to provide rebates of at least 15.1 percent of the average manufacturer price for the manufacturer's generic products. These arrangements shall require that if a generic-drug manufacturer pays federal rebates for Medicaid-reimbursed drugs at a level below 15.1 percent, the manufacturer must provide a supplemental rebate to the state in an amount necessary to achieve a 15.1-percent rebate level.

7. The agency may establish a preferred drug list as described in this subsection, and, pursuant to the establishment of such preferred drug list, it is authorized to negotiate supplemental rebates from manufacturers that are in addition to those required by Title XIX of the Social

Security Act and at no less than 14 percent of the average manufacturer price as defined in 42 U.S.C. s. 1936 on the last day of a quarter unless the federal or supplemental rebate, or both, equals or exceeds 29 percent. There is no upper limit on the supplemental rebates the agency may negotiate. The agency may determine that specific products, brand-name or generic, are competitive at lower rebate percentages. Agreement to pay the minimum supplemental rebate percentage will guarantee a manufacturer that the Medicaid Pharmaceutical and Therapeutics Committee will consider a product for inclusion on the preferred drug list. However, a pharmaceutical manufacturer is not guaranteed placement on the preferred drug list by simply paying the minimum supplemental rebate. Agency decisions will be made on the clinical efficacy of a drug and recommendations of the Medicaid Pharmaceutical and Therapeutics Committee, as well as the price of competing products minus federal and state rebates. The agency is authorized to contract with an outside agency or contractor to conduct negotiations for supplemental rebates. For the purposes of this section, the term "supplemental rebates" means cash rebates. Effective July 1, 2004, value-added programs as a substitution for supplemental rebates are prohibited. The agency is authorized to seek any federal waivers to implement this initiative.

8. The Agency for Health Care Administration shall expand home delivery of pharmacy products. To assist Medicaid patients in securing their prescriptions and reduce program costs, the agency shall expand its current mail-order-pharmacy diabetes-supply program to include all generic and brand-name drugs used by Medicaid patients with diabetes. Medicaid recipients in the current program may obtain nondiabetes drugs on a voluntary basis. This initiative is limited to the geographic area covered by the current contract. The agency may seek and implement any federal waivers necessary to implement this subparagraph.

9. The agency shall limit to one dose per month any drug prescribed to treat erectile dysfunction.

10.a. The agency may implement a Medicaid behavioral drug management system. The agency may contract with a vendor that has experience in operating behavioral drug management systems to implement this program. The agency is authorized to seek federal waivers to implement this program.

b. The agency, in conjunction with the Department of Children and Family Services, may implement the Medicaid behavioral drug management system that is designed to improve the quality of care and behavioral health prescribing practices based on best practice guidelines, improve patient adherence to medication plans, reduce clinical risk, and lower prescribed drug costs and the rate of inappropriate spending on Medicaid behavioral drugs. The program may include the following elements:

(I) Provide for the development and adoption of best practice guidelines for behavioral health-related drugs such as antipsychotics, antidepressants, and medications for treating bipolar disorders and other behavioral conditions; translate them into practice; review behavioral health prescribers and compare their prescribing patterns to a number of indicators that are based on national standards; and determine deviations from best practice guidelines.

(II) Implement processes for providing feedback to and educating prescribers using best practice educational materials and peer-to-peer consultation.

(III) Assess Medicaid beneficiaries who are outliers in their use of behavioral health drugs with regard to the numbers and types of drugs taken, drug dosages, combination drug therapies, and other indicators of improper use of behavioral health drugs.

(IV) Alert prescribers to patients who fail to refill prescriptions in a timely fashion, are prescribed multiple same-class behavioral health drugs, and may have other potential medication problems.

(V) Track spending trends for behavioral health drugs and deviation from best practice guidelines.

(VI) Use educational and technological approaches to promote best practices, educate consumers, and train prescribers in the use of practice guidelines.

(VII) Disseminate electronic and published materials.

(VIII) Hold statewide and regional conferences.

(IX) Implement a disease management program with a model quality-based medication component for severely mentally ill individuals and emotionally disturbed children who are high users of care.

11.a. The agency shall implement a Medicaid prescription drug management system. The agency may contract with a vendor that has experience in operating prescription drug management systems in order to implement this system. Any management system that is implemented in accordance with this subparagraph must rely on cooperation between physicians and pharmacists to determine appropriate practice patterns and clinical guidelines to improve the prescribing, dispensing, and use of drugs in the Medicaid program. The agency may seek federal waivers to implement this program.

b. The drug management system must be designed to improve the quality of care and prescribing practices based on best practice guidelines, improve patient adherence to medication plans, reduce clinical risk, and lower prescribed drug costs and the rate of inappropriate spending on Medicaid prescription drugs. The program must:

(I) Provide for the development and adoption of best practice guidelines for the prescribing and use of drugs in the Medicaid program, including translating best practice guidelines into practice; reviewing prescriber patterns and comparing them to indicators that are based on national standards and practice patterns of clinical peers in their community, statewide, and nationally; and determine deviations from best practice guidelines.

(II) Implement processes for providing feedback to and educating prescribers using best practice educational materials and peer-to-peer consultation.

(III) Assess Medicaid recipients who are outliers in their use of a single or multiple prescription drugs with regard to the numbers and types of drugs taken, drug dosages, combination drug therapies, and other indicators of improper use of prescription drugs.

(IV) Alert prescribers to patients who fail to refill prescriptions in a timely fashion, are prescribed multiple drugs that may be redundant or contraindicated, or may have other potential medication problems.

(V) Track spending trends for prescription drugs and deviation from best practice guidelines.

(VI) Use educational and technological approaches to promote best practices, educate consumers, and train prescribers in the use of practice guidelines.

(VII) Disseminate electronic and published materials.

(VIII) Hold statewide and regional conferences.

(IX) Implement disease management programs in cooperation with physicians and pharmacists, along with a model quality-based medication component for individuals having chronic medical conditions.

12. The agency is authorized to contract for drug rebate administration, including, but not limited to, calculating rebate amounts, invoicing manufacturers, negotiating disputes with manufacturers, and maintaining a database of rebate collections.

13. The agency may specify the preferred daily dosing form or strength for the purpose of promoting best practices with regard to the prescribing of certain drugs as specified in the General Appropriations Act and ensuring cost-effective prescribing practices.

14. The agency may require prior authorization for Medicaid-covered prescribed drugs. The agency may, but is not required to, prior authorize the use of a product:

- a. For an indication not approved in labeling;
- b. To comply with certain clinical guidelines; or
- c. If the product has the potential for overuse, misuse, or abuse.

The agency may require the prescribing professional to provide information about the rationale and supporting medical evidence for the use of

a drug. The agency may post prior authorization criteria and protocol and updates to the list of drugs that are subject to prior authorization on an Internet website without amending its rule or engaging in additional rulemaking.

15. The agency, in conjunction with the Pharmaceutical and Therapeutics Committee, may require age-related prior authorizations for certain prescribed drugs. The agency may preauthorize the use of a drug for a recipient who may not meet the age requirement or may exceed the length of therapy for use of *the this* product as recommended by the manufacturer and approved by the Food and Drug Administration. Prior authorization may require the prescribing professional to provide information about the rationale and supporting medical evidence for the use of a drug.

16. The agency shall implement a step-therapy prior authorization approval process for medications excluded from the preferred drug list. Medications listed on the preferred drug list must be used within the previous 12 months prior to the alternative medications that are not listed. The step-therapy prior authorization may require the prescriber to use the medications of a similar drug class or for a similar medical indication unless contraindicated in the Food and Drug Administration labeling. The trial period between the specified steps may vary according to the medical indication. The step-therapy approval process shall be developed in accordance with the committee as stated in s. 409.91195(7) and (8). A drug product may be approved without meeting the step-therapy prior authorization criteria if the prescribing physician provides the agency with additional written medical or clinical documentation that the product is medically necessary because:

a. There is not a drug on the preferred drug list to treat the disease or medical condition which is an acceptable clinical alternative;

b. The alternatives have been ineffective in the treatment of the beneficiary's disease; or

c. Based on historic evidence and known characteristics of the patient and the drug, the drug is likely to be ineffective, or the number of doses have been ineffective.

The agency shall work with the physician to determine the best alternative for the patient. The agency may adopt rules waiving the requirements for written clinical documentation for specific drugs in limited clinical situations.

17. The agency shall implement a return and reuse program for drugs dispensed by pharmacies to institutional recipients, which includes payment of a \$5 restocking fee for the implementation and operation of the program. The return and reuse program shall be implemented electronically and in a manner that promotes efficiency. The program must permit a pharmacy to exclude drugs from the program if it is not practical or cost-effective for the drug to be included and must provide for the return to inventory of drugs that cannot be credited or returned in a cost-effective manner. The agency shall determine if the program has reduced the amount of Medicaid prescription drugs which are destroyed on an annual basis and if there are additional ways to ensure more prescription drugs are not destroyed which could safely be reused. The agency's conclusion and recommendations shall be reported to the Legislature by December 1, 2005.

(42) The agency *may shall* develop and implement a utilization management program for Medicaid-eligible recipients for the management of occupational, physical, respiratory, and speech therapies. The agency shall establish a utilization program that may require prior authorization in order to ensure medically necessary and cost-effective treatments. The program shall be operated in accordance with a federally approved waiver program or state plan amendment. The agency may seek a federal waiver or state plan amendment to implement this program. The agency may also competitively procure these services from an outside vendor on a regional or statewide basis.

Section 10. Section 409.91206, Florida Statutes, is created to read:

409.91206 Alternatives for health and long-term care reforms.—The Governor, the President of the Senate, and the Speaker of the House of Representatives may convene workgroups to propose alternatives for cost-effective health and long-term care reforms, including, but not limited to, reforms for Medicaid.

Section 11. Paragraphs (c), (e), (f), and (i) of subsection (2) of section 409.9122, Florida Statutes, are amended to read:

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

(2)

(c) Medicaid recipients shall have a choice of managed care plans or MediPass. The agency for Health Care Administration, the Department of Health, the Department of Children and Family Services, and the Department of Elderly Affairs shall cooperate to ensure that each Medicaid recipient receives clear and easily understandable information that meets the following requirements:

1. Explains the concept of managed care, including MediPass.
2. Provides information on the comparative performance of managed care plans and MediPass in the areas of quality, credentialing, preventive health programs, network size and availability, and patient satisfaction.
3. Explains where additional information on each managed care plan and MediPass in the recipient's area can be obtained.
4. Explains that recipients have the right to choose their own managed care coverage at the time they first enroll in Medicaid and again at regular intervals set by the agency plans or MediPass. However, if a recipient does not choose a managed care plan or MediPass, the agency will assign the recipient to a managed care plan or MediPass according to the criteria specified in this section.
5. Explains the recipient's right to complain, file a grievance, or change managed care plans or MediPass providers if the recipient is not satisfied with the managed care plan or MediPass.

(e) Medicaid recipients who are already enrolled in a managed care plan or MediPass shall be offered the opportunity to change managed care plans or MediPass providers on a staggered basis, as defined by the agency. All Medicaid recipients shall have 30 days in which to make a choice of managed care plans or MediPass providers. *A recipient already enrolled in a managed care plan who fails to make a choice during the 30-day choice period shall remain enrolled in his or her current managed care plan. In counties that have two or more managed care plans, a recipient already enrolled in MediPass who fails to make a choice during the annual period shall be assigned to a managed care plan if he or she is eligible for enrollment in the managed care plan. The agency shall apply for a state plan amendment or federal waiver authority, if necessary, to implement the provisions of this paragraph.* Those Medicaid recipients who do not make a choice shall be assigned to a managed care plan or MediPass in accordance with paragraph (f). To facilitate continuity of care, for a Medicaid recipient who is also a recipient of Supplemental Security Income (SSI), prior to assigning the SSI recipient to a managed care plan or MediPass, the agency shall determine whether the SSI recipient has an ongoing relationship with a MediPass provider or managed care plan, and if so, the agency shall assign the SSI recipient to that MediPass provider or managed care plan. *If the SSI recipient has an ongoing relationship with a managed care plan, the agency shall assign the recipient to that managed care plan.* Those SSI recipients who do not have such a provider relationship shall be assigned to a managed care plan or MediPass provider in accordance with paragraph (f).

(f) ~~If~~ 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 or MediPass provider. Medicaid recipients, eligible for managed care plan enrollment, 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 this 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. Thereafter, assignment of Medicaid recipients who fail to make a choice shall be based proportionally on the preferences of recipients who have made a choice in the previous period. Such proportions shall be revised at least quarterly to reflect an update of the preferences of Medicaid recipients. The agency shall disproportionately assign Medicaid-eligible recipients who are required to but have failed to make a choice of managed care plan or MediPass, including children, and who

~~would be to~~ be assigned to the MediPass program to children's networks as described in s. 409.912(4)(g), Children's Medical Services Network as defined in s. 391.021, exclusive provider organizations, provider service networks, minority physician networks, and pediatric emergency department diversion programs authorized by this chapter or the General Appropriations Act, in such manner as the agency deems appropriate, until the agency has determined that the networks and programs have sufficient numbers to be *operated* economically ~~operated~~. For purposes of this paragraph, when referring to assignment, the term "managed care plans" includes health maintenance organizations, exclusive provider organizations, provider service networks, minority physician networks, Children's Medical Services Network, 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.

(i) After a recipient has made *his or her initial* a selection or has been notified of his or her initial assignment to ~~enrolled in~~ a managed care plan or MediPass, the recipient shall have 90 days to *exercise the opportunity in which to* voluntarily disenroll and select another managed care ~~option plan or MediPass provider~~. After 90 days, no further changes may be made except for cause. *Good cause includes* ~~shall include~~, but is not be limited to, poor quality of care, lack of access to necessary specialty services, an unreasonable delay or denial of service, or fraudulent enrollment. The agency shall develop criteria for good cause disenrollment for chronically ill and disabled populations who are assigned to managed care plans if more appropriate care is available through the MediPass program. The agency must make a determination as to whether cause exists. However, the agency may require a recipient to use the managed care plan's or MediPass grievance process prior to the agency's determination of cause, except in cases in which immediate risk of permanent damage to the recipient's health is alleged. The grievance process, when utilized, must be completed in time to permit the recipient to disenroll ~~by no later than~~ the first day of the second month after the month the disenrollment request was made. If the managed care plan or MediPass, as a result of the grievance process, approves an enrollee's request to disenroll, the agency is not required to make a determination in the case. The agency must make a determination and take final action on a recipient's request so that disenrollment occurs ~~by no later than~~ the first day of the second month after the month the request was made. If the agency fails to act within the specified timeframe, the recipient's request to disenroll is deemed to be approved as of the date agency action was required. Recipients who disagree with the agency's finding that cause does not exist for disenrollment shall be advised of their right to pursue a Medicaid fair hearing to dispute the agency's finding.

Section 12. Paragraph (c) of subsection (5) of section 409.905 and section 430.83, Florida Statutes, are repealed.

Section 13. This act shall take effect July 1, 2008.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Medicaid program; amending s. 400.179, F.S.; authorizing the Agency for Health Care Administration to transfer fees used to repay nursing home Medicaid overpayments to the Grants and Donations Trust Fund within the agency; amending s. 409.904, F.S.; discontinuing optional Medicaid payments for certain persons age 65 or over or who are blind or disabled; revising certain eligibility criteria for pregnant women and children younger than 21; amending s. 409.906, F.S.; discontinuing adult dental services and adult hearing services on a certain date; amending s. 409.908, F.S.; requiring Medicaid to pay for

all deductibles and coinsurance for portable X-ray Medicare Part B services provided in a nursing home; revising the factors used to determine the reimbursement rate to providers for Medicaid prescribed drugs; requiring the agency to reduce certain provider reimbursement rates as prescribed in the appropriations act; providing that any increases in rates as subject to the appropriations act; amending s. 409.911, F.S.; revising which year's disproportionate data is used to determine a hospital's Medicaid days and charity care during the 2008-2009 fiscal year; creating s. 409.91206, F.S.; authorizing the Governor and the Legislature to convene workgroups to propose alternatives for cost-effective health and long-term care reforms; amending s. 409.9112, F.S.; prohibiting the Agency for Health Care Administration from distributing moneys under the regional perinatal intensive care disproportionate share program during the 2008-2009 fiscal year; amending s. 409.9113, F.S.; authorizing the agency to distribute disproportionate share funds to teaching hospital during the 2008-2009 fiscal year; providing that such funds may be distributed as provided in the appropriations act; amending s. 409.9117, F.S.; prohibiting the distribution of funds under the primary disproportionate share program during the 2008-2009 fiscal year; amending s. 409.912, F.S.; specifying certain counties that are exempt from the requirement of enrolling Medicaid eligible children in MediPass or Medicaid fee-for-service and behavioral health care services; revising the factors used to determine the reimbursement rate to pharmacies for Medicaid prescribed drugs; revising the requirement for the agency to develop a utilization management program for Medicaid recipients for certain therapies; amending s. 409.9122, F.S.; revising enrollment requirements relating to Medicaid managed care programs and the agency's authority to assign persons to MediPass or a managed care plan; repealing s. 409.905(5)(c), F.S., relating to the agency's authority to adjust a hospital's inpatient per diem rate; repealing s. 430.83, F.S., relating to the Sunshine for Seniors Program; providing an effective date.

On motions by Senator Peaden, by two-thirds vote **HB 5085** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—26

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

Nays—14

Aronberg	Hill	Rich
Bullard	Joyner	Ring
Dawson	Justice	Siplin
Deutch	Lawson	Wilson
Geller	Margolis	

HB 5087—A bill to be entitled An act relating to the Agency for Persons with Disabilities; amending s. 393.0661, F.S.; revising provisions relating to certain clients with developmental disabilities served under the four-tiered waiver system; providing for residential habilitation services; establishing geographic differential payments for Miami-Dade, Broward, Palm Beach, and Monroe Counties; providing effective dates for applicable payments; providing for rebasing cost plans based on actual expenditures for individuals served by home and community-based services or family and supported living waiver programs; extending the effective date for the provision of certain services; providing for future review and repeal of certain provisions; amending s. 393.071, F.S.; providing for deposit of client fees into the agency's Operations and Maintenance Trust Fund; amending s. 393.125, F.S.; granting certain persons the right to request a hearing to review agency decisions; providing an effective date.

—was read the second time by title.

Senator Peaden moved the following amendment which was adopted:

Amendment 1 (080566)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraphs (a), (b), and (d) of subsection (3) of section 393.0661, Florida Statutes, are 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.

(a) Tier one shall be limited to clients who have service needs that cannot be met in tier two, three, or four for intensive medical or adaptive needs and that are essential for avoiding institutionalization, or who possess behavioral problems that are exceptional in intensity, duration, or frequency and present a substantial risk of harm to themselves or others. *Total annual expenditures under tier one may not exceed \$150,000 per client per year.*

(b) Tier two shall be limited to clients whose service needs include a licensed residential facility and *who have authorization for a moderate level of support for standard residential habilitation services or authorization for a minimal level of support for behavior focus residential habilitation services greater than 5 hours per day in residential habilitation services* or clients in supported living who receive greater than 6 hours a day of in-home support services. Total annual expenditures under tier two may not exceed \$55,000 per client each year.

(d) Tier four is the family and supported living waiver. Tier four shall include, but is not limited to, clients in independent or supported living situations and clients who live in their family home. An increase to the number of services available to clients in this tier shall not take effect *before July 1, 2009 prior to July 1, 2008.* Total annual expenditures under tier four may not exceed \$14,792 per client each year.

Section 2. This act shall take effect July 1, 2008.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the home and community-based services delivery system; amending s. 393.0661, F.S.; providing that the total annual expenditures under tier one for services to clients with developmental disabilities may not exceed \$150,000 per client per year; limiting tier two services to clients whose service needs include a licensed residential facility and who have authorization for a moderate level of support for standard residential habilitation services or authorization for a minimal level of support for behavior focus residential habilitation services; deleting the applicability of provisions governing services provided under tier four; providing an effective date.

On motions by Senator Peaden, by two-thirds vote **HB 5087** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

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

Nays—1

Deutch

Vote after roll call:

Yea to Nay—Rich

HB 5091—A bill to be entitled An act relating to tobacco education and prevention; amending s. 381.84, F.S.; providing an additional purpose in implementing the Comprehensive Statewide Tobacco Education and Use Prevention Program; expanding the counter-marketing and advertising campaign component to include utilization of innovative communication strategies, including the use of physicians and dentists; expanding the cessation programs, counseling, and treatment component to include the use of physicians and dentists; substituting the term “tobacco-use cessation” for “smoking cessation”; expanding the community programs and chronic disease prevention component to include statewide programs; deleting county health department funding eligibility; specifying purposes for the use of funds distributed under the program; revising membership of the Tobacco Education and Use Prevention Advisory Council; requiring the Department of Health to award contracts and grants for certain purposes; deleting obsolete language; providing an effective date.

—was read the second time by title.

Senator Peaden moved the following amendment which was adopted:

Amendment 1 (583702)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (i) of subsection (3) and subsection (6) of section 381.84, Florida Statutes, are amended to read:

381.84 Comprehensive Statewide Tobacco Education and Use Prevention Program.—

(3) PROGRAM COMPONENTS AND REQUIREMENTS.—The department shall conduct a comprehensive, statewide tobacco education and use prevention program consistent with the recommendations for effective program components contained in the 1999 Best Practices for Comprehensive Tobacco Control Programs of the CDC, as amended by the CDC. The program shall include the following components, each of which shall focus on educating people, particularly youth and their parents, about the health hazards of tobacco and discouraging the use of tobacco:

(i) AHEC smoking-cessation initiative.—~~For the 2007-2008 and 2008-2009 fiscal years only,~~ The AHEC network shall expand the AHEC smoking-cessation initiative to each county within the state and perform other activities as determined by the department.

(6) CONTRACT REQUIREMENTS.—Contracts or grants for the program components or subcomponents described in paragraphs (3)(a)-(f) shall be awarded by the State Surgeon General, after consultation with the council, on the basis of merit, as determined by an open, competitive, peer-reviewed process that ensures objectivity, consistency, and high quality. The department shall award such grants or contracts no later than October 1 for each fiscal year. A recipient of a contract or grant for the program component described in paragraph (3)(c) is not eligible for a contract or grant award for any other program component described in subsection (3) in the same state fiscal year. A school or college of medicine that is represented on the council is not eligible to receive a contract or grant under this section. ~~For the 2007-2008 and 2008-2009 fiscal years only,~~ The department shall award a contract or grant in the amount of \$11 ~~\$10~~ million to the AHEC network for the purpose of developing the components described in paragraph (3)(i). ~~The AHEC network may apply for a competitive contract or grant after the 2008-2009 fiscal year.~~

(a) In order to ensure that all proposals for funding are appropriate and are evaluated fairly on the basis of merit, the State Surgeon General, in consultation with the council, shall appoint a peer review panel of independent, qualified experts in the field of tobacco control to review the content of each proposal and establish its priority score. The priority scores shall be forwarded to the council and must be considered in determining which proposals will be recommended for funding.

(b) The council and the peer review panel shall establish and follow rigorous guidelines for ethical conduct and adhere to a strict policy with regard to conflicts of interest. A member of the council or panel may not participate in any discussion or decision with respect to a research proposal by any firm, entity, or agency with which the member is associated as a member of the governing body or as an employee or with which the member has entered into a contractual arrangement. Meetings of the council and the peer review panels are subject to chapter 119, s. 286.011, and s. 24, Art. I of the State Constitution.

(c) In each contract or grant agreement, the department shall limit the use of food and promotional items to no more than 2.5 percent of the total amount of the contract or grant and limit overhead or indirect costs to no more than 7.5 percent of the total amount of the contract or grant. The department, in consultation with the Department of Financial Services, shall publish guidelines for appropriate food and promotional items.

(d) In each advertising contract, the department shall limit the total of production fees, buyer commissions, and related costs to no more than 10 percent of the total contract amount.

(e) Notwithstanding the competitive process for contracts prescribed in this subsection, each county health department is eligible for core funding, on a per capita basis, to implement tobacco education and use prevention activities within that county.

Section 2. This act shall take effect July 1, 2008.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Comprehensive Statewide Tobacco Education and Use Prevention Program; amending s. 381.84, F.S.; deleting a provision limiting to specified fiscal years the applicability of requirements that the area health education center network expand the AHEC smoking-cessation initiative to each county within the state and perform certain other activities; deleting a provision limiting to specified fiscal years the applicability of a requirement that the Department of Health award a contract or grant to the AHEC network for certain purposes; revising the annual appropriation for the AHEC network; deleting a provision authorizing the network to apply for a competitive contract or grant after a specified fiscal year; providing an effective date.

On motions by Senator Peaden, by two-thirds vote **HB 5091** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

HB 5063—A bill to be entitled An act relating to retirement; amending s. 121.71, F.S.; revising the payroll contribution rates for the membership classes of the Florida Retirement System for the state fiscal

years effective July 1, 2008, and July 1, 2009; providing a declaration of important state interest; providing an effective date.

—was read the second time by title.

Senator Lawson moved the following amendment which was adopted:

Amendment 1 (935956)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (3) of section 121.71, Florida Statutes, is amended to read:

121.71 Uniform rates; process; calculations; levy.—

(3) Required employer retirement contribution rates for each membership class and subclass of the Florida Retirement System for both retirement plans are as follows:

Membership Class	Percentage of Gross Compensation, Effective July 1, 2008	Percentage of Gross Compensation, Effective July 1, 2009
Regular Class	8.69%	9.60% 9.59%
Special Risk Class	19.76%	22.03% 22.01%
Special Risk		
Administrative Support Class	11.39%	11.98 11.90%
Elected Officers' Class— Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	13.32%	14.56% 14.99%
Elected Officers' Class— Justices, Judges	18.40%	20.37% 20.46%
Elected Officers' Class— County Elected Officers	15.37%	17.06% 17.15%
Senior Management Class	11.96%	13.36% 13.35%
DROP	9.80%	10.96% 10.89%

Section 2. *The Legislature finds that a proper and legitimate state purpose is served when employees and retirees of the state and its political subdivisions, and the dependents, survivors, and beneficiaries of such employees and retirees, are extended the basic protections afforded by governmental retirement systems. These persons must be provided benefits that are fair and adequate and that are managed, administered, and funded in an actuarially sound manner, as required by Section 14, Article X of the State Constitution, and part VII of chapter 112, Florida Statutes. Therefore, the Legislature determines and declares that this act fulfills an important state interest.*

Section 3. This act shall take effect July 1, 2008.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to retirement; amending s. 121.71, F.S.; revising the payroll contribution rates for the membership classes of the Florida Retirement System for the state fiscal years effective July 1, 2008, and July 1, 2009; providing a declaration of important state interest; providing an effective date.

On motions by Senator Lawson, by two-thirds vote **HB 5063** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

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

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

Nays—None

MOTIONS

On motion by Senator Carlton, the House was requested to concur in the Senate amendments to **HB 5001, HB 5003, HB 5045, HB 5047, HB 5049, HB 5053, HB 5055, CS for HB 5057, HB 5079, HB 5081, HB 5067, HB 5069, HB 5071, HB 5073, HB 5075, HB 5093, HB 5083, HB 5077, HB 5051, HB 5043, HB 5059, HB 5061, HB 5085, HB 5087, HB 5091 and HB 5063**; and in the event the House refuses to concur in the Senate Amendments to these bills, acceded to the request for a conference committee.

RECESS

The President declared the Senate in recess at 12:17 p.m. to reconvene at 1:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:00 p.m. A quorum present—39:

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

SPECIAL ORDER CALENDAR, continued

Consideration of **CS for CS for SB 542 and CS for CS for CS for SB 1544** was deferred.

SENATOR DEAN PRESIDING

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

CS for CS for SB 2212—A bill to be entitled An act relating to the Public Service Commission; amending s. 350.01, F.S.; revising the deadline for a sitting member of the Public Service Commission to give notice of intent to seek reappointment; conforming the beginning of a Public Service Commissioner's term as chair with the beginning of terms of commissioners; amending s. 350.012, F.S.; renaming the Committee on Public Service Commission Oversight, a standing joint committee of the Legislature, as the "Committee on Public Counsel Oversight"; deleting the committee's authority to recommend to the Governor nominees to fill vacancies on the Public Service Commission; deleting the committee's authority to file an ethics complaint against a member, former member, or former employee of the commission, or a member of the Public Service Commission Nominating Council; amending s. 350.031, F.S.; increasing the number of members on the council; providing for initial appointments to the expanded council to establish staggered terms; requiring the President of the Senate and the Speaker of the House of Representatives to appoint a chair and vice chair to the council in alternating years; requiring the council to submit recommendations for vacancies on the Public Service Commission to the Governor; requiring the council to nominate a minimum of three persons for each vacancy; revising the date that recommendations for vacancies must be submitted; providing for the council to fill a vacancy on the commission if the Governor fails

to do so; authorizing a successor Governor to recall an unconfirmed appointee under certain circumstances; amending ss. 350.061 and 350.0614, F.S., relating to the appointment, oversight, and compensation of the Public Counsel; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2212** was placed on the calendar of Bills on Third Reading.

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

CS for SB 2422—A bill to be entitled An act relating to local government finance; amending s. 218.401, F.S.; clarifying purpose and intent; amending s. 218.403, F.S.; defining the terms “board” and “trustees” for purposes of the Investment of Local Government Surplus Funds Act; amending s. 218.405, F.S.; providing for the administration of the Local Government Surplus Funds Trust Fund; providing duties of Trustees of the State Board of Administration; amending s. 218.407, F.S.; requiring that the board provide a unit of local government with certain information before such unit makes a determination that it is in the best interest of the local government unit to deposit surplus funds in the trust fund; requiring the filing of a resolution upon such determination; requiring that the resolution contain certain information; requiring that the board invest the moneys in the trust fund in a certain manner; amending s. 218.409, F.S.; providing duties of the board with regard to the administration of the trust fund; providing for the establishment of a reserve account; requiring monthly allocations to the reserve account; limiting the amount of monthly allocations; requiring that the board report annually to every participant having a beneficial interest in the trust fund; providing for the preparation of the report; providing that such report is subject to independent financial audit; requiring that the board provide a monthly statement to beneficiaries; requiring that such statement contain certain information; requiring that the Investment Advisory Council assist the board in investing moneys held in the trust fund; providing duties of the council; creating the Pool Participant Advisory Council; providing purposes for the council; providing for membership and composition of the council; requiring that the executive director of the State Board of Administration consider appropriate action and advise the trustees accordingly under certain circumstances; providing duties of the trustees under such circumstances; authorizing the trustees to perform certain actions for the purpose of ensuring the proper exercise of fiduciary responsibility; authorizing the trustees to place assets of the trust fund into a liquidating account; providing for the maintenance and administration of such liquidating accounts; providing powers and duties of trustees with regard to assets in a liquidating account; providing for distribution of cash received from income or liquidation of assets held in a liquidating account; requiring the audit of such accounts; authorizing certain reasonable expenses to be charged to a liquidating account; excluding certain information related to assets held in liquidating accounts from certain statements; requiring that separate statements be issued for such information; providing for the transfer of reserves held in a liquidating account; requiring that the status of such accounts be reported regularly to the trustees, participants in the fund, the Investment Advisory Council, and the Pool Participant Advisory Council; providing an effective date.

—was read the second time by title.

The Committee on General Government Appropriations recommended the following amendment which was moved by Senator Deutch and adopted:

Amendment 1 (702786)(with title amendment)—On line 59, insert:

Section 1. Section 215.441, Florida Statutes, is amended to read:

215.441 Board of Administration; appointment of executive director.—The appointment of the executive director of the State Board of Administration shall be subject to *confirmation by the Senate and the approval by a majority vote of the Board of Trustees of the State Board of Administration, and the Governor must vote on the prevailing side.* Such appointment must be reaffirmed in the same manner by the board of trustees on an annual basis.

Section 2. Subsection (1) of section 215.442, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

215.442 Executive director; reporting requirements; public meeting.—

(1) Beginning October 2007 and quarterly thereafter, the executive director shall present to the Board of Trustees of the State Board of Administration a quarterly report to include the following:

(a) The name of each equity in which the State Board of Administration has invested for the quarter.

(b) The industry category of each equity.

(c) *Mortgage securities or debt that represent participation in or are collateralized by mortgage loans secured by real property or debt issued, including the letter and numerical ratings provided by nationally recognized statistical rating organizations for each security.*

(d) *A reporting of which securities have moved inside and outside of investment grade.*

(4) *The executive director is a state officer and is subject to s. 112.3145.*

(Redesignate subsequent subsections.)

And the title is amended as follows:

On line 2, after the semicolon (;) insert: amending s. 215.441, F.S.; providing that the appointment of the executive director of the State Board of Administration be confirmed by the Senate and approved by a majority vote of the trustees of the board; amending s. 215.442, F.S.; requiring the executive director of the State Board of Administration to present the trustees with additional information; providing that the executive director is a state officer and subject to financial disclosure requirements;

Pursuant to Rule 4.19, **CS for SB 2422** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By Senator Storms—

CS for CS for CS for SB 392—A bill to be entitled An act relating to transparency in government contracts; creating s. 218.315, F.S.; defining the terms “contract,” “corporation,” “county officer,” “local government,” and “individual,” for purposes of the act; providing that contractual rights of local government employees and retirees who are members of the Florida Retirement System or a local government retirement system are not considered contracts; directing the Department of Financial Services to develop and maintain a portal linking to websites maintained by local governments; requiring local governments that have a website to electronically post contract information relating to certain contracts; providing that portions of a public record which are confidential and exempt shall be redacted prior to posting; requiring that access to the website be provided at no cost; requiring that electronic copies of contracts be provided in certain circumstances; requiring the Department of Financial Services to develop a uniform format to be used by local governments when posting contract information; requiring specific information be provided under the uniform format; requiring each local government to designate a central office to maintain all contract information; providing reporting requirements for local governments without a website; requiring that contract information be posted at least quarterly using the uniform format; establishing a schedule for local governments to meet requirements of the act; providing rulemaking authority; defining the terms “contract,” “corporation,” “expenditure” and “individual” for purposes of state government contract reporting; providing that contractual rights of state employees and retirees who are members of the Florida Retirement System are not considered contracts; directing the Executive Office of the Governor to develop and maintain a portal linking to the state agency contract expenditures report maintained by the Department of Financial Services; directing the department of development and maintain a contract information report containing specified information; directing that the report be maintained by the department in a searchable website; directing that access to the website be provided at no charge to a user who has Internet access; directing each state agency to record information relating to contracts between the agency

and a corporation or an individual; directing each agency to record payment information on specified contracts in the Florida Accounting and Information Resources contract subsystem; requiring that electronic copies of contracts be provided in certain circumstances; providing that portions of public records which are confidential and exempt from inspection and copying shall be redacted prior to posting; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for SB 392** was placed on the calendar of Bills on Third Reading.

By Senator Alexander, by two-thirds vote—

CS for CS for SB 2580—A bill to be entitled An act relating to the West-Central Florida Water Restoration Action Plan; creating s. 373.0363, F.S.; providing definitions; providing legislative findings and intent; providing criteria governing the implementation of the West-Central Florida Water Restoration Action Plan by the Southwest Florida Water Management District; requiring that the district coordinate with regional water supply authorities and governmental partners to maximize opportunities concerning the efficient expenditure of public funds; specifying the plan's purpose; specifying the initiatives that are included in the plan; providing criteria governing implementation of the Central West Coast Surface Water Enhancement Initiative, the Facilitating Agricultural Resource Management Systems Initiative, the Ridge Lakes Restoration Initiative, the Upper Peace River Watershed Restoration Initiative, and the Central Florida Water Resource Development Initiative and certain components or projects included in such initiatives; providing for the district to implement certain initiatives or parts thereof in cooperation with the Peace River-Manasota Regional Water Supply Authority or Polk County; requiring an annual report that meets specified criteria concerning implementation of the plan, regional conditions, and the use of funds; requiring that the Southwest Florida Water Management District prepare the report in cooperation with coordinating agencies and affected local governments and provide the report and legislative proposals to the Governor, the President of the Senate, and the Speaker of the House of Representatives; amending s. 403.087, F.S.; prohibiting the permitting of landfills under certain conditions; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2580** was placed on the calendar of Bills on Third Reading.

By Senator Bennett—

CS for SB 794—A bill to be entitled An act relating to the excavation and demolition notification system; amending s. 556.105, F.S.; prohibiting charging a member operator for the costs or expenses associated with compliance with system procedures by an excavator; prohibiting charging an excavator for the costs or expenses associated with compliance with system procedures by a member operator; providing for application; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 794** was placed on the calendar of Bills on Third Reading.

By Senator Baker—

CS for SB 1426—A bill to be entitled An act relating to sales taxes; amending s. 39, chapter 2007-106, Laws of Florida; extending a deadline for certain mobile home owners to file an application for reimbursement of sales taxes paid on mobile homes purchased to replace mobile homes damaged by a tornado; requiring that certain unexpended funds certified forward be used for the purpose of paying the reimbursements; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1426** was placed on the calendar of Bills on Third Reading.

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

CS for SB 2778—A bill to be entitled An act relating to economic development; creating s. 288.061, F.S.; creating a uniform process for the review and certification of economic development incentive projects by Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development; amending ss. 288.063 and 288.0655, F.S.; conforming the review of transportation projects and rural infrastructure projects to changes made by the act; amending s. 288.1045, F.S.; revising the sources of funds that may be used to provide refunds for the qualified defense contractor tax refund program; conforming the review of Department of Defense projects to changes made by the act; providing that the amount of the tax refund may be reduced by the value of the land granted; deleting a requirement for an annual report; amending s. 288.106, F.S.; revising information that must be submitted by a qualified target industry business applying for a tax refund; conforming the application process to changes made by the act; amending s. 288.107, F.S.; conforming review of applications for payment of brownfield redevelopment bonus refunds to changes made by the act; amending s. 288.108, F.S.; conforming the review of grant applications for high-impact businesses to changes made by the act; deleting provisions requiring an annual report; amending s. 288.1088, F.S.; conforming the review of projects funded by the Quick Action Closing Fund to changes made by the act; amending s. 288.1089, F.S.; providing definitions; revising application requirements for innovation incentive awards; revising evaluation and recommendation requirements for innovative incentive awards; requiring the Legislative Budget Commission to review and approve an innovation incentive award before the Executive Office of the Governor releases the funds; revising agreement requirements for payment of incentives; requiring award recipients to comply with certain business ethics developed by Enterprise Florida, Inc.; amending s. 288.955, F.S.; revising definitions; requiring the Scripps Florida Funding Corporation, along with the Office of Tourism, Trade, and Economic Development and Enterprise Florida, Inc., to review the performance and progress of grant recipients of the Innovation Incentive Program; revising membership requirements of the board of directors of the Scripps Florida Funding Corporation; authorizing the corporation to include on the same meeting agenda matters related to The Scripps Research Institute and the Innovation Incentive Program; deleting obsolete provisions; revising the duties of the corporation; revising the contract requirements between the corporation and the grant recipients; requiring the corporation to submit to the Governor and the Legislature a report related to the activities of the Innovation Incentive Program; providing requirements for the report; amending s. 288.9624, F.S.; providing that venture-capital funds affiliated with certain state universities are eligible for investment by the Florida Opportunity Fund; providing an effective date.

—was read the second time by title.

Senator Fasano moved the following amendments which were adopted:

Amendment 1 (812336)(with title amendments)—Between line(s) 123 and 124 insert:

Section 4. Section 288.097, Florida Statutes, is created to read:

288.097 Building Florida's Future Revolving Loan Guarantee Program.—

(1) *There is created within the Office of Tourism, Trade, and Economic Development the Building Florida's Future Revolving Loan Guarantee Program. The purpose of the program is to provide loan guarantees or credit enhancements to units of local government or private entities seeking financing to construct or modernize facilities and infrastructure necessary to attract or expand targeted industries as part of an economic-development project. As used in this section, the term "targeted industries" means those industries referenced in s. 288.106(1)(o).*

(2) *The program may provide loan guarantees or other credit enhancements to applicants seeking financing for the following purposes:*

(a) *The acquisition of land, buildings, or fixed equipment;*

(b) Site preparation and the construction or reconstruction of buildings; or

(c) The installation of or provision of access to telecommunications, energy sources, or other water supply utilities.

(3)(a) All moneys available within the program's trust fund, including investment earnings, are designated to carry out the purposes of this section.

(b) Any funds within the trust fund which are not needed on an immediate basis for loan guarantees or credit enhancements may be invested pursuant to s. 215.49. The cost of administering the program may be paid from reasonable service fees that may be imposed upon applicants so as to enhance program perpetuity.

(4) The office also shall consider, but need not be limited to, the following criteria in evaluating projects for assistance:

(a) A demonstration that the project would create or enhance economic benefits.

(b) The likelihood that the loan guarantee or credit enhancement would enable the project to proceed.

(c) The extent to which assistance would foster innovative public-private partnerships and attract private debt or equity investment.

(d) The creditworthiness of the entity or entities applying to the program.

(e) Whether the project is consistent, to the maximum extent feasible, with local government comprehensive plans.

(5) Enterprise Florida, Inc., shall assist the office in evaluating applications and determining whether an applicant meets the conditions of subsection (4).

(6) The office shall adopt rules to administer the program which specify the application forms, deadlines for submitting applications, requirements for the selection process, and requirements for audits.

(7) The office shall submit to the President of the Senate and the Speaker of the House of Representatives an annual report concerning activity within the program. The first report shall be submitted on January 5, 2009, and subsequent reports shall be submitted on January 5 every year thereafter, so long as the revolving fund exists.

(8) The fund shall be created if CS/CS/SB Senate Bill 2712 or similar legislation is adopted in the same legislative session or an extension thereof and becomes law.

Section 5. For the 2008-2009 fiscal year, the sum of \$20 million is appropriated from the General Revenue Fund to the Building Florida's Future Revolving Trust Fund which shall be used by the Office of Tourism, Trade, and Economic Development for the purposes of administering this act. Notwithstanding the provisions of s. 216.301, Florida Statutes, the unexpended balance of this appropriation shall not revert.

(Redesignate subsequent sections.)

And the title is amended as follows:

On line(s) 9 after "act;" insert: creating s. 288.097, F.S.; establishing Building Florida's Future Revolving Loan Guarantee Program within the Office of Tourism, Trade, and Economic Development; providing for the program to provide loan guarantees or credit enhancements to units of local government or to private entities for use in constructing or modernizing facilities and infrastructure necessary to attract or expand certain industries as part of an economic-development project; providing requirements and criteria for the office to consider in evaluating requests; requiring Enterprise Florida, Inc., to assist the office in its evaluation; requiring the Office of Tourism, Trade, and Economic Development to adopt rules; requiring that the office provide an annual report to the Legislature regarding the program; providing an appropriation; making the fund contingent on passage of a companion bill;

Amendment 2 (116894)(with directory and title amendments)—Between line(s) 384 and 385 insert:

(1) DEFINITIONS.—As used in this section:

(r) "Rural county" means a county with a population of 75,000 or fewer or a county with a population of 120,000 ~~100,000~~ of fewer which is contiguous to a county with a population of 75,000 or fewer.

(4) TAX REFUND AGREEMENT.—

(b) Compliance with the terms and conditions of the agreement is a condition precedent for the receipt of a tax refund each year. The failure to comply with the terms and conditions of the tax refund agreement results in the loss of eligibility for receipt of all tax refunds previously authorized under this section and the revocation by the director of the certification of the business entity as a qualified target industry business, unless the business is eligible to receive and elects to accept a prorated refund under paragraph (5)(d) or the office grants the business an economic-stimulus exemption.

1. A qualified target industry business may submit, in writing, a request to the office for an economic-stimulus exemption. The request must provide quantitative evidence demonstrating how negative economic conditions in the business's industry, ~~the effects of the impact of a named hurricane or tropical storm, or specific acts of terrorism affecting the qualified target industry business~~ have prevented the business from complying with the terms and conditions of its tax refund agreement.

2. Upon receipt of a request under subparagraph 1., the director shall have 45 days to notify the requesting business, in writing, if its exemption has been granted or denied. In determining if an exemption should be granted, the director shall consider the extent to which negative economic conditions in the requesting business's industry, ~~the effects of the impact of a named hurricane or tropical storm, or specific acts of terrorism affecting the qualified target industry business~~ have prevented the business from complying with the terms and conditions of its tax refund agreement. *The office shall consider current Florida employment statistics by industry, including whether the business's industry had substantial job loss during the prior year, when determining whether an economic stimulus exemption shall be granted.*

3. As a condition for receiving a prorated refund under paragraph (5)(d) or an economic-stimulus exemption under this paragraph, a qualified target industry business must agree to renegotiate its tax refund agreement with the office to, at a minimum, ensure that the terms of the agreement comply with current law and office procedures governing application for and award of tax refunds. Upon approving the award of a prorated refund or granting an economic-stimulus exemption, the office shall renegotiate the tax refund agreement with the business as required by this subparagraph. When amending the agreement of a business receiving an economic-stimulus exemption, the office may extend the duration of the agreement for a period not to exceed 2 years.

4. A qualified target industry business may submit a request for an economic-stimulus exemption to the office in lieu of any tax refund claim scheduled to be submitted after January 1, 2008 ~~2005~~, but before July 1, 2009 ~~2006~~.

5. A qualified target industry business that receives an economic-stimulus exemption may not receive a tax refund for the period covered by the exemption.

And the directory clause is amended as follows:

Delete line(s) 381 and 382 and insert:

Section 1. Paragraph (r) of subsection (1), subsection (3), and paragraph (b) of subsection (4) of section 288.106, Florida Statutes, are amended to read:

And the title is amended as follows:

Delete line(s) 19 and insert: modifying the definition of rural county; application process to changes made by the act; modifying the criteria for businesses to be eligible for an economic stimulus exemption; extending the application period; amending

Amendment 3 (026912)(title amendment)—Between line(s) 1649 and 1650 insert:

Section 12. Subsection (5) of section 220.191, Florida Statutes, is amended to read:

220.191 Capital investment tax credit.—

(5) *Applications shall be reviewed and certified pursuant to s. 288.061.* The office, upon a recommendation by Enterprise Florida, Inc., shall first certify a business as eligible to receive tax credits pursuant to this section prior to the commencement of operations of a qualifying project, and such certification shall be transmitted to the Department of Revenue. Upon receipt of the certification, the Department of Revenue shall enter into a written agreement with the qualifying business specifying, at a minimum, the method by which income generated by or arising out of the qualifying project will be determined.

Section 13. Subsection (2) of section 288.065, Florida Statutes, is amended to read:

288.065 Rural Community Development Revolving Loan Fund.—

(2) The program shall provide for long-term loans, loan guarantees, and loan loss reserves to units of local governments, or economic development organizations substantially underwritten by a unit of local government, within counties with populations of 75,000 or less, or any county that has a population of ~~120,000~~ 100,000 or less and is contiguous to a county with a population of 75,000 or less, as determined by the most recent official estimate pursuant to s. 186.901, residing in incorporated and unincorporated areas of the county, or to units of local government, or economic development organizations substantially underwritten by a unit of local government, within a rural area of critical economic concern. Requests for loans shall be made by application to the Office of Tourism, Trade, and Economic Development. Loans shall be made pursuant to agreements specifying the terms and conditions agreed to between the applicant and the Office of Tourism, Trade, and Economic Development. The loans shall be the legal obligations of the applicant. All repayments of principal and interest shall be returned to the loan fund and made available for loans to other applicants. However, in a rural area of critical economic concern designated by the Governor, and upon approval by the Office of Tourism, Trade, and Economic Development, repayments of principal and interest may be retained by the applicant if such repayments are dedicated and matched to fund regionally based economic development organizations representing the rural area of critical economic concern.

Section 14. Paragraphs (b) and (e) of subsection (2) and subsection (3) of section 288.0655, Florida Statutes, are amended to read:

288.0655 Rural Infrastructure Fund.—

(2)

(b) To facilitate access of rural communities and rural areas of critical economic concern as defined by the Rural Economic Development Initiative to infrastructure funding programs of the Federal Government, such as those offered by the United States Department of Agriculture and the United States Department of Commerce, and state programs, including those offered by Rural Economic Development Initiative agencies, and to facilitate local government or private infrastructure funding efforts, the office may award grants for up to 30 percent of the total infrastructure project cost. *If an application for funding is for a catalyst site, as defined in s. 288.0656, the office may award grants for up to 40 percent of the total infrastructure project cost.* Eligible projects must be related to specific job-creation or job-retention opportunities. Eligible projects may also include improving any inadequate infrastructure that has resulted in regulatory action that prohibits economic or community growth or reducing the costs to community users of proposed infrastructure improvements that exceed such costs in comparable communities. Eligible uses of funds shall include improvements to public infrastructure for industrial or commercial sites and upgrades to or development of public tourism infrastructure. Authorized infrastructure may include the following public or public-private partnership facilities: storm water systems; telecommunications facilities; *broadband*; roads or other remedies to transportation impediments; nature-based tourism facilities; or other physical requirements necessary to facilitate tourism, trade, and economic development activities in the community. Authorized infrastructure may also include publicly or privately owned self-powered nature-based tourism facilities; *telecommunications*; *broadband*; and additions to the distribution facilities of the existing natural gas utility as defined in s. 366.04(3)(c), the existing electric utility as defined in s. 366.02, or the existing water or wastewater utility as defined in s. 367.021(12), or any other existing water or wastewater facil-

ity, which owns a gas or electric distribution system or a water or wastewater system in this state where:

1. A contribution-in-aid of construction is required to serve public or public-private partnership facilities under the tariffs of any natural gas, electric, water, or wastewater utility as defined herein; and

2. Such utilities as defined herein are willing and able to provide such service.

(e) To enable local governments to access the resources available pursuant to s. 403.973(19), the office may award grants for surveys, feasibility studies, and other activities related to the identification and preclearance review of land which is suitable for preclearance review. Authorized grants under this paragraph shall not exceed \$75,000 each, except in the case of a project in a rural area of critical economic concern, in which case the grant shall not exceed \$300,000. Any funds awarded under this paragraph must be matched at a level of 50 percent with local funds, except that any funds awarded for a project in a rural area of critical economic concern must be matched at a level of 33 percent with local funds. *If an application for funding is for a catalyst site, as defined in s. 288.0656, the requirement for local match may be waived.* In evaluating applications under this paragraph, the office shall consider the extent to which the application seeks to minimize administrative and consultant expenses.

(3) The office, in consultation with Enterprise Florida, Inc., VISIT Florida, the Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission, as appropriate, shall review and certify applications pursuant to s. 288.061. *The review shall include an evaluation of and evaluate the economic benefit of the projects and their long-term viability.* The office shall have final approval for any grant under this section and ~~must make a grant decision within 30 days of receiving a completed application.~~

Section 15. Section 288.0656, Florida Statutes, is amended to read:

288.0656 Rural Economic Development Initiative.—

(1)(a) *Recognizing that rural communities and regions continue to face extraordinary challenges in their efforts to achieve significant improvements to their economies, specifically in terms of personal income, job creation, average wages, and strong tax bases, it is the intent of the Legislature to encourage and facilitate the location and expansion in such rural communities of major economic development projects of significant scale.*

(b) The Rural Economic Development Initiative, known as “REDI,” is created within the Office of Tourism, Trade, and Economic Development, and the participation of state and regional agencies in this initiative is authorized.

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

(a) “*Catalyst project*” means a business locating or expanding in a rural area of critical economic concern that will serve as an economic growth opportunity of regional significance for the growth of a regional target industry cluster. *The project will provide capital investment of significant scale which will affect the entire region and the development of high-wage and high-skill jobs.*

(b) “*Catalyst site*” means a parcel or parcel of lands within a rural area of critical economic concern that has been prioritized as a geographic site for economic development through partnerships with state, regional, and local organizations. *The site must be reviewed by REDI, and approved by the Office of Tourism, Trade, and Economic Development for purposes of locating a catalyst project.*

(c)(a) “*Economic distress*” means conditions affecting the fiscal and economic viability of a rural community, including such factors as low per capita income, low per capita taxable values, high unemployment, high underemployment, low weekly earned wages compared to the state average, low housing values compared to the state average, high percentages of the population receiving public assistance, high poverty levels compared to the state average, and a lack of year-round stable employment opportunities.

(d) “*Rural area of critical economic concern*” means a rural community, or a region composed of rural communities, designated by the Governor, that has been adversely affected by an extraordinary economic event,

severe or chronic distress, or a natural disaster or that presents a unique economic development opportunity of regional impact.

(e)(b) "Rural community" means:

1. A county with a population of 75,000 or less.
2. A county with a population of 120,000 ~~100,000~~ or less that is contiguous to a county with a population of 75,000 or less.
3. A municipality within a county described in subparagraph 1. or subparagraph 2.
4. An unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or less and an employment base focused on traditional agricultural or resource-based industries, located in a county not defined as rural, which has at least three or more of the economic distress factors identified in paragraph (a) and verified by the Office of Tourism, Trade, and Economic Development.

For purposes of this paragraph, population shall be determined in accordance with the most recent official estimate pursuant to s. 186.901.

(3) REDI shall be responsible for coordinating and focusing the efforts and resources of state and regional agencies on the problems which affect the fiscal, economic, and community viability of Florida's economically distressed rural communities, working with local governments, community-based organizations, and private organizations that have an interest in the growth and development of these communities to find ways to balance environmental and growth management issues with local needs.

(4) REDI shall review and evaluate the impact of statutes and rules on rural communities and shall work to minimize any adverse impact and undertake outreach and capacity building efforts.

(5) REDI shall facilitate better access to state resources by promoting direct access and referrals to appropriate state and regional agencies and statewide organizations. REDI may undertake outreach, capacity-building, and other advocacy efforts to improve conditions in rural communities. These activities may include sponsorship of conferences and achievement awards.

(6)(a) By August 1 of each year, the head of each of the following agencies and organizations shall designate a high-level staff person from within the agency or organization to serve as the REDI representative for the agency or organization:

1. The Department of Community Affairs.
2. The Department of Transportation.
3. The Department of Environmental Protection.
4. The Department of Agriculture and Consumer Services.
5. The Department of State.
6. The Department of Health.
7. The Department of Children and Family Services.
8. The Department of Corrections.
9. The Agency for Workforce Innovation.
10. The Department of Education.
11. The Department of Juvenile Justice.
12. The Fish and Wildlife Conservation Commission.
13. Each water management district.
14. Enterprise Florida, Inc.
15. Workforce Florida, Inc.
16. The Florida Commission on Tourism or VISIT Florida.
17. The Florida Regional Planning Council Association.

18. The Agency for Health Care Administration ~~Florida State Rural Development Council~~.

19. The Institute of Food and Agricultural Sciences (IFAS).

An alternate for each designee shall also be chosen, and the names of the designees and alternates shall be sent to the director of the Office of Tourism, Trade, and Economic Development.

(b) Each REDI representative must have comprehensive knowledge of his or her agency's functions, both regulatory and service in nature, and of the state's economic goals, policies, and programs. This person shall be the primary point of contact for his or her agency with REDI on issues and projects relating to economically distressed rural communities and with regard to expediting project review, shall ensure a prompt effective response to problems arising with regard to rural issues, and shall work closely with the other REDI representatives in the identification of opportunities for preferential awards of program funds and allowances and waiver of program requirements when necessary to encourage and facilitate long-term private capital investment and job creation.

(c) The REDI representatives shall work with REDI in the review and evaluation of statutes and rules for adverse impact on rural communities and the development of alternative proposals to mitigate that impact.

(d) Each REDI representative shall be responsible for ensuring that each district office or facility of his or her agency is informed about the Rural Economic Development Initiative and for providing assistance throughout the agency in the implementation of REDI activities.

(7)(a) REDI may recommend to the Governor up to three rural areas of critical economic concern. ~~A rural area of critical economic concern must be a rural community, or a region composed of such, that has been adversely affected by an extraordinary economic event or a natural disaster or that presents a unique economic development opportunity of regional impact that will create more than 1,000 jobs over a 5-year period.~~ The Governor may by executive order designate up to three rural areas of critical economic concern which will establish these areas as priority assignments for REDI as well as to allow the Governor, acting through REDI, to waive criteria, requirements, or similar provisions of any economic development incentive. Such incentives shall include, but not be limited to: the Qualified Target Industry Tax Refund Program under s. 288.106, the Quick Response Training Program under s. 288.047, the Quick Response Training Program for participants in the welfare transition program under s. 288.047(8), transportation projects under s. 288.063, the brownfield redevelopment bonus refund under s. 288.107, and the rural job tax credit program under ss. 212.098 and 220.1895.

(b) Designation as a rural area of critical economic concern under this subsection shall be contingent upon the execution of a memorandum of agreement among the Office of Tourism, Trade, and Economic Development; the governing body of the county; and the governing bodies of any municipalities to be included within a rural area of critical economic concern. Such agreement shall specify the terms and conditions of the designation, including, but not limited to, the duties and responsibilities of the county and any participating municipalities to take actions designed to facilitate the retention and expansion of existing businesses in the area, as well as the recruitment of new businesses to the area.

(c) *Each rural area of critical economic concern may designate catalyst projects, provided that each catalyst project is specifically recommended by REDI, identified as a catalyst project by Enterprise Florida, Inc., and confirmed as a catalyst project by the Office of Tourism, Trade, and Economic Development. All state agencies and departments shall use all available tools and resources to the extent permissible by law to promote the creation and development of each catalyst project and the development of catalyst sites.*

(8) *REDI shall assist local governments within rural areas of critical economic concern with comprehensive planning needs with efforts that further the provisions of this section. Such assistance shall reflect a multidisciplinary approach among all agencies and shall include economic development and planning objectives.*

(a) *A local government may request assistance in the preparation of comprehensive plan amendments, pursuant to part II of chapter 163, that will stimulate economic activity.*

1. *The local government must contact the Office of Tourism, Trade, and Economic Development to request assistance.*

2. *REDI representatives shall meet with the local government within 15 days after such request to develop the scope of assistance that will be provided to assist the development, transmittal, and adoption of the proposed comprehensive plan amendment.*

3. *As part of the assistance provided, REDI representatives shall also identify other needed local and developer actions for approval of the project and recommend a timeline for the local government and developer that will minimize project delays.*

(b) In addition, REDI shall solicit requests each year for assistance from local governments within a rural area of critical economic concern to update the future land use element and other associated elements of the local government's comprehensive plan to better position the community to respond to economic development potential within the county or municipality. REDI shall provide direct assistance to such local governments to update their comprehensive plans pursuant to this paragraph. At least one comprehensive planning technical assistance effort shall be selected each year.

(c) REDI shall develop and annually update a technical assistance manual based upon experiences learned in providing direct assistance under this subsection.

~~(9)~~ REDI shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives each year on or before ~~September~~ February 1 on all REDI activities for the prior fiscal year. This report shall include a status report on all projects currently being coordinated through REDI, the number of preferential awards and allowances made pursuant to this section, the dollar amount of such awards, and the names of the recipients. The report shall also include a description of all waivers of program requirements granted. The report shall also include information as to the economic impact of the projects coordinated by REDI.

Section 16. Subsection (1) of section 288.0657, Florida Statutes, is amended to read:

288.0657 Florida rural economic development strategy grants.—

(1) As used in this section, the term “rural community” means:

(a) A county with a population of 75,000 or less.

(b) A county with a population of ~~100,000~~ 120,000 or less that is contiguous to a county with a population of 75,000 or less.

(c) A municipality within a county described in paragraph (a) or paragraph (b).

For purposes of this subsection, population shall be determined in accordance with the most recent official estimate pursuant to s. 186.901.

Section 17. *In order to carry out the additional rural economic development responsibilities in this act, one full-time equivalent position and the recurring sum of \$60,000 for associated salaries and benefits is appropriated from the General Revenue Fund to the Office of Tourism, Trade, and Economic Development.*

Section 18. Subsection (2) of section 257.193, Florida Statutes, is amended to read:

257.193 Community Libraries in Caring Program.—

(2) The purpose of the Community Libraries in Caring Program is to assist libraries in rural communities, as defined in s. 288.0656(2)(b) and subject to the provisions of s. 288.06561, to strengthen their collections and services, improve literacy in their communities, and improve the economic viability of their communities.

Section 19. Section 288.019, Florida Statutes, is amended to read:

288.019 Rural considerations in grant review and evaluation processes.—Notwithstanding any other law, and to the fullest extent possible, the member agencies and organizations of the Rural Economic Development Initiative (REDI) as defined in s. 288.0656(6)(a) shall review all grant and loan application evaluation criteria to ensure the fullest

access for rural counties as defined in s. 288.0656(2)(b) to resources available throughout the state.

(1) Each REDI agency and organization shall review all evaluation and scoring procedures and develop modifications to those procedures which minimize the impact of a project within a rural area.

(2) Evaluation criteria and scoring procedures must provide for an appropriate ranking based on the proportionate impact that projects have on a rural area when compared with similar project impacts on an urban area.

(3) Evaluation criteria and scoring procedures must recognize the disparity of available fiscal resources for an equal level of financial support from an urban county and a rural county.

(a) The evaluation criteria should weight contribution in proportion to the amount of funding available at the local level.

(b) In-kind match should be allowed and applied as financial match when a county is experiencing financial distress through elevated unemployment at a rate in excess of the state's average by 5 percentage points or because of the loss of its ad valorem base.

(4) For existing programs, the modified evaluation criteria and scoring procedure must be delivered to the Office of Tourism, Trade, and Economic Development for distribution to the REDI agencies and organizations. The REDI agencies and organizations shall review and make comments. Future rules, programs, evaluation criteria, and scoring processes must be brought before a REDI meeting for review, discussion, and recommendation to allow rural counties fuller access to the state's resources.

Section 20. Section 288.06561, Florida Statutes, is amended to read:

288.06561 Reduction or waiver of financial match requirements.—Notwithstanding any other law, the member agencies and organizations of the Rural Economic Development Initiative (REDI), as defined in s. 288.0656(6)(a), shall review the financial match requirements for projects in rural areas as defined in s. 288.0656(2)(b).

(1) Each agency and organization shall develop a proposal to waive or reduce the match requirement for rural areas.

(2) Agencies and organizations shall ensure that all proposals are submitted to the Office of Tourism, Trade, and Economic Development for review by the REDI agencies.

(3) These proposals shall be delivered to the Office of Tourism, Trade, and Economic Development for distribution to the REDI agencies and organizations. A meeting of REDI agencies and organizations must be called within 30 days after receipt of such proposals for REDI comment and recommendations on each proposal.

(4) Waivers and reductions must be requested by the county or community, and such county or community must have three or more of the factors identified in s. 288.0656(2)(a).

(5) Any other funds available to the project may be used for financial match of federal programs when there is fiscal hardship, and the match requirements may not be waived or reduced.

(6) When match requirements are not reduced or eliminated, donations of land, though usually not recognized as an in-kind match, may be permitted.

(7) To the fullest extent possible, agencies and organizations shall expedite the rule adoption and amendment process if necessary to incorporate the reduction in match by rural areas in fiscal distress.

(8) REDI shall include in its annual report an evaluation on the status of changes to rules, number of awards made with waivers, and recommendations for future changes.

Section 22. Paragraph (d) of subsection (15) of section 627.6699, Florida Statutes, is amended to read:

627.6699 Employee Health Care Access Act.—

(15) SMALL EMPLOYERS ACCESS PROGRAM.—

(d) Eligibility.—

1. Any small employer that is actively engaged in business, has its principal place of business in this state, employs up to 25 eligible employees on business days during the preceding calendar year, employs at least 2 employees on the first day of the plan year, and has had no prior coverage for the last 6 months may participate.

2. Any municipality, county, school district, or hospital employer located in a rural community as defined in s. 288.0656(2)(b) may participate.

3. Nursing home employers may participate.

4. Each dependent of a person eligible for coverage is also eligible to participate.

Any employer participating in the program must do so until the end of the term for which the carrier providing the coverage is obligated to provide such coverage to the program. Coverage for a small employer group that ceases to meet the eligibility requirements of this section may be terminated at the end of the policy period for which the necessary premiums have been paid.

(Redesignate subsequent section.)

And the title is amended as follows:

On line(s) 56, after the semicolon (;) insert: amending s. 220.191, F.S.; requiring applications for capital investment tax credits to be reviewed under a specified provision; amending s. 288.063, F.S.; requiring that adoption of criteria by which certain transportation projects are to be specified and identified be done in accordance with a specified provision; amending s. 288.065, F.S.; revising Rural Community Development Revolving Loan Fund program requirements; amending s. 288.0655, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to award grants for a certain percentage of total infrastructure project costs for certain catalyst site funding applications; providing for waiver of the local matching requirement; expanding eligible facilities for authorized infrastructure projects; amending s. 288.0656, F.S.; providing legislative intent; revising and providing definitions; providing certain additional review and action requirements for REDI relating to rural communities; revising representation on REDI; deleting a limitation on characterization as a rural area of critical economic concern; authorizing rural areas of critical economic concern to designate certain catalyst projects for certain purposes; providing project requirements; requiring the initiative to assist local governments with certain comprehensive planning needs; providing procedures and requirements for such assistance; revising certain reporting requirements for REDI; amending s. 288.0657, F.S.; revising the definition for a rural community; providing two full-time equivalent position and an appropriation for the Office of Tourism, Trade, and Economic Development; amending ss. 257.193, 288.019, 288.06561, and 627.6699, F.S.; conforming cross-references;

Pursuant to Rule 4.19, **CS for SB 2778** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 2714** was deferred.

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

CS for CS for SB 2712—A bill to be entitled An act relating to trust funds; creating s. 288.0971, F.S.; creating the Building Florida's Future Revolving Trust Fund within the Office of Tourism, Trade, and Economic Development; providing the purpose of the fund; providing for an annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2712** was placed on the calendar of Bills on Third Reading.

By Senator Ring—

CS for SB 2310—A bill to be entitled An act relating to stimulating the economy; providing legislative findings and intent; amending s. 215.44, F.S.; requiring the State Board of Administration to report on the amount and type of technology and growth investments held by each fund; amending s. 215.47, F.S.; authorizing the board to invest a certain percentage of net assets in technology and growth investments; increasing the percentage amount of alternative investments in any fund, including investments that are not publicly traded or specifically authorized; authorizing the board to offer opportunities to small state-based investment management firms; creating s. 215.474, F.S.; requiring the Office of Program Policy Analysis and Government Accountability to perform an annual review of technology and growth investments made by the board and report to the Legislature; creating the Reusable Space Vehicle Industry Prize Program within the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor; providing for a specified cash prize to be awarded to the individual or firm providing the most significant advancements within the reusable space vehicle industry during a specified period; requiring that the Lieutenant Governor serve as chair of the program and appoint a committee; requiring that the committee perform certain tasks; requiring that the office adopt certain rules; providing for the program to terminate on a specified date; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Ring moved the following amendment which was adopted:

Amendment 1 (031284)—On line(s) 91, after “to,” insert: *space technology*,

Pursuant to Rule 4.19, **CS for SB 2310** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By Senator Storms—

CS for CS for CS for SB 2158—A bill to be entitled An act relating to money services businesses; changing the name of money transmitters to money services businesses; requiring licensure rather than registration; amending s. 560.103, F.S.; revising definitions; defining the terms “affiliated party,” “branch office,” “cashing,” “compliance officer,” “electronic instrument,” “financial audit report,” “foreign affiliate,” “licensee,” “location,” “monetary value,” “net worth,” “outstanding money transmission,” and “stored value”; amending s. 560.104, F.S.; revising provision providing exemptions from ch. 560, F.S.; amending s. 560.105, F.S.; revising provisions relating to the powers of the Office of Financial Regulation and the Financial Services Commission; amending s. 560.109, F.S.; revising provisions relating to examinations and investigations conducted by the office; requiring that the office periodically examine each licensee and each new licensee within 6 months after issuing a license; requiring the office to report certain violations to a criminal investigatory agency; requiring that the office annually report to the Legislature information concerning investigations and examinations and the total amount of fines assessed and collected; requiring records in a language other than English to be translated; creating s. 560.1091, F.S.; authorizing the office to contract with third parties to conduct examinations; authorizing the commission to adopt rules relating to who can conduct examinations and the rates charged; creating s. 560.1092, F.S.; requiring persons examined to pay the expenses of examination as set by rule of the commission; providing for the deposit of funds collected from licensees; requiring payment for travel expenses and living expenses and compensation for persons making the examinations from such funds or from funds budgeted for such purposes; creating s. 560.110, F.S.; providing for record retention by licensees; amending s. 560.111, F.S.; revising the list of prohibited acts by a money services business; amending s. 560.113, F.S.; providing for the establishment of a receivership or the payment of restitution by a person found to have violated ch. 560, F.S.; amending s. 560.114, F.S.; revising grounds for the disciplinary actions; creating s. 560.1141, F.S.; authorizing the commission to adopt disciplinary guidelines for imposing penalties for violations; providing for mitigating and aggravating circumstances; amend-

ing s. 560.115, F.S.; revising provisions relating to the voluntary surrender of a license; amending s. 560.116, F.S.; revising provisions relating to the granting of immunity for providing information about alleged violations of ch. 560, F.S.; amending s. 560.118, F.S.; revising provisions relating to required reports; deleting an exemption from the requirement to file an annual financial report; transferring, renumbering, and amending s. 560.119, F.S.; revising provisions providing for the deposit of fees and assessments; amending s. 560.121, F.S.; revising restriction on access to records held by a court or the Legislature; amending s. 560.123, F.S.; revising provisions relating to the Florida Control of Money Laundering in Money Services Business; creating s. 560.1235, F.S.; requiring a licensee to comply with state and federal anti-money laundering laws and rules; amending s. 560.124, F.S.; revising provisions relating to sharing reported information; amending s. 560.125, F.S.; revising provisions relating to unlicensed activity; amending s. 560.126, F.S.; revising provisions relating to certain notice requirements by a licensee; amending s. 560.127, F.S.; revising provisions relating to the control of a money services business; amending s. 560.128, F.S.; revising provisions relating to customer contacts and license display; amending s. 560.129, F.S.; revising provisions relating to the confidentiality of certain records; creating s. 560.140, F.S.; providing licensing standards for a money services business; creating s. 560.141, F.S.; providing for a license application; creating s. 560.142, F.S.; providing for license renewal; creating s. 560.143, F.S.; providing for license fees; amending s. 560.203, F.S.; revising the exemption from licensure for authorized vendors of a money services business; amending s. 560.204, F.S.; revising provisions relating to the requirement for licensure of money transmitters or sellers of payment instruments under part II of ch. 560, F.S.; amending s. 560.205, F.S.; providing additional requirements for a license application; amending s. 560.208, F.S.; revising provisions relating to the conduct of a licensee; creating s. 560.2085, F.S.; providing requirements for authorized vendors; amending s. 560.209, F.S.; revising provisions relating to a licensee's net worth and the filing of a corporate surety bond; requiring a financial audit report; increasing the upper limit of the bond; deleting the option of waiving the bond; amending s. 560.210, F.S.; revising provisions relating to permissible investments; amending s. 560.211, F.S.; revising provisions relating to required recordkeeping under part II of ch. 560, F.S.; amending s. 560.212, F.S.; revising provisions relating to licensee liability; amending s. 560.213, F.S.; revising provisions relating information that must be printed on a payment instrument; amending s. 560.303, F.S.; revising provisions relating to the licensure of check cashers under part II of ch. 560, F.S.; amending s. 560.304, F.S.; revising provisions relating to exemptions from licensure; limiting the exemption for the payment of instruments below a certain value; amending s. 560.309, F.S.; revising provisions relating to the conduct of check cashers; providing additional requirements; amending s. 560.310, F.S.; revising requirements for licensee records; specifying the maintenance of identification records for certain customers; amending s. 560.402, F.S.; revising definitions relating to deferred presentment providers; amending s. 560.403, F.S.; revising provisions relating to the licensing requirements for deferred presentment providers; amending s. 560.404, F.S.; revising provisions relating to deferred presentment transactions; amending s. 560.405, F.S.; revising provisions relating to the redemption or deposit of a deferred presentment transaction; amending s. 560.406, F.S.; revising provisions relating to worthless checks; amending ss. 499.005, 499.0691, 501.95, 538.03, 896.101, 896.104, and 921.0022, F.S.; conforming cross-references; repealing s. 560.101, F.S., relating to a short title; repealing s. 560.102, F.S., relating to purpose and application; repealing s. 560.106, F.S., relating to chapter constructions; repealing s. 560.1073, F.S., relating to false or misleading statements or documents; repealing s. 560.108, F.S., relating to administrative enforcement guidelines; repealing s. 560.112, F.S., relating to disciplinary action procedures; repealing s. 560.117, F.S., relating to administrative fines; repealing s. 560.200, F.S., relating to a short title; repealing s. 560.202, F.S., relating to definitions; repealing s. 560.206, F.S., relating to the investigation of applicants; repealing s. 560.207, F.S., relating to registration; repealing s. 560.301, F.S., relating to a short title; repealing s. 560.302, F.S., relating to definitions; repealing s. 560.305, F.S., relating to application for registration; repealing s. 560.306, F.S., relating to standards; repealing s. 560.307, F.S., relating to fees; repealing s. 560.308, F.S., relating to registration; repealing s. 560.401, F.S., relating to a short title; repealing s. 560.407, F.S., relating to required records; providing an effective date.

—was read the second time by title.

Senator Storms moved the following amendments which were adopted:

Amendment 1 (618896)—Delete line(s) 2279 and 2280 and insert: *Persons*

Amendment 2 (497016)(with title amendments)—Delete line(s) 2274-2287 and insert:

(1) *A person cashing payment instruments that have an aggregate face value of less than \$2,000 per person per day and that are ~~Authorized vendors of any person registered pursuant to the provisions of the code, acting within the scope of authority conferred by the registrant.~~*

(2) ~~Persons engaged in the cashing of payment instruments or the exchanging of foreign currency which is incidental to the retail sale of goods or services whose compensation for cashing payment instruments or exchanging foreign currency at each site does not exceed 5 percent of the total gross income from the retail sale of goods or services by such person during the last 60 days its most recently completed fiscal year.~~

And the title is amended as follows:

Delete line 103 and insert: certain value and incidental to certain retail sales; amending s. 560.309, F.S.; revising

Pursuant to Rule 4.19, **CS for CS for CS for SB 2158** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By Senator Constantine—

CS for CS for SB's 556 and 748—A bill to be entitled An act relating to secondary metals recyclers; amending s. 538.18, F.S.; revising the definition of "personal identification card"; deleting an exclusion of transactions under a specified amount from the definition of "purchase transaction" for specified purposes; revising the definition of "regulated metals property"; amending s. 538.19, F.S.; revising recordkeeping requirements for purchase transactions; providing for additional seller information to be obtained; requiring an image of the regulated metals being sold; providing an exemption from a specified recordkeeping provision if the same information is maintained in an electronic database meeting specified requirements; providing a substitute recordkeeping requirement for certain transactions between registered secondary metals recyclers; amending s. 538.23, F.S.; providing for enhanced penalties for third or subsequent violations of a specified provision; providing enhanced penalties for violations of specified provisions relating to false verification of ownership or false or altered identification of a seller of regulated metals; providing that if a person acts as a secondary metals recycler but is not registered with the Department of Revenue, the person commits a felony of the third degree; providing criminal penalties; creating s. 538.235, F.S.; prohibiting secondary metals recyclers from entering into cash transactions in certain circumstances; amending s. 538.25, F.S.; requiring the Department of Revenue to provide a law enforcement official, upon request, with specified information regarding certain secondary metals recyclers; amending s. 538.26, F.S.; prohibiting the purchase of any regulated metals property when presented at the property of a secondary metals recycler and not transported in a motor vehicle; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB's 556 and 748** was placed on the calendar of Bills on Third Reading.

By Senator Bullard—

CS for CS for SB 682—A bill to be entitled An act relating to the Department of Transportation; requiring the department to conduct a study of transportation alternatives for the Interstate 95 corridor; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 682** was placed on the calendar of Bills on Third Reading.

By Senator Posey—

CS for SB 2438—A bill to be entitled An act relating to informed consent for spaceflight; creating part III of ch. 331, F.S.; providing definitions; providing immunity from liability for injury to or death of certain participants in spaceflight activities if specified informed consent requirements are complied with; providing exceptions; requiring each participant to sign a warning statement; providing minimum requirements for a warning statement; providing for future expiration of the act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2438** was placed on the calendar of Bills on Third Reading.

By Senator Baker, by two-thirds vote—

CS for CS for CS for SB 1992—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.0741, F.S.; redefining the term “hybrid vehicle”; authorizing the driving of a hybrid, low-emission, or energy-efficient vehicle in a high-occupancy-vehicle lane regardless of occupancy; authorizing the department to limit or discontinue such driving under certain circumstances; exempting such vehicles from the payment of certain tolls; amending s. 316.1575, F.S.; requiring a person walking or driving a vehicle to stop at a railroad crossing upon the signal of a law enforcement officer; amending s. 316.1895, F.S.; requiring the placement of signs in certain school zones stating that speeding fines are doubled within the zone; amending s. 316.191, F.S.; revising provisions prohibiting certain speed competitions and exhibitions; revising the definition of the terms “conviction,” “drag race,” and “race”; defining the terms “exhibition of acceleration,” “exhibition of speed,” and “spectator”; prohibiting driving in any race, drag race, exhibition of speed, or exhibition of acceleration; prohibiting certain acts in association with a race, drag race, exhibition of speed, or exhibition of acceleration; prohibiting being a spectator at any such race, drag race, or exhibition; providing criminal and noncriminal penalties; providing for revocation of the offender’s driver’s license upon conviction; providing for disposition of citation for being a spectator; providing penalties for a second or subsequent offense; providing that a violation that causes or contributes to causing serious bodily injury to another is a felony of the third degree; providing that a violation that causes or contributes to causing the death of any human being or unborn quick child is the crime of manslaughter resulting from the operation of a motor vehicle; providing penalties; providing for a determination of the definition of the term “unborn quick child”; requiring that the driving record of a person charged be provided to the court; providing criteria for arrest; providing procedures for impoundment or immobilization of a motor vehicle under a court order; providing for release from impoundment under specified exceptions; requiring that costs and fees of impoundment to be paid by the owner or lessee of the motor vehicle; providing procedures for an arresting officer to immediately impound a motor vehicle used in a violation; providing for the period of impoundment; removing a requirement for impoundment that the person being arrested is the registered owner or coowner of the motor vehicle; providing for satisfaction of the element of negligent entrustment; providing for severability; providing noncriminal penalties for the display of obscene words, images, or devices on a motor vehicle; creating s. 316.1926, F.S.; creating additional offenses regarding the operation of a motor vehicle; amending s. 316.193, F.S.; lowering the blood-alcohol or breath-alcohol level for which enhanced penalties are imposed against a person who was accompanied in the vehicle by a minor at the time of the offense; clarifying that an ignition interlock device is installed for a continuous period; amending s. 316.1937, F.S.; revising the conditions under which the court may require the use of an ignition interlock device; amending s. 316.2085, F.S.; requiring an operator of a motorcycle or moped to maintain both wheels on the ground at all times; requiring that the license tag of a motorcycle or moped be affixed horizontally; amending s. 316.2397, F.S.; authorizing specified agencies to display blue lights when responding to emergencies; amending s. 316.251, F.S.; conforming a cross-reference; amending s. 316.29545, F.S.; exempting certain investigative vehicles from the prohibition against installing window sunscreening on a vehicle; amending s. 316.302, F.S.; revising the application of certain federal rules; providing for the department to perform certain duties assigned under federal rules; updating a reference to federal provisions governing out-of-service requirements for commercial vehicles; amending s. 316.3045, F.S.; providing enhanced penal-

ties upon multiple convictions for violating prohibitions against the use of excessively loud soundmaking equipment in a motor vehicle; amending s. 316.613, F.S.; redefining the term “motor vehicle” to exclude certain trucks from the requirement to use a child restraint; amending s. 316.645, F.S.; authorizing a police officer to make an arrest upon probable cause of a violation of laws governing motor vehicle licenses; amending s. 316.650, F.S.; revising requirements for traffic citation forms; providing for the electronic transmission of citation data; amending s. 316.656, F.S.; lowering the percentage of blood or breath alcohol content relating to the prohibition against pleading guilty to a lesser offense of driving under the influence than the offense charged; amending s. 318.14, F.S.; prohibiting a person from electing more than five times within 10 years to attend a basic driver improvement course approved by the Department of Highway Safety and Motor Vehicles in lieu of making a court appearance; providing additional penalties for certain offenses involving the operation of a motorcycle or excessive speed; providing for revocation of an offender’s privilege to operate a motor vehicle; creating s. 318.195, F.S.; providing enhanced penalties for moving violations that cause injury or death to a person on a motorcycle; amending s. 319.001, F.S.; defining the term “certificate of title” to include information stored electronically in the department’s database; amending s. 320.0706, F.S.; providing that a violation of requirements for displaying a truck license plate is a moving violation; amending s. 320.0715, F.S.; requiring the department to withhold issuing or to suspend a registration and license plate for a commercial motor vehicle if the federal identifying number is not provided or if the motor carrier or vehicle owner has been prohibited from operating; amending s. 320.01, F.S.; redefining the term “motorcycle” to exclude a vehicle where the operator is enclosed by a cabin; amending s. 320.02, F.S., as amended; deleting the requirement for a motorcycle endorsement at the time of original registration of a motorcycle, motor-driven cycle, or moped; repealing s. 320.02(13), F.S., relating to a motor vehicle registration voluntary contribution for the Election Campaign Financing Trust Fund; repealing s. 320.08053(3), F.S., relating to provisions requiring that the department adopt rules providing certain specifications for the design of specialty license plates; amending s. 320.08056, F.S.; deleting a provision that exempts collegiate license plates from a requirement that a specialty license plate be discontinued if sales drop below a specified amount; amending s. 320.0894, F.S.; providing for the issuance of Gold Star license plates to certain family members; amending s. 320.27, F.S.; revising the insurance requirements for persons applying for a motor vehicle dealer license; amending s. 320.69, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to adopt rules, including definitions as necessary; creating s. 321.26, F.S.; designating the Joseph P. Bertrand Building in Fort Myers; amending s. 322.01, F.S.; defining the term “convenience service”; redefining the terms “conviction,” “hazardous materials,” and “out-of-service order”; amending s. 322.0255, F.S.; revising eligibility for reimbursement for organizations that conduct motorcycle safety courses; amending s. 322.03, F.S.; deleting provisions exempting certain persons from the requirement to surrender a license issued by another jurisdiction; providing certain exceptions for part-time residents; amending ss. 322.051 and 322.08, F.S.; requiring that an applicant for an identification card or driver’s license provide additional information; authorizing use of additional documents to prove identity; revising the fee requirements; revising provisions providing for the expiration of an identification card issued by the department; deleting provisions authorizing a voluntary contribution; amending s. 322.14, F.S.; requiring that an applicant for a driver’s license provide a residence address; amending s. 322.15, F.S.; authorizing a law enforcement officer or authorized representative of the department to collect a person’s fingerprints electronically; amending s. 322.17, F.S.; revising the requirements for obtaining a replacement license or permit; deleting provisions authorizing the department to issue address stickers; amending s. 322.18, F.S.; revising provisions providing for the expiration of driver’s licenses; providing for the renewal of certain licenses every 8 years and for the renewal of licenses for persons older than a specified age every 6 years; providing for the renewal of licenses using a convenience service; requiring the department to issue new licenses rather than extension stickers; conforming cross-references; repealing s. 322.181(4), F.S., relating to the Florida At-Risk Driver Council; amending s. 322.19, F.S.; deleting provisions authorizing the use of a change-of-address sticker on a driver’s license; conforming cross-references; amending s. 322.21, F.S.; increasing the fees charged for obtaining a new or renewal driver’s license or identification card; specifying that a portion of the fees be deposited for use by the department; amending s. 322.2715, F.S.; clarifying that an ignition interlock device is installed for a continuous period; amending s. 322.291, F.S.; imposing additional sanctions against a person who violates requirements with respect to an ignition interlock de-

vice; amending s. 322.36, F.S.; requiring the suspension for a specified period of the driver's license of a person who loans a vehicle to a person whose driver's license is suspended if that vehicle is involved in an accident resulting in bodily injury or death; repealing s. 322.60, F.S., relating to a prohibition against possessing more than one driver's license under certain circumstances; amending s. 322.61, F.S.; clarifying provisions disqualifying a person from operating a commercial motor vehicle following certain traffic violations; providing for permanent disqualification following conviction of a felony involving the manufacture, distribution, or dispensing of a controlled substance; amending s. 322.64, F.S.; providing that refusal to submit to a breath, urine, or blood test disqualifies a person from operating a commercial motor vehicle; providing a period of disqualification if a person has an unlawful blood-alcohol or breath-alcohol level; providing for issuance of a notice of disqualification; revising the requirements for a formal review hearing following a person's disqualification from operating a commercial motor vehicle; amending s. 324.021, F.S.; clarifying that a judgment becomes final by expiration of the time for appeal; amending 501.976, F.S.; conforming a cross-reference; creating the Automobile Lenders Industry Task Force within the Department of Highway Safety and Motor Vehicles; providing duties of the task force; providing for membership and the election of officers; providing for meetings; providing for reimbursement for travel and per diem expenses for public-sector members; requiring the department to provide administrative support and assistance to the task force; prohibiting the Department of Highway Safety and Motor Vehicles from issuing any new specialty license plates for a specified period; providing an effective date.

—was read the second time by title.

Senator Baker moved the following amendments which were adopted:

Amendment 1 (746428)(with title amendment)—Delete line 553 and insert: *image or device of*

And the title is amended as follows:

Delete line(s) 51 and 52 and insert: noncriminal penalties for the display of images or devices on a motor vehicle; creating s.

Amendment 2 (093886)—On line 707, delete "2008" and insert: 2007

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

Amendment 3 (309004)(with title amendment)—Delete line(s) 1081-1101

And the title is amended as follows:

Delete line(s) 123-126 and insert: amending s. 320.0894, F.S.;

MOTION

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

Senators King and Dockery offered the following amendment which was moved by Senator King and adopted:

Amendment 4 (502094)(with title amendment)—Delete line(s) 2486 and 2487 and insert:

Section 54. *Except for specialty license plates which are approved before or during the 2008 Legislative session, or which have bills filed during the 2008 session, the Department of*

And the title is amended as follows:

On line(s) 212, after the semicolon (;) insert: providing an exception;

RECONSIDERATION OF AMENDMENT

On motion by Senator King, the Senate reconsidered the vote by which **Amendment 4 (502094)** was adopted.

On motion by Senator Baker, further consideration of **CS for CS for CS for SB 1992** with pending **Amendment 4 (502094)** was deferred.

By Senator Margolis—

CS for SB 1096—A bill to be entitled An act relating to the production and shipment of wine; creating s. 561.222, F.S.; authorizing the direct shipment of wine into and within this state for personal consumption only; providing legislative intent; requiring licensure of winery shippers by the Division of Alcoholic Beverages and Tobacco; providing license requirements; requiring recipients of a direct shipment of wine to be 21 years of age; requiring proof of age and the signature of a recipient; providing for the payment of taxes, a monthly report, and recordkeeping by winery shippers; providing requirements for common carriers that make deliveries of wine; providing administrative and criminal penalties for violations of the act; authorizing the division and the Department of Revenue to adopt rules; amending ss. 561.24, 561.54, 561.545, and 564.045, F.S.; conforming provisions to changes made by the act; amending s. 599.004, F.S.; revising requirements for qualifying as a certified Florida Farm Winery; providing for severability; providing an effective date.

—was read the second time by title.

Senator Margolis moved the following amendments which were adopted:

Amendment 1 (883178)—Delete lines 53-61 and insert:

(a) *A winery may directly ship wine to a resident of this state only under a winery shipper's license. A manufacturer of wine within this state or any other state which produces or sells less than 250,000 gallons of wine per year may ship wines manufactured by such winery to a resident of this state who is at least 21 years of age for that person's personal use, and not for resale, upon obtaining a winery shipper's license from the division. The manufacturer may obtain a winery shipper's license by:*

Amendment 2 (297558)—Delete lines 103-117 and insert:

(b) *The division may issue or renew a license under this section only if the applicant or licensee:*

1. *Has not violated the conditions of licensure or the requirements or limitations of this section;*

2. *Produces or sells less than 250,000 gallons of wine annually;*

3. *Does not have a subsidiary winery and is not otherwise affiliated with another winery, unless such subsidiary winery or affiliated winery produces or sells less than 250,000 gallons of wine annually; and*

4. *Has not appointed a distributor in this state, unless the applicant provides to the division a copy of the applicant's contract with the applicant's appointed distributor containing terms to the contrary or a copy of a written notice sent to the distributor of the applicant's intent to obtain a winery shipper's license 1 year before applying for such license under this section.*

Amendment 3 (271104)—Delete lines 130-135 and insert:

3. *Refuse to ship or cause to be shipped more than 12 cases containing more than nine liters each of its wine per calendar year to any one household address in this state. Consumers may not purchase, and winery shippers may not sell, ship, or cause to be shipped to a single household, more than 12 cases of more than nine liters of wine per calendar year.*

Pursuant to Rule 4.19, **CS for SB 1096** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By Senator Jones—

CS for SB 590—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.01215, F.S.; deleting an exception to requirements for the Division of Pari-mutuel Wagering with respect to issuing licenses; amending s. 550.0251, F.S.; requiring the division to adopt rules governing the humane treatment of racing animals at pari-mutuel facilities; amending s. 550.0951, F.S.; providing for monthly payments of the daily license fee and taxes; amending s. 550.09511, F.S.; deleting provisions requiring a biweekly period for the payment of jai alai taxes; amending s. 550.09514, F.S.; deleting provisions requiring a biweekly

period for the payment of greyhound dogracing taxes; amending s. 550.105, F.S.; revising provisions requiring certain persons to purchase a 3-year occupational license; providing for license fees to be set by rule of the division; defining the term “convicted” for purposes of licensing provisions; providing for the validity of a temporary occupational license; deleting certain signature requirements; amending s. 550.2415, F.S.; requiring that the division adopt rules for the welfare of racing animals; providing that a penalty imposed by the division does not prohibit criminal prosecution for cruelty to animals; amending s. 550.5251, F.S.; deleting the annual thoroughbred race dates for specified permit-holders; establishing racing dates for thoroughbred meets; deleting provisions requiring summer thoroughbred horse racing permits; deleting expired permit provisions for the 2001-2002 thoroughbred licenses; deleting expired provisions relating to failure to operate all thoroughbred performances; amending s. 551.106, F.S.; providing for monthly payments of the tax on slot machine revenues; repealing s. 550.3605, F.S., relating to a requirement for a permit in order to use electronic transmitting equipment at a pari-mutuel facility; repealing s. 550.71, F.S., relating to the operation of chapter 96-364, Laws of Florida; amending ss. 772.102 and 895.02, F.S., relating to civil and criminal penalty provisions; conforming cross-references; providing an effective date.

—was read the second time by title.

Senator Jones moved the following amendment which was adopted:

Amendment 1 (462608)(with title amendment)—Between line(s) 423 and 424 insert:

Section 12. Paragraphs (a) and (b) of subsection (7) of section 849.086, Florida Statutes, are amended to read:

849.086 Cardrooms authorized.—

(7) CONDITIONS FOR OPERATING A CARDROOM.—

(a) A cardroom may be operated only at the location specified on the cardroom license issued by the division, and such location may only be the location at which the pari-mutuel permitholder is authorized to conduct pari-mutuel wagering activities pursuant to such permitholder's valid pari-mutuel permit or as otherwise authorized by law. *Only one cardroom license may be issued at the location specified on the cardroom license regardless of the number of permitholders operating at the facility.*

(b) Any cardroom operator ~~horserace, greyhound race, or jai alai permitholder licensed under this section~~ may operate a cardroom at the pari-mutuel facility *daily throughout the year, on any day for a cumulative amount of 12 hours* if the permitholder meets the requirements under paragraph (5)(b). *The cardroom may be open a cumulative amount of 18 hours per day on Monday through Friday and 24 hours per day on Saturday and Sunday and on the holidays specified in s. 110.117(1).*

(Redesignate subsequent sections.)

And the title is amended as follows:

On line(s) 36, after the semicolon (;) insert: amending s. 849.086, F.S.; limiting a cardroom license to one per location; changing the hours of operation of cardrooms;

Pursuant to Rule 4.19, **CS for SB 590** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By Senator Diaz de la Portilla—

SB 2474—A bill to be entitled An act relating to a review of the Department of Agriculture and Consumer Services under the Florida Government Accountability Act; reenacting s. 20.14(2)(e), (j), and (m), F.S., relating to the divisions of licensing, standards, and consumer services of the department; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2474** was placed on the calendar of Bills on Third Reading.

By Senator Fasano—

CS for SB 630—A bill to be entitled An act relating to motor vehicle registration; amending s. 320.02, F.S.; allowing an applicant for a motor vehicle registration or renewal to make a voluntary contribution to Family First; amending s. 322.08, F.S.; allowing an applicant for a driver's license to make a voluntary contribution to Family First; amending s. 322.18, F.S.; requiring the driver license application form for renewal issuance or renewal extension to include an option to make a voluntary contribution to Family First; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 630** was placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

MOTION

On motion by Senator King, the rules were waived and time of recess was extended until completion of **CS for CS for SB 542** and **CS for CS for CS for SB 1544**.

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

CS for CS for SB 542—A bill to be entitled An act relating to land acquisition and management; amending s. 201.15, F.S., relating to the distribution of taxes collected for debt service; extending the deadline for retiring the bonds issued under the Florida Forever Act; amending s. 215.618, F.S.; authorizing the distribution of bonds for the acquisition of conservation lands; increasing the bonding authority for issuance of Florida Forever bonds; directing the Legislature to complete a debt analysis prior to the issuance of any such bonds by a date certain; directing the Legislature to complete an analysis on potential revenue sources by a date certain; amending s. 253.025, F.S.; requiring appraisals of land under certain circumstances; deleting provisions that allow appraisers to reject an appraisal report under certain conditions; providing authority to the Board of Trustees of the Internal Improvement Trust Fund to waive sales history requirements under certain conditions; amending s. 253.0325, F.S.; requiring the Department of Environmental Protection to modernize its information systems; requiring an annual report of state lands acquired by each recipient of funds; amending s. 253.034, F.S.; defining the term “public access” for purposes of chapters 253 and 259, F.S.; requiring that land management plans provide short-term and long-term management goals; specifying measurable objectives; requiring that a land management plan contain certain elements; revising requirements for determining which state-owned lands may be surplus lands; requiring additional appraisals under certain conditions; requiring the Division of State Lands to contract with an organization for the purpose of determining the value of carbon capture and carbon sequestration with respect to state lands and provide an inventory to the board of trustees; authorizing to the Fish and Wildlife Conservation Commission to manage lands for imperiled species under certain conditions; requiring a report to the Legislature; providing for future expiration of such authority; amending s. 253.111, F.S.; extending the period within which a board of county commissioners must provide a resolution to the Board of Trustees of the Internal Improvement Trust Fund before state-owned lands are otherwise sold; amending s. 253.82, F.S.; revising requirements of the sale of nonsovereignty lands owned by the board of trustees; deleting appraisal limitations; amending s. 259.032, F.S.; requiring priority purchase of conservation and recreational lands that have high concentrations of population and certain agricultural lands; revising requirements for land management plans; establishing a minimum for funds expended for the management of state-owned land; requiring the Land Management Uniform Accounting Council to report on the formula for allocating land management funds; providing requirements for the report; deleting obsolete provisions; amending s. 259.035, F.S.; revising provisions establishing the Acquisition and Restoration Council; revising membership criteria; directing the council to establish specific criteria and numeric performance measures for the acquisition of land; amending s. 259.037, F.S.; revising the categories used by the Land Management Uniform Accounting Council to collect and report the costs of land management activities; requiring agencies to report additional information to the council; amending s. 259.041, F.S., relating to

the acquisition of state-owned lands for preservation, conservation, and recreation purposes; requiring Legislative approval for acquisitions by the state exceeding a certain amount; increasing appraisal thresholds; requiring that specific language be included on option contracts; amending s. 259.105, F.S., relating to the Florida Forever Act; revising Legislative intent; providing for funds to be deposited in the Florida Forever Trust Fund; requiring bonded moneys be spent for capital improvements under certain conditions; providing for the expenditure of funds for conservation and agricultural easements under certain conditions; providing for the inclusion of carbon sequestration as a multiple use; providing rulemaking authority for the board of trustees; providing for the reversion of lands to the board of trustees under certain conditions; requiring an annual work plan be developed by the Acquisition and Restoration Council; authorizing alternatives to fee-simple purchases; deleting obsolete provisions; amending s. 259.1051, F.S., relating to the Florida Forever Trust Fund; increasing bonding authority; amending s. 373.089, F.S.; clarifying the process for disposing of surplus lands; amending s. 373.1391, F.S.; providing additional oversight authority to the department; amending s. 373.199, F.S.; clarifying work plan requirements; transferring all statutory powers, duties, functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds related to the Florida Communities Trust from the Department of Community Affairs to the Department of Environmental Protection; requesting that the Division of Statutory Revision of the Office of Legislative Services prepare a reviser's bill to conform certain provisions of state law to changes made by the act; providing an effective date.

—was read the second time by title.

Senator Saunders moved the following amendments which were adopted:

Amendment 1 (093222)—Delete line(s) 1332-1426 and insert:

259.035 Acquisition and Restoration Council.—

(1) There is created the Acquisition and Restoration Council.

(a) The council shall be composed of ~~eleven~~ ~~nine~~ voting members, four of whom shall be appointed by the Governor. *Of these four appointees, three shall be from scientific disciplines related to land, water, or environmental sciences and the fourth shall have at least 5 years of experience in managing lands for both active and passive types of recreation.* They shall serve 4-year terms, except that, initially, to provide for staggered terms, two of the appointees shall serve 2-year terms. All subsequent appointments shall be for 4-year terms. No appointee shall serve more than 6 years. The Governor may at any time fill a vacancy for the unexpired term of a member appointed under this paragraph.

(b) The five remaining appointees shall be composed of the Secretary of Environmental Protection, the director of the Division of Forestry of the Department of Agriculture and Consumer Services, the executive director of the Fish and Wildlife Conservation Commission, the director of the Division of Historical Resources of the Department of State, and the secretary of the Department of Community Affairs, or their respective designees.

(c) *One member shall be appointed by the Commissioner of Agriculture with a discipline related to agriculture including silviculture. One member shall be appointed by the Fish and Wildlife Conservation Commission with a discipline related to wildlife management or wildlife ecology.*

(d)(e) The Governor shall appoint the chair of the council, and a vice chair shall be elected from among the members.

(e)(d) The council shall hold periodic meetings at the request of the chair.

(f)(e) The Department of Environmental Protection shall provide primary staff support to the council and shall ensure that council meetings are electronically recorded. Such recording shall be preserved pursuant to chapters 119 and 257.

(g)(f) The board of trustees has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.

(2) The four members of the council appointed pursuant to paragraph (a) and the two members of the council appointed pursuant to

~~paragraph (c) by the Governor shall receive reimbursement for \$75 per day while engaged in the business of the council, as well as expenses and per diem for travel, to attend council including attendance at meetings, as allowed state officers and employees while in the performance of their duties, pursuant to s. 112.061.~~

(3) The council shall provide assistance to the board of trustees in reviewing the recommendations and plans for state-owned lands required under ss. 253.034 and 259.032. The council shall, in reviewing such recommendations and plans, consider the optimization of multiple-use and conservation strategies to accomplish the provisions funded pursuant to ss. 259.101(3)(a) and 259.105(3)(b).

(4)(a) The council may use existing rules adopted by the board of trustees, until it develops and recommends amendments to those rules, to competitively evaluate, select, and rank projects eligible for the Conservation and Recreation Lands list pursuant to ss. 259.032(3) and 259.101(4) ~~and, beginning no later than May 1, 2001, for Florida Forever funds pursuant to s. 259.105(3)(b).~~

(b) *By December 1, 2009, the Acquisition and Restoration Council shall develop rules defining specific criteria and numeric performance measures needed for lands that are to be acquired for public purpose under the Florida Forever program pursuant to s. 259.105. Each recipient of Florida Forever funds shall assist the council in the development of such rules. These rules shall be reviewed and adopted by the board then submitted to the Legislature for consideration by February 1, 2010. The Legislature may reject, modify, or take no action relative to the proposed rules. If no action is taken, the rules shall be implemented. Subsequent to their approval, each recipient of Florida Forever funds shall annually report to the Division of State Lands on each of the numeric performance measures accomplished during the previous fiscal year.*

(c) In developing or amending the rules, the council shall give weight to the criteria included in s. 259.105(10). The board of trustees shall review the recommendations and shall adopt rules necessary to administer this section.

(5) An affirmative vote of five members of the council is required in order to change a project boundary or to place a proposed project on a list developed pursuant to subsection (4). Any member of the council who by family or a business relationship has a connection with all or a portion of any proposed project shall declare the interest before voting on its inclusion on a list.

(6) The proposal for a project pursuant to this section or s. 259.105(3)(b) may be implemented only if adopted by the council and approved by the board of trustees. The council shall consider and evaluate in writing the merits and demerits of each project that is proposed for Conservation and Recreation Lands, Florida Preservation 2000, or Florida Forever funding and shall ensure that each proposed project will meet a stated public purpose for the restoration, conservation, or preservation of environmentally sensitive lands and water areas or for providing outdoor recreational opportunities. The council also shall determine whether the project conforms, where applicable, with the comprehensive plan developed pursuant to s. 259.04(1)(a), the comprehensive multipurpose outdoor recreation plan developed pursuant to s. 375.021, the state lands management plan adopted pursuant to s. 253.03(7), the water resources work plans developed pursuant to s. 373.199, and the provisions of s. 259.032, s. 259.101, or s. 259.105, whichever is applicable.

Amendment 2 (563670)(and title amendment)—Delete line(s) 2616-2627

And the title is amended as follows:

Delete line(s) 94-102 and insert: providing an effective

MOTION

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

Senator Dockery moved the following amendment which was adopted:

Amendment 3 (494442)(with title amendment)—Between line(s) 705 and 706 insert:

Section 6. Section 253.0341, Florida Statutes, is amended to read:

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

(1) The decision to surplus state-owned nonconservation lands may be made by the board without a review of, or a recommendation on, the request from the Acquisition and Restoration Council or the Division of State Lands. Such requests for nonconservation lands shall be considered by the board within 60 days of the board's receipt of the request.

(2) County or local government requests for the surplus of state-owned conservation lands are subject to review of, and recommendation on, the request to the board by the Acquisition and Restoration Council. Requests to surplus conservation lands shall be considered by the board within 120 days of the board's receipt of the request.

(3) A local government may request that state lands be specifically declared surplus lands for the purpose of providing *alternative water supply and water resource development projects as defined in s. 373.019, public facilities such as schools, fire and police facilities, and affordable housing*. The request shall comply with the requirements of subsection (1) if the lands are nonconservation lands or subsection (2) if the lands are conservation lands. Surplus lands that are conveyed to a local government for affordable housing shall be disposed of by the local government under the provisions of s. 125.379 or s. 166.0451.

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

(Redesignate subsequent sections.)

And the title is amended as follows:

Delete line(s) 41 and insert: such authority; amending s. 253.0341, F.S.; providing specific uses for state-surplus lands; amending s. 253.111, F.S.; extending

MOTION

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

Senator Saunders moved the following amendment which was adopted:

Amendment 4 (479936)—Between line(s) 2615 and 2616 insert:

Section 17. Subsection (1) of section 380.5115, Florida Statutes, is amended to read:

380.5115 Florida Forever Program Trust Fund of the Department of Community Affairs.—

(1) There is created a Florida Forever Program Trust Fund within the Department of Community Affairs to further the purposes of this part as specified in s. 259.105(3)(c) and of s. 342.2015 as specified in s. 259.105 (3)(j). The trust fund shall receive funds pursuant to s. 259.105(3)(c) and (j).

MOTION

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

Senator Saunders moved the following amendment:

Amendment 5 (563226)—Delete line(s) 1639-2227 and insert:

(1) This section may be cited as the "Florida Forever Act."

(2)(a) The Legislature finds and declares that:

1. *Land acquisition programs have* ~~The Preservation 2000 program~~ provided tremendous financial resources for purchasing environmentally significant lands to protect those lands from imminent development or alteration, thereby ~~ensuring~~ ~~assuring~~ present and future generations' access to important *waterways*, open spaces, and recreation and conservation lands.

2. The continued alteration and development of Florida's natural and rural areas to accommodate the state's rapidly growing population have contributed to the degradation of water resources, the fragmentation and destruction of wildlife habitats, the loss of outdoor recreation space, and the diminishment of wetlands, forests, *working landscapes*, and ~~coastal open space and public beaches~~.

3. The potential development of Florida's remaining natural areas and escalation of land values require a ~~continuation of~~ government efforts to restore, bring under public protection, or acquire lands and water areas to preserve the state's *essential ecological functions and* invaluable quality of life.

4. *It is essential to protect the state's ecosystems by promoting a more efficient use of land, to ensure opportunities for viable agricultural activities on working lands, and to promote vital rural and urban communities that support and produce development patterns consistent with natural resource protection.*

5.4. Florida's groundwater, surface waters, and springs are under tremendous pressure due to population growth and economic expansion and require special protection and restoration efforts, *including the protection of uplands and springsheds that provide vital recharge to aquifer systems and are critical to the protection of water quality and water quantity of the aquifers and springs*. To ensure that sufficient quantities of water are available to meet the current and future needs of the natural systems and citizens of the state, and assist in achieving the planning goals of the department and the water management districts, water resource development projects on public lands, where compatible with the resource values of and management objectives for the lands, are appropriate.

6.5. The needs of urban, *suburban, and small communities in Florida* for high-quality outdoor recreational opportunities, greenways, trails, and open space have not been fully met by previous acquisition programs. Through such programs as the Florida Communities Trust and the Florida Recreation Development Assistance Program, the state shall place additional emphasis on acquiring, protecting, preserving, and restoring open space, *ecological greenways*, and recreation properties within urban, *suburban, and rural* areas where pristine natural communities or water bodies no longer exist because of the proximity of developed property.

7.6. Many of Florida's unique ecosystems, such as the Florida Everglades, are facing ecological collapse due to Florida's burgeoning population *growth and other economic activities*. To preserve these valuable ecosystems for future generations, *essential* parcels of land must be acquired to facilitate ecosystem restoration.

8.7. Access to public lands to support a broad range of outdoor recreational opportunities and the development of necessary infrastructure, where compatible with the resource values of and management objectives for such lands, promotes an appreciation for Florida's natural assets and improves the quality of life.

9.8. Acquisition of lands, in fee simple, *less-than-fee interest, or other techniques shall in any lesser interest, should* be based on a comprehensive *science-based* assessment of Florida's natural resources *which targets essential conservation lands by prioritizing all current and future acquisitions based on a uniform set of data and planned so as to protect the integrity and function of ecological systems and working landscapes*, and provide multiple benefits, including preservation of fish and wildlife habitat, recreation space for urban *and as well as* rural areas, and *the restoration of natural water storage, flow, and recharge*.

10.9. The state has embraced performance-based program budgeting as a tool to evaluate the achievements of publicly funded agencies, build in accountability, and reward those agencies which are able to consistently achieve quantifiable goals. While previous and existing state environmental programs have achieved varying degrees of success, few of these programs can be evaluated as to the extent of their achievements, primarily because performance measures, standards, outcomes, and goals were not established at the outset. Therefore, the Florida Forever program shall be developed and implemented in the context of measurable state goals and objectives.

11.10. It is the intent of the Legislature to change the focus and direction of the state's major land acquisition programs and to extend funding and bonding capabilities, so that future generations may enjoy the natural resources of Florida.

(b) The Legislature recognizes that acquisition of lands in fee simple is only one way to achieve the aforementioned goals and encourages the use of less-than-fee interests, other techniques, and the development of creative partnerships between governmental agencies and private landowners. Easements, land protection agreements, and similar tools should be used, where appropriate, to bring environmentally sensitive tracts under an acceptable level of protection at a lower financial cost to the public, and to provide private landowners with the opportunity to enjoy and benefit from their property.

(c) Public agencies or other entities that receive funds under this section shall be encouraged to better coordinate their expenditures so that project acquisitions, when combined with acquisitions under Florida Forever, Preservation 2000, Save Our Rivers, the Florida Communities Trust, and other public land acquisition programs, will form more complete patterns of protection for natural areas, ecological greenways, and functioning ecosystems, to better accomplish the intent of this section.

(d) A long-term financial commitment to managing Florida's public lands must accompany any new land acquisition program to ensure that the natural resource values of such lands are protected, that the public has the opportunity to enjoy the lands to their fullest potential, and that the state achieves the full benefits of its investment of public dollars. Innovative strategies such as public-private partnerships and interagency planning and sharing of resources shall be used to achieve the state's management goals.

(e) With limited dollars available for restoration and acquisition of land and water areas and for providing long-term management and capital improvements, a competitive selection process shall ~~can~~ select those projects best able to meet the goals of Florida Forever and maximize the efficient use of the program's funding.

(f) To ensure success and provide accountability to the citizens of this state, it is the intent of the Legislature that any cash or bond proceeds used pursuant to this section be used to implement the goals and objectives recommended by a comprehensive science-based assessment and the Florida Forever Advisory Council as approved by the Board of Trustees of the Internal Improvement Trust Fund and the Legislature.

(g) As it has with previous land acquisition programs, the Legislature recognizes the desires of the citizens of this state to prosper through economic development and to preserve the natural areas and recreational open space of Florida. The Legislature further recognizes the urgency of restoring the natural functions of public lands or water bodies before they are degraded to a point where recovery may never occur, yet acknowledges the difficulty of ensuring adequate funding for restoration efforts in light of other equally critical financial needs of the state. It is the Legislature's desire and intent to fund the implementation of this section and to do so in a fiscally responsible manner, by issuing bonds to be repaid with documentary stamp tax or other revenue sources.

(h) The Legislature further recognizes the important role that many of our state and federal military installations contribute to protecting and preserving Florida's natural resources as well as our economic prosperity. Where the state's land conservation plans overlap with the military's need to protect lands, waters, and habitat to ensure the sustainability of military missions, it is the Legislature's intent that agencies receiving funds under this program cooperate with our military partners to protect and buffer military installations and military airspace, by:

1. Protecting habitat on nonmilitary land for any species found on military land that is designated as threatened or endangered, or is a candidate for such designation under the Endangered Species Act or any Florida statute;

2. Protecting areas underlying low-level military air corridors or operating areas; ~~and~~

3. Protecting areas identified as clear zones, accident potential zones, and air installation compatible use buffer zones delineated by our military partners; ~~and-~~

4. Providing the military with technical assistance to restore, enhance, and manage military land as habitat for imperiled species or species designated as threatened or endangered, or a candidate for such designation, and for the recovery or reestablishment of such species.

(3) Less the costs of issuing and the costs of funding reserve accounts and other costs associated with bonds, the proceeds of cash payments or bonds issued pursuant to this section shall be deposited into the Florida Forever Trust Fund created by s. 259.1051. The proceeds shall be distributed by the Department of Environmental Protection in the following manner:

(a) ~~Thirty~~ ~~thirty-five~~ percent to the Department of Environmental Protection for the acquisition of lands and capital project expenditures necessary to implement the water management districts' priority lists developed pursuant to s. 373.199. The funds are to be distributed to the water management districts as provided in subsection (11). A minimum of 50 percent of the total funds provided over the life of the Florida Forever program pursuant to this paragraph shall be used for the acquisition of lands.

(b) Thirty-five percent to the Department of Environmental Protection for the acquisition of lands and capital project expenditures described in this section. Of the proceeds distributed pursuant to this paragraph, it is the intent of the Legislature that an increased priority be given to those acquisitions which achieve a combination of conservation goals, including protecting Florida's water resources and natural groundwater recharge. *At a minimum, 3 percent, and no more than 10 percent, of the funds allocated pursuant to this paragraph shall be spent on capital project expenditures identified during the time of acquisition which meet land management planning activities necessary for public access may not exceed 10 percent of the funds allocated pursuant to this paragraph.*

(c) Twenty-two percent to the Department of Community Affairs for use by the Florida Communities Trust for the purposes of part III of chapter 380, as described and limited by this subsection, and grants to local governments or nonprofit environmental organizations that are tax-exempt under s. 501(c)(3) of the United States Internal Revenue Code for the acquisition of community-based projects, urban open spaces, parks, and greenways to implement local government comprehensive plans. From funds available to the trust and used for land acquisition, 75 percent shall be matched by local governments on a dollar-for-dollar basis. The Legislature intends that the Florida Communities Trust emphasize funding projects in low-income or otherwise disadvantaged communities. At least 30 percent of the total allocation provided to the trust shall be used in Standard Metropolitan Statistical Areas, but one-half of that amount shall be used in localities in which the project site is located in built-up commercial, industrial, or mixed-use areas and functions to intersperse open spaces within congested urban core areas. From funds allocated to the trust, no less than 5 percent shall be used to acquire lands for recreational trail systems, provided that in the event these funds are not needed for such projects, they will be available for other trust projects. Local governments may use federal grants or loans, private donations, or environmental mitigation funds, including environmental mitigation funds required pursuant to s. 338.250, for any part or all of any local match required for acquisitions funded through the Florida Communities Trust. Any lands purchased by nonprofit organizations using funds allocated under this paragraph must provide for such lands to remain permanently in public use through a reversion of title to local or state government, conservation easement, or other appropriate mechanism. Projects funded with funds allocated to the Trust shall be selected in a competitive process measured against criteria adopted in rule by the Trust.

(d) Two percent to the Department of Environmental Protection for grants pursuant to s. 375.075.

(e) One and five-tenths percent to the Department of Environmental Protection for the purchase of inholdings and additions to state parks and for capital project expenditures as described in this section. *At a minimum, 1 percent, and no more than 10 percent, of the funds allocated pursuant to this paragraph shall be spent on capital project expenditures identified during the time of acquisition which meet land management planning activities necessary for public access may not exceed 10 percent of the funds allocated under this paragraph.* For the purposes of this paragraph, "state park" means any real property in the state which is under the jurisdiction of the Division of Recreation and Parks of the department, or which may come under its jurisdiction.

(f) One and five-tenths percent to the Division of Forestry of the Department of Agriculture and Consumer Services to fund the acquisition of state forest inholdings and additions pursuant to s. 589.07, the implementation of reforestation plans or sustainable forestry management practices, and for capital project expenditures as described in this section. *At a minimum, 1 percent, and no more than 10 percent, of the funds allocated for the acquisition of inholdings and additions pursuant to this paragraph shall be spent on capital project expenditures identified during the time of acquisition which meet land management planning activities necessary for public access may not exceed 10 percent of the funds allocated under this paragraph.*

(g) One and five-tenths percent to the Fish and Wildlife Conservation Commission to fund the acquisition of inholdings and additions to lands managed by the commission which are important to the conservation of fish and wildlife and for capital project expenditures as described in this section. *At a minimum, 1 percent, and no more than 10 percent, of the funds allocated pursuant to this paragraph shall be spent on capital project expenditures identified during the time of acquisition which meet land management planning activities necessary for public access may not exceed 10 percent of the funds allocated under this paragraph.*

(h) One and five-tenths percent to the Department of Environmental Protection for the Florida Greenways and Trails Program, to acquire greenways and trails or greenways and trail systems pursuant to chapter 260, including, but not limited to, abandoned railroad rights-of-way and the Florida National Scenic Trail and for capital project expenditures as described in this section. *At a minimum, 1 percent, and no more than 10 percent, of the funds allocated pursuant to this paragraph shall be spent on capital project expenditures identified during the time of acquisition which meet land management planning activities necessary for public access may not exceed 10 percent of the funds allocated under this paragraph.*

(i) *Three and five-tenths percent to the Department of Agriculture and Consumer Services for the acquisition of agricultural lands, through perpetual conservation easements and other perpetual less-than-fee techniques, which will achieve the objectives of Florida Forever and s. 570.71. Rules concerning the application, acquisition, and priority ranking process for such easements shall be developed pursuant to s. 570.71(10) and as provided by this paragraph. The board shall ensure that such rules are consistent with the acquisition process provided for in s. 259.041. Provisions of the rules developed pursuant to s. 570.71(10), shall also provide for the following:*

1. *An annual priority list shall be developed pursuant to s. 570.71(10), submitted to the Acquisition and Restoration Council for review, and approved by the board pursuant to s. 259.04.*

2. *Terms of easements and acquisitions proposed pursuant to this paragraph shall be approved by the board and shall not be delegated by the board to any other entity receiving funds under this section.*

3. *All acquisitions pursuant to this paragraph shall contain a clear statement that they are subject to legislative appropriation.*

No funds provided under this paragraph shall be expended until final adoption of rules by the board pursuant to s. 570.71.

(j) *One and five-tenths percent to the Department of Community Affairs for the acquisition of lands and capital project expenditures necessary to implement the Waterfronts Florida Program pursuant to s. 342.2015.*

(k) It is the intent of the Legislature that cash payments or proceeds of Florida Forever bonds distributed under this section shall be

expended in an efficient and fiscally responsible manner. An agency that receives proceeds from Florida Forever bonds under this section may not maintain a balance of unencumbered funds in its Florida Forever subaccount beyond 3 fiscal years from the date of deposit of funds from each bond issue. Any funds that have not been expended or encumbered after 3 fiscal years from the date of deposit shall be distributed by the Legislature at its next regular session for use in the Florida Forever program.

(l) For the purposes of paragraphs (d), (e), (f), and (g), and (h), the agencies that receive the funds shall develop their individual acquisition or restoration lists in accordance with specific criteria and numeric performance measures developed pursuant s. 259.035(4). Proposed additions may be acquired if they are identified within the original project boundary, the management plan required pursuant to s. 253.034(5), or the management prospectus required pursuant to s. 259.032(9)(d). Proposed additions not meeting the requirements of this paragraph shall be submitted to the Acquisition and Restoration Council for approval. The council may only approve the proposed addition if it meets two or more of the following criteria: serves as a link or corridor to other publicly owned property; enhances the protection or management of the property; would add a desirable resource to the property; would create a more manageable boundary configuration; has a high resource value that otherwise would be unprotected; or can be acquired at less than fair market value.

(4) It is the intent of the Legislature that projects or acquisitions funded pursuant to paragraphs (3)(a) and (b) contribute to the achievement of the following goals, which shall be evaluated in accordance with specific criteria and numeric performance measures developed pursuant s. 259.035(4):

(a) Enhance the coordination and completion of land acquisition projects, as measured by:

1. The number of acres acquired through the state's land acquisition programs that contribute to the *enhancement of essential natural resources, ecosystem service parcels, and connecting linkage corridors as identified and developed by the best available scientific analysis completion of Florida Preservation 2000 projects or projects begun before Preservation 2000;*

2. The number of acres protected through the use of alternatives to fee simple acquisition; or

3. The number of shared acquisition projects among Florida Forever funding partners and partners with other funding sources, including local governments and the Federal Government.

(b) Increase the protection of Florida's biodiversity at the species, natural community, and landscape levels, as measured by:

1. The number of acres acquired of significant strategic habitat conservation areas;

2. The number of acres acquired of highest priority conservation areas for Florida's rarest species;

3. The number of acres acquired of significant landscapes, landscape linkages, and conservation corridors, giving priority to completing linkages;

4. The number of acres acquired of underrepresented native ecosystems;

5. The number of landscape-sized protection areas of at least 50,000 acres that exhibit a mosaic of predominantly intact or restorable natural communities established through new acquisition projects or augmentations to previous projects; or

6. The percentage increase in the number of occurrences of endangered species, threatened species, or species of special concern on publicly managed conservation areas.

(c) Protect, restore, and maintain the quality and natural functions of land, water, and wetland systems of the state, as measured by:

1. The number of acres of publicly owned land identified as needing restoration, acres undergoing restoration, and acres with restoration activities completed;

2. The percentage of water segments that fully meet, partially meet, or do not meet their designated uses as reported in the Department of Environmental Protection's State Water Quality Assessment 305(b) Report;

3. The percentage completion of targeted capital improvements in surface water improvement and management plans created under s. 373.453(2), regional or master stormwater management system plans, or other adopted restoration plans;

4. The number of acres acquired that protect natural floodplain functions;

5. The number of acres acquired that protect surface waters of the state;

6. The number of acres identified for acquisition to minimize damage from flooding and the percentage of those acres acquired;

7. The number of acres acquired that protect fragile coastal resources;

8. The number of acres of functional wetland systems protected;

9. The percentage of miles of critically eroding beaches contiguous with public lands that are restored or protected from further erosion;

10. The percentage of public lakes and rivers in which invasive, nonnative aquatic plants are under maintenance control; or

11. The number of acres of public conservation lands in which upland invasive, exotic plants are under maintenance control.

(d) Ensure that sufficient quantities of water are available to meet the current and future needs of natural systems and the citizens of the state, as measured by:

1. The number of acres acquired which provide retention and storage of surface water in naturally occurring storage areas, such as lakes and wetlands, consistent with the maintenance of water resources or water supplies and consistent with district water supply plans;

2. The quantity of water made available through the water resource development component of a district water supply plan for which a water management district is responsible; or

3. The number of acres acquired of groundwater recharge areas critical to springs, sinks, aquifers, other natural systems, or water supply.

(e) Increase natural resource-based public recreational and educational opportunities, as measured by:

1. The number of acres acquired that are available for natural resource-based public recreation or education;

2. The miles of trails that are available for public recreation, giving priority to those that provide significant connections including those that will assist in completing the Florida National Scenic Trail; or

3. The number of new resource-based recreation facilities, by type, made available on public land.

(f) Preserve significant archaeological or historic sites, as measured by:

1. The increase in the number of and percentage of historic and archaeological properties listed in the Florida Master Site File or National Register of Historic Places which are protected or preserved for public use; or

2. The increase in the number and percentage of historic and archaeological properties that are in state ownership.

(g) Increase the amount of forestland available for sustainable management of natural resources, as measured by:

1. The number of acres acquired that are available for sustainable forest management;

2. The number of acres of state-owned forestland managed for economic return in accordance with current best management practices;

3. The number of acres of forestland acquired that will serve to maintain natural groundwater recharge functions; or

4. The percentage and number of acres identified for restoration actually restored by reforestation.

(h) Increase the amount of open space available in urban areas, as measured by:

1. The percentage of local governments that participate in land acquisition programs and acquire open space in urban cores; or

2. The percentage and number of acres of purchases of open space within urban service areas.

Florida Forever projects and acquisitions funded pursuant to paragraph (3)(c) shall be measured by goals developed by rule by the Florida Communities Trust Governing Board created in s. 380.504.

(5)(a) All lands acquired pursuant to this section shall be managed for multiple-use purposes, where compatible with the resource values of and management objectives for such lands. As used in this section, "multiple-use" includes, but is not limited to, outdoor recreational activities as described in ss. 253.034 and 259.032(9)(b), water resource development projects, and sustainable forestry management, *carbon sequestration, carbon mitigation, or carbon offsets*.

(b) Upon a decision by the entity in which title to lands acquired pursuant to this section has vested, such lands may be designated single use as defined in s. 253.034(2)(b).

(c) For purposes of this section, the Board of Trustees of the Internal Improvement Trust Fund shall adopt rules that pertain to the use of state lands for carbon sequestration, carbon mitigation, or carbon offsets and that provide for climate-change-related benefits.

(6) As provided in this section, a water resource or water supply development project may be allowed only if the following conditions are met: minimum flows and levels have been established for those waters, if any, which may reasonably be expected to experience significant harm to water resources as a result of the project; the project complies with all applicable permitting requirements; and the project is consistent with the regional water supply plan, if any, of the water management district and with relevant recovery or prevention strategies if required pursuant to s. 373.0421(2).

(7)(a) Beginning no later than July 1, 2001, and every year thereafter, the Acquisition and Restoration Council shall accept applications from state agencies, local governments, nonprofit and for-profit organizations, private land trusts, and individuals for project proposals eligible for funding pursuant to paragraph (3)(b). The council shall evaluate the proposals received pursuant to this subsection to ensure that they meet at least one of the criteria under subsection (9).

(b) Project applications shall contain, at a minimum, the following:

1. A minimum of two numeric performance measures that directly relate to the overall goals adopted by the council. Each performance measure shall include a baseline measurement, which is the current situation; a performance standard which the project sponsor anticipates the project will achieve; and the performance measurement itself, which should reflect the incremental improvements the project accomplishes towards achieving the performance standard.

2. Proof that property owners within any proposed acquisition have been notified of their inclusion in the proposed project. Any property owner may request the removal of such property from further consideration by submitting a request to the project sponsor or the Acquisition and Restoration Council by certified mail. Upon receiving this request, the council shall delete the property from the proposed project; however, the board of trustees, at the time it votes to approve the proposed project lists pursuant to subsection (16), may add the property back on to the project lists if it determines by a super majority of its members that such property is critical to achieve the purposes of the project.

(c) The title to lands acquired under this section shall vest in the Board of Trustees of the Internal Improvement Trust Fund, except that title to lands acquired by a water management district shall vest in the name of that district and lands acquired by a local government shall vest in the name of the purchasing local government.

(8) The Acquisition and Restoration Council shall develop a project list that shall represent those projects submitted pursuant to subsection (7).

(9) The Acquisition and Restoration Council shall recommend rules for adoption by the board of trustees to competitively evaluate, select, and rank projects eligible for Florida Forever funds pursuant to paragraph (3)(b) and for additions to the Conservation and Recreation Lands list pursuant to ss. 259.032 and 259.101(4). In developing these proposed rules, the Acquisition and Restoration Council shall give weight to the following criteria:

- (a) The project meets multiple goals described in subsection (4).
- (b) The project is part of an ongoing governmental effort to restore, protect, or develop land areas or water resources.
- (c) The project enhances or facilitates management of properties already under public ownership.
- (d) The project has significant archaeological or historic value.
- (e) The project has funding sources that are identified and assured through at least the first 2 years of the project.
- (f) The project contributes to the solution of water resource problems on a regional basis.
- (g) The project has a significant portion of its land area in imminent danger of development, in imminent danger of losing its significant natural attributes or recreational open space, or in imminent danger of subdivision which would result in multiple ownership and make acquisition of the project costly or less likely to be accomplished.
- (h) The project implements an element from a plan developed by an ecosystem management team.
- (i) The project is one of the components of the Everglades restoration effort.
- (j) The project may be purchased at 80 percent of appraised value.
- (k) The project may be acquired, in whole or in part, using alternatives to fee simple, including but not limited to, *tax incentives, mitigation funds, or other revenues, the purchase of development rights, hunting rights, agricultural or silvicultural rights, or mineral rights or obtaining conservation easements or flowage easements.*
- (l) The project is a joint acquisition, either among public agencies, nonprofit organizations, or private entities, or by a public-private partnership.

MOTION

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

Senator Bennett moved the following amendments to **Amendment 5** which were adopted:

Amendment 5A (822796)—Delete lines 90-147 and insert:

11. *The state must play a major role in the recovery and management of its imperiled species through the acquisition, restoration, enhancement, and management of ecosystems that can support the major life functions of such species. It is the intent of the Legislature to support local, state, and federal programs that result in net benefit to imperiled species habitat by providing public and private land owners meaningful incentives for acquiring, restoring, managing, and repopulating habitats for imperiled species. It is the further intent of the Legislature that public lands, both existing and to be acquired, identified by the lead land managing agency, in consultation with the Florida Fish and Wildlife Conservation Commission for animals or the Department of Agriculture and Consumer Services for plants, as habitat or potentially restorable habitat for imperiled species, be restored, enhanced, managed, and repopulated as habitat for such species to advance the goals and objectives of imperiled species management consistent with the purposes for which such lands are acquired without restricting other uses identified in the management plan. It is also the intent of the Legislature that of the proceeds distributed pursuant to subsection (3), additional consideration be given*

to acquisitions that achieve a combination of conservation goals, including the restoration, enhancement, management, or repopulation of habitat for imperiled species. The Acquisition and Restoration Council, in addition to the criteria in subsection (9), shall give weight to projects that include acquisition, restoration, management, or repopulation of habitat for imperiled species. The term "imperiled species" as used in this chapter and chapter 253, means plants and animals that are federally listed under the Endangered Species Act, or state-listed by the Fish and Wildlife Conservation Commission or the Department of Agriculture and Consumer Services.

a. As part of the state's role, all state lands that have imperiled species habitat shall include as a consideration in management plan development the restoration, enhancement, management, and repopulation of such habitats. In addition, the lead land managing agency of such state lands may use fees received from public or private entities for projects to offset adverse impacts to imperiled species or their habitat in order to restore, enhance, manage, repopulate, or acquire land and to implement land management plans developed under s. 253.034 or land management prospectus developed and implemented under this chapter. Such fees shall be deposited into a foundation or fund created by each land management agency under s. 372.0215, s. 589.012, or 259.032(11)(d), to be used solely to restore, manage, enhance, repopulate, or acquire imperiled species habitat.

b. Where habitat or potentially restorable habitat for imperiled species is located on state lands, the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services shall be included on any advisory group required under chapter 253, and the short-term and long-term management goals required under chapter 253 must advance the goals and objectives of imperiled species management consistent with the purposes for which the land was acquired without restricting other uses identified in the management plan.

~~12.10.~~ *There is a need It is the intent of the Legislature to change the focus and direction of the state's major land acquisition programs and to extend funding and bonding capabilities, so that future generations may enjoy the natural resources of this state.*

(b) The Legislature recognizes that acquisition of lands in fee simple is only one way to achieve the aforementioned goals and encourages the use of less-than-fee interests, other techniques, and the development of creative partnerships between governmental agencies and private landowners. Such partnerships may include those that advance the restoration, enhancement, management, or repopulation of imperiled species habitat on state lands as provided for in subparagraph (a)11. Easements acquired pursuant to s. 570.71(2)(a) and (b), land protection agreements, rural land stewardship areas, sector planning, mitigation, and similar tools should be used, where appropriate, to bring environmentally sensitive tracts under an acceptable level of protection at a lower financial cost to the public, and to provide private landowners with the opportunity to enjoy and benefit from their property.

(c) Public agencies or other entities that receive funds under this section shall are encouraged to better coordinate their expenditures so that project acquisitions, when combined with acquisitions under Florida Forever, Preservation 2000, Save Our Rivers, the Florida Communities Trust, and other public land acquisition programs, and the techniques, partnerships, and tools referenced in subparagraph (a)11. and paragraph (b), are used to will form more complete patterns of protection for natural areas, ecological greenways, and functioning ecosystems, to better accomplish the intent of this section.

(d) A long-term financial commitment to restoring, enhancing, and managing Florida's public lands in order to implement land management plans developed under s. 253.034 or a land management prospectus developed and implemented under this chapter must accompany any new land acquisition program to ensure that the natural resource values of such lands are restored, enhanced, managed, and protected, that the public enjoys has the opportunity to enjoy the lands to their fullest potential, and that the state achieves the full benefits of its investment of public dollars. Innovative strategies such as public-private partnerships and interagency planning and sharing of resources shall be used to achieve the state's management goals.

(e) With limited dollars available for restoration, enhancement, management, and acquisition of land and water areas and for providing long-term management and capital improvements, a competitive selection

process shall ~~can~~ select those projects best able to meet the goals of Florida Forever and maximize the efficient use of the program's funding.

(f) To ensure success and provide accountability to the citizens of this state, it is the intent of the Legislature that any *cash* or bond proceeds used pursuant to this section be used to implement the goals and objectives recommended by a *comprehensive science-based assessment and the Florida Forever Advisory Council* as approved by the Board of Trustees of the Internal Improvement Trust Fund and the Legislature.

(g) As it has with previous land acquisition programs, the Legislature recognizes the desires of the ~~residents~~ *citizens* of this state to prosper through economic development and to preserve, *restore, and manage* the *state's* natural areas and recreational open space of Florida. The Legislature further recognizes the urgency of restoring the natural functions, *including wildlife and imperiled species habitat functions*, of public lands or water bodies before they are degraded to a point where recovery may never occur, yet acknowledges the difficulty of ensuring adequate funding for restoration, *enhancement and management* efforts in light of other equally critical financial needs of the state. It is the Legislature's desire and intent to fund the implementation of this section and to do so in a fiscally responsible manner, by issuing bonds to be repaid with documentary stamp tax or *other revenue sources, including those identified in subparagraph (a)11.*

Amendment 5B (649860)—Delete lines 378-386 and insert:

6. The percentage increase in the number of occurrences of *imperiled species* ~~endangered species, threatened species, or species of special concern~~ on publicly managed conservation areas.

(c) Protect, restore, and maintain the quality and natural functions of land, water, and wetland systems of the state, as measured by:

1. The number of acres of publicly owned land identified as needing restoration, *enhancement, and management*, acres undergoing restoration or *enhancement*, and acres with restoration activities completed, and acres managed to maintain such restored or enhanced conditions; the number of acres which represent actual or potential imperiled species habitat; the number of acres which are available pursuant to a management plan to restore, enhance, repopulate, and manage imperiled species habitat; and the number of acres of imperiled species habitat managed, restored, enhanced, repopulated, or acquired;

MOTION

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

Senator Saunders moved the following amendment to **Amendment 5** which was adopted:

Amendment 5C (267220)—Delete line(s) 212 and insert: income or otherwise disadvantaged communities and projects that provide areas for direct water access and water-dependent facilities that are open to the public and offer public access by vessels to waters of the state, including boat ramps and associated parking and other support facilities. At least 30

Amendment 5 as amended was adopted.

MOTION

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

Senator Saunders moved the following amendment which was adopted:

Amendment 6 (539540) (with title amendment)—Between line(s) 2472 and 2473 insert:

Section 14. Paragraph (a) of subsection (4) of section 342.201, Florida Statutes, is amended to read:

342.201 Waterfronts Florida Program.—

(4) The program is responsible for:

(a) Implementing the Waterfronts Florida Partnership Program. The department, in coordination with the Department of Environmental Protection, shall develop, *by rule*, procedures and requirements governing program eligibility, application procedures, and application review. The department may provide financial assistance to eligible local governments to develop local plans to further the purpose of the program. In recognition of limited funding, the department may limit the number of local governments assisted by the program based on the amount of funding appropriated to the department for the purpose of the program.

Section 15. Section 342.2015, Florida Statutes, is created to read:

342.2015 Waterfronts Florida Program; Florida Forever.—

(1) A local government may submit no more than one grant application to the Florida Communities Trust in the Department of Community Affairs during each application period announced by the department for recreational and commercial working waterfronts as defined in s. 342.201(2)(b). The project grant to waterfront communities shall be for the acquisition of lands and capital project expenditures necessary to implement the projects identified in the community-designed vision plan and which meet the criteria of by s. 342.201. All acquisitions pursuant to this section shall be titled in the name of the local government. The trust shall annually compile and submit a list of eligible projects to the Board of Trustees of the Internal Improvement Trust Fund for approval.

(3) The Board of Trustees shall review applications and approve grant funds to eligible projects identified pursuant to s. 342.201. For projects that will require more than the grant amount awarded for completion, the applicant must identify funding sources that will provide the difference between the grant award and the estimated project completion cost.

(4) Waterfront communities that receive grant awards must submit semiannual progress reports to the department identifying how funds are expended, project activities which are completed, and the progress achieved in meeting the goals of the community-designed vision plan. The department must implement a process to monitor and evaluate the performance of grant recipients in completing projects that are funded through the Waterfronts Florida Program.

(5) Grant proceeds shall be used solely for the purposes authorized pursuant to s. 215.618.

(6) There shall be no sale, disposition, lease, easement, license, or other use of any land, water areas, or related property interests acquired or improved with grant proceeds which would cause all or any portion of the interest paid on Florida Forever bonds to lose the exclusion from gross income for federal income tax purposes.

(7) All deeds or leases with respect to any real property acquired with funds received by the department from the Florida Forever Trust Fund shall contain such covenants and restrictions as are sufficient to ensure that the use of such real property at all times complies with s. 11(e), Art. VII of the State Constitution. Each deed or lease shall contain a reversion, conveyance, or termination clause that will vest title in the Board of Trustees of the Internal Improvement Trust Fund if any of the covenants or restrictions are violated by the titleholder or leaseholder or by some third party with the knowledge of the titleholder or leaseholder.

Section 16. Section 342.20155, Florida Statutes, is created to read:

342.20155 Rulemaking.—The Department of Community Affairs is authorized to adopt rules pursuant to the provisions of ss. 120.536(1) and 120.54 to implement the provisions of the ss. 342.201 and 342.2015.

(Redesignate subsequent sections.)

And the title is amended as follows:

Delete line(s) 89 and insert: increasing bonding authority; amending s. 342.201, F.S.; providing that the Department of Community Affairs adopt criteria by rule; creating s. 342.2015, F.S.; establishing a funding mechanism for the Waterfronts Florida Program through Florida Forever; providing eligible projects meet certain conditions; amending s. 373.089,

MOTION

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

Senator Saunders moved the following amendment:

Amendment 7 (531570)—Delete line(s) 323-705 and insert:

(2) As used in this section, the following phrases have the following meanings:

(d) “Public access,” as used in this chapter and chapter 259, means access by the general public to state lands and water, including vessel access made possible by boat ramps, docks, and associated support facilities, where compatible with conservation and recreation objectives.

Lands acquired by the state as a gift, through donation, or by any other conveyance for which no consideration was paid, and which are not managed for conservation, outdoor resource-based recreation, or archaeological or historic preservation under a land management plan approved by the board of trustees are not conservation lands.

(5) Each manager of conservation lands shall submit to the Division of State Lands a land management plan at least every 10 years in a form and manner prescribed by rule by the board and in accordance with the provisions of s. 259.032. Each manager of conservation lands shall also update a land management plan whenever the manager proposes to add new facilities or make substantive land use or management changes that were not addressed in the approved plan, or within 1 year of the addition of significant new lands. Each manager of nonconservation lands shall submit to the Division of State Lands a land use plan at least every 10 years in a form and manner prescribed by rule by the board. The division shall review each plan for compliance with the requirements of this subsection and the requirements of the rules established by the board pursuant to this section. All land use plans, whether for single-use or multiple-use properties, shall include an analysis of the property to determine if any significant natural or cultural resources are located on the property. Such resources include archaeological and historic sites, state and federally listed plant and animal species, and imperiled natural communities and unique natural features. If such resources occur on the property, the manager shall consult with the Division of State Lands and other appropriate agencies to develop management strategies to protect such resources. Land use plans shall also provide for the control of invasive nonnative plants and conservation of soil and water resources, including a description of how the manager plans to control and prevent soil erosion and soil or water contamination. Land use plans submitted by a manager shall include reference to appropriate statutory authority for such use or uses and shall conform to the appropriate policies and guidelines of the state land management plan. Plans for managed areas larger than 1,000 acres shall contain an analysis of the multiple-use potential of the property, which analysis shall include the potential of the property to generate revenues to enhance the management of the property. Additionally, the plan shall contain an analysis of the potential use of private land managers to facilitate the restoration or management of these lands. In those cases where a newly acquired property has a valid conservation plan that was developed by a soil and conservation district, such plan shall be used to guide management of the property until a formal land use plan is completed.

(a) State lands shall be managed to ensure the conservation of the state’s plant and animal species and to ensure the accessibility of state lands for the benefit and enjoyment of all people of the state, both present and future. Each land management plan shall provide a desired outcome, describe both short-term and long-term management goals, and include measurable objectives to achieve those goals. Short-term goals shall be achievable within a 2-year planning period and long-term goals shall be achievable within a 10-year planning period. These short-term and long-term management goals shall be the basis for all subsequent land management activities.

(b) Short-term and long-term management goals shall include measurable objectives for the following, as appropriate:

1. Habitat restoration and improvement.
2. Public access and recreational opportunities.
3. Hydrological preservation and restoration.

4. Sustainable forest management.

5. Exotic and invasive species maintenance and control.

6. Capital facilities and infrastructure.

7. Cultural and historical resources.

(c) The land management plan shall at a minimum contain the following elements:

1. A physical description of the land.

2. A quantitative data description of the land which includes an inventory of forest and other natural resources; exotic and invasive plants; hydrological features; infrastructure, including recreational facilities; and other significant land, cultural, or historical features. The inventory shall reflect the number of acres for each resource and feature, when appropriate. The inventory shall be of such detail that objective measures and benchmarks can be established for each tract of land and monitored during the lifetime of the plan. All quantitative data collected shall be aggregated, standardized, collected, and presented in an electronic format to allow for uniform management reporting and analysis. The information collected by the Department of Environmental Protection pursuant to s. 253.0325(2) shall be available to the land manager and his or her assignee.

3. A detailed description of each short-term and long-term land management goal, the associated measurable objectives, and the related activities that are to be performed to meet the land management objectives. Each land management objective must be addressed by the land management plan and where practicable no land management objective shall be performed to the detriment of the other land management objectives.

4. A schedule of land management activities which contains short-term and long-term land management goals and the related measurable objective and activities. The schedule shall include for each activity a timeline for completion, quantitative measures, and detailed expense and manpower budgets. The schedule shall provide a management tool that facilitates development of performance measures.

5. A summary budget for the scheduled land management activities of the land management plan. The summary budget shall be prepared in such a manner that it facilitates computing an aggregate of land management costs for all state-managed lands using the categories described in s. 259.037(3).

(d) Upon completion, the land management plan will be transmitted to the Acquisition and Restoration Council for review. The Acquisition and Restoration Council shall have 90 days to review the plan and submit its recommendations to the Board of Trustees. During the review period, the land management plan may be revised if agreed to by the primary land manager and the Acquisition and Restoration Council taking into consideration public input. If the Acquisition and Restoration Council fails to make a recommendation for a land management plan, the Secretary of the Department of Environmental Protection, Commissioner of Agriculture, or Executive Director of the Fish and Wildlife Conservation Commission or their designees shall submit the land management plan to the Board of Trustees. The land management plan becomes effective upon approval by the Board of Trustees.

(e) Beginning July 1, 2010, and biennially thereafter, state lands with an approved land management plan shall be monitored for land management activities by a monitoring team. The Division of State Lands shall coordinate the activities of the review team which shall consist of three members. One member shall be selected by the Secretary of the Department of Environmental Protection, or their designee, and shall have experience with public recreation or use administration. One member shall be selected by the Commissioner of Agriculture, or their designee, and shall have experience with applied land management. One member shall be selected by the Executive Director of the Fish and Wildlife Conservation Commission, or their designee, and shall have experience with applied habitat management. The monitoring team shall prepare a monitoring report that assesses the progress towards achieving short-term and long-term land management goals and shall propose corrective actions for identified deficiencies in management activities. The monitoring report shall be submitted to the Acquisition and Restoration Council and the managing agency. The Acquisition and Restoration Council shall review the monitoring report and determine

whether the deficiencies warrant a corrective action plan or revisions to the management plan. Significant and recurring deficiencies shall be brought to the Board of Trustees, which shall determine whether the corrective actions being proposed by the land manager and the Acquisition and Restoration Council sufficiently address the deficiencies. Corrective actions plans shall be prepared and submitted in the same manner as land management plans.

(f) Land management plans are to be updated every 10 years on a rotating basis.

(g) In developing land management plans, at least one public hearing shall be held in each affected county.

(h)(a) The Division of State Lands shall make available to the public an electronic copy of each land management plan for parcels that exceed 160 acres in size. The Division of State Lands council shall review each plan for compliance with the requirements of this subsection, the requirements of chapter 259, and the requirements of the rules established by the board pursuant to this section. The council shall also consider the propriety of the recommendations of the managing entity with regard to the future use of the property, the protection of fragile or nonrenewable resources, the potential for alternative or multiple uses not recognized by the managing entity, and the possibility of disposal of the property by the board. After its review, the council shall submit the plan, along with its recommendations and comments, to the board. The council shall specifically recommend to the board whether to approve the plan as submitted, approve the plan with modifications, or reject the plan. If the Acquisition and Restoration Council fails to make a recommendation for a land management plan, the Secretary of the Department of Environmental Protection, Commissioner of Agriculture, or Executive Director of the Fish and Wildlife Conservation Commission or their designees shall submit the land management plan to the Board of Trustees.

(i)(b) The Board of Trustees of the Internal Improvement Trust Fund shall consider the land management plan submitted by each entity and the recommendations of the council and the Division of State Lands and shall approve the plan with or without modification or reject such plan. The use or possession of any such lands that is not in accordance with an approved land management plan is subject to termination by the board.

(6) The Board of Trustees of the Internal Improvement Trust Fund shall determine which lands, the title to which is vested in the board, may be surplus. For conservation lands, the board shall make a determination that the lands are no longer needed for conservation purposes and may dispose of them by an affirmative vote of at least three members. In the case of a land exchange involving the disposition of conservation lands, the board must determine by an affirmative vote of at least three members that the exchange will result in a net positive conservation benefit. For all other lands, the board shall make a determination that the lands are no longer needed and may dispose of them by an affirmative vote of at least three members.

(a) For the purposes of this subsection, all lands acquired by the state prior to July 1, 1999, using proceeds from the Preservation 2000 bonds, the Conservation and Recreation Lands Trust Fund, the Water Management Lands Trust Fund, Environmentally Endangered Lands Program, and the Save Our Coast Program and titled to the board, which lands are identified as core parcels or within original project boundaries, shall be deemed to have been acquired for conservation purposes.

(b) For any lands purchased by the state on or after July 1, 1999, a determination shall be made by the board prior to acquisition as to those parcels that shall be designated as having been acquired for conservation purposes. No lands acquired for use by the Department of Corrections, the Department of Management Services for use as state offices, the Department of Transportation, except those specifically managed for conservation or recreation purposes, or the State University System or the Florida Community College System shall be designated as having been purchased for conservation purposes.

(c) At least every 10 years, as a component of each land management plan or land use plan and in a form and manner prescribed by rule by the board, each manager shall evaluate and indicate to the board those lands that are not being used for the purpose for which they were originally leased. For conservation lands, the council shall review and shall recommend to the board whether such lands should be retained in public ownership or disposed of by the board. For nonconservation lands, the

division shall review such lands and shall recommend to the board whether such lands should be retained in public ownership or disposed of by the board.

(d) Lands owned by the board which are not actively managed by any state agency or for which a land management plan has not been completed pursuant to subsection (5) shall be reviewed by the council or its successor for its recommendation as to whether such lands should be disposed of by the board.

(e) Prior to any decision by the board to surplus lands, the Acquisition and Restoration Council shall review and make recommendations to the board concerning the request for surplus. The council shall determine whether the request for surplus is compatible with the resource values of and management objectives for such lands.

(f)1. In reviewing lands owned by the board, the council shall consider whether such lands would be more appropriately owned or managed by the county or other unit of local government in which the land is located. The council shall recommend to the board whether a sale, lease, or other conveyance to a local government would be in the best interests of the state and local government. The provisions of this paragraph in no way limit the provisions of ss. 253.111 and 253.115. Such lands shall be offered to the state, county, or local government for a period of 45 30 days. Permittable uses for such surplus lands may include public schools; public libraries; fire or law enforcement substations; governmental, judicial, or recreational centers; and affordable housing meeting the criteria of s. 420.0004(3). County or local government requests for surplus lands shall be expedited throughout the surplus process. If the county or local government does not elect to purchase such lands in accordance with s. 253.111, then any surplus determination involving other governmental agencies shall be made upon the board deciding the best public use of the lands. Surplus properties in which governmental agencies have expressed no interest shall then be available for sale on the private market.

2. Notwithstanding subparagraph 1., any parcel of surplus lands less than 3 acres in size which was acquired by the state before 1955 by gift or other conveyance or for \$1 consideration from a fair association incorporated under chapter 616 for the purpose of conducting and operating public fairs or expositions, and concerning which the department has filed by July 1, 2008, a notice of intent to dispose of as surplus lands, shall be offered for reconveyance to such fair association for no consideration; however, the agency that last held the lease from the board for management of such lands may remove from the lands any improvements, fixtures, goods, wares, and merchandise within 180 days after the effective date of the reconveyance. This subparagraph expires July 1, 2008.

(g) The sale price of lands determined to be surplus pursuant to this subsection and s. 253.82 shall be determined by the division and shall take into consideration an appraisal of the property, or, when the estimated value of the land is less than \$100,000, a comparable sales analysis or a broker's opinion of value. If the appraisal referenced in this paragraph yields a value equal to or greater than \$1 million, the division, in its sole discretion, may require a second appraisal. The individual or entity requesting to purchase the surplus parcel shall pay all appraisal costs, and the price paid by the state to originally acquire the lands.

1.a. A written valuation of land determined to be surplus pursuant to this subsection and s. 253.82, and related documents used to form the valuation or which pertain to the valuation, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until 2 weeks before the contract or agreement regarding the purchase, exchange, or disposal of the surplus land is first considered for approval by the board. Notwithstanding the exemption provided under this subparagraph, the division may disclose appraisals, valuations, or valuation information regarding surplus land during negotiations for the sale or exchange of the land, during the marketing effort or bidding process associated with the sale, disposal, or exchange of the land to facilitate closure of such effort or process, when the passage of time has made the conclusions of value invalid, or when negotiations or marketing efforts concerning the land are concluded.

b. This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2009, unless reviewed and saved from repeal through reenactment by the Legislature.

2. A unit of government that acquires title to lands hereunder for less than appraised value may not sell or transfer title to all or any portion of the lands to any private owner for a period of 10 years. Any unit of government seeking to transfer or sell lands pursuant to this paragraph shall first allow the board of trustees to reacquire such lands for the price at which the board sold such lands.

~~(h) Where a unit of government acquired land by gift, donation, grant, quitclaim deed, or other such conveyance where no monetary consideration was exchanged, the price of land sold as surplus may be based on one appraisal. In the event that a single appraisal yields a value equal to or greater than \$1 million, a second appraisal is required. The individual or entity requesting the surplus shall select and use appraisers from the list of approved appraisers maintained by the Division of State Lands in accordance with s. 253.025(6)(b). The individual or entity requesting the surplus is to incur all costs of the appraisals.~~

~~(h)(i)~~ After reviewing the recommendations of the council, the board shall determine whether lands identified for surplus are to be held for other public purposes or whether such lands are no longer needed. The board may require an agency to release its interest in such lands. For an agency that has requested the use of a property that was to be declared as surplus, said agency must have the property under lease within 6 months of the date of expiration of the notice provisions required under this subsection and s. 253.111.

~~(i)(j)~~ Requests for surplusing may be made by any public or private entity or person. All requests shall be submitted to the lead managing agency for review and recommendation to the council or its successor. Lead managing agencies shall have 90 days to review such requests and make recommendations. Any surplusing requests that have not been acted upon within the 90-day time period shall be immediately scheduled for hearing at the next regularly scheduled meeting of the council or its successor. Requests for surplusing pursuant to this paragraph shall not be required to be offered to local or state governments as provided in paragraph (f).

~~(j)(k)~~ Proceeds from any sale of surplus lands pursuant to this subsection shall be deposited into the fund from which such lands were acquired. However, if the fund from which the lands were originally acquired no longer exists, such proceeds shall be deposited into an appropriate account to be used for land management by the lead managing agency assigned the lands prior to the lands being declared surplus. Funds received from the sale of surplus nonconservation lands, or lands that were acquired by gift, by donation, or for no consideration, shall be deposited into the Internal Improvement Trust Fund.

~~(k)(l)~~ Notwithstanding the provisions of this subsection, no such disposition of land shall be made if such disposition would have the effect of causing all or any portion of the interest on any revenue bonds issued to lose the exclusion from gross income for federal income tax purposes.

~~(l)(m)~~ The sale of filled, formerly submerged land that does not exceed 5 acres in area is not subject to review by the council or its successor.

~~(m)(n)~~ The board may adopt rules to implement the provisions of this section, which may include procedures for administering surplus land requests and criteria for when the division may approve requests to surplus nonconservation lands on behalf of the board.

(8)(a) Notwithstanding other provisions of this section, the Division of State Lands is directed to prepare a state inventory of all federal lands and all lands titled in the name of the state, a state agency, a water management district, or a local government on a county-by-county basis. To facilitate the development of the state inventory, each county shall direct the appropriate county office with authority over the information to provide the division with a county inventory of all lands identified as federal lands and lands titled in the name of the state, a state agency, a water management district, or a local government. *The Legislature recognizes the value of the state's conservation lands as water recharge areas and air filters and, in an effort to better understand the scientific underpinnings of carbon sequestration, carbon capture, and greenhouse gas mitigation, to inform policymakers and decisionmakers, and to provide the infrastructure for land owners, the Division of State Lands shall contract with an organization experienced and specialized in carbon sinks and emission budgets to conduct an inventory of all lands that were acquired pursuant to Preservation 2000 and Florida Forever and that*

were titled in the name of the Board of Trustees of the Internal Improvement Trust Fund. The inventory shall determine the value of carbon capture and carbon sequestration. Such inventory shall consider potential carbon offset values of changes in land management practices, including, but not limited to, replanting of trees, routine prescribed burns, and land use conversion. Such an inventory shall be completed and presented to the board of trustees by July 1, 2009.

(b) The state inventory must distinguish between lands purchased by the state or a water management district as part of a core parcel or within original project boundaries, as those terms are used to meet the surplus requirements of subsection (6), and lands purchased by the state, a state agency, or a water management district which are not essential or necessary for conservation purposes.

(c) In any county having a population of 75,000 or fewer less, or a county having a population of 100,000 or fewer which less that is contiguous to a county having a population of 75,000 or fewer less, in which more than 50 percent of the lands within the county boundary are federal lands and lands titled in the name of the state, a state agency, a water management district, or a local government, those lands titled in the name of the state or a state agency which are not essential or necessary to meet conservation purposes may, upon request of a public or private entity, be made available for purchase through the state's surplusing process. Rights-of-way for existing, proposed, or anticipated transportation facilities are exempt from the requirements of this paragraph. Priority consideration shall be given to buyers, public or private, willing to return the property to productive use so long as the property can be reentered onto the county ad valorem tax roll. Property acquired with matching funds from a local government shall not be made available for purchase without the consent of the local government.

(14)(a) All lands for which the Fish and Wildlife Conservation Commission acts as lead manager may be used for the recovery and management of imperiled species through the acquisition, restoration, enhancement, and management of ecosystems that can support the major life functions of such species and result in a net benefit to imperiled species habitat. For purposes of this subsection, the term "imperiled species" means plants and animals that are federally listed under the Endangered Species Act, or state-listed by the Fish and Wildlife Conservation Commission or Department of Agriculture and Consumer Services.

(b) The management of imperiled species under this subsection shall be in accordance with Chapter 68A, Florida Administrative Code, or as determined by commission rule. The commission may receive conservation grants or donations, for the management of lands identified in (a), pursuant to s. 372.074. The provisions in this paragraph shall expire upon the adoption of the imperiled species workplan by the Board of Trustees pursuant to paragraph (c).

(c) By December 1, 2009, the commission, in cooperation with the Department of Environmental Protection and the Department of Agriculture and Consumer Services, shall develop an imperiled species workplan that shall be utilized for the recovery and management of imperiled species on all state lands. The workplan shall include, at a minimum, the recovery and management of imperiled species through the acquisition, restoration, enhancement, and management of ecosystems that can support the major life functions of such species. The work plan shall be submitted to the Board of Trustees for adoption by January 30, 2009. The board shall not delegate the final adoption of the work plan to any other agency.

(d) By February 1, 2009, the commission, in cooperation with the Department of Environmental Protection and the Department of Agriculture and Consumer Services, shall submit its recommendations for the establishment of appropriate fees, received from public or private entities for projects to offset adverse impacts to imperiled species or such habitat and the use of such fees, to the President of the Senate and the Speaker of the House of Representatives. The Legislature shall approve, or approve with modifications such recommendations during the 2009 regular session.

(e) Beginning July 1, 2009, the commission may accept applications from lead managing agencies on all state lands for the acceptance of the recovery and management of imperiled species on all state lands provided they are consistent with the imperiled species management plan and land management plans established pursuant to s. 253.034. No applications shall be accepted prior to the establishment of fees pursuant to paragraph (d).

(f) *By February 1, 2010, the commission shall submit a report to the President of the Senate and the Speaker of the House of Representatives on the efficacy of using state-owned lands to protect, manage, or restore habitat for native or imperiled species. This subsection expires July 1, 2014.*

MOTION

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

Senator Bennett moved the following amendments to **Amendment 7** which were adopted:

Amendment 7A (273802)—Between line(s) 80 and 81 insert:

8. *Imperiled species habitat maintenance, enhancement, restoration, or population restoration.*

Amendment 7B (265812)—Delete line(s) 113-117 and insert:

5. *A summary budget for the scheduled land management activities of the land management plan. For state lands containing or anticipated to contain imperiled species habitat, the summary budget shall include any fees anticipated from public or private entities for projects to offset adverse impacts to imperiled species or such habitat, which fees shall be used solely to restore, manage, enhance, repopulate, or acquire imperiled species habitat. The summary budget shall be prepared in such manner that it facilitates computing an aggregate of land management costs for all state-managed lands using the categories described in s. 259.037(3).*

Amendment 7C (230546)—Delete line(s) 426-475 and insert:

(14) *By February 1, 2010, the commission shall submit a*

Amendment 7 as amended was adopted.

MOTION

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

Senator Saunders moved the following amendments which were adopted:

Amendment 8 (806838)—On line(s) 2569, after the period (.) insert: *Such strategies may utilize alternative technologies for pollutant reduction, such as cost-effective biologically based, hybrid wetlands/chemical and other innovative nutrient control technologies.*

Amendment 9 (203676)—Delete line(s) 1292-1294 and insert: county or local government shall receive ~~10 consecutive~~ annual payments for each tax loss until the qualifying county or local government exceeds the population threshold pursuant to this section, ~~and no further eligibility determination shall be made during that period.~~

Amendment 10 (315370)—Between line(s) 2615 and 2616 insert:

Section 17. Paragraph (e) of subsection (10) of section 373.59, Florida Statutes, is amended to read:

373.59 Water Management Lands Trust Fund.—

(10)(a) Beginning July 1, 1999, not more than one-fourth of the funds provided for in subsections (1) and (8) in any year shall be reserved annually by a governing board, during the development of its annual operating budget, for payments in lieu of taxes for all actual tax losses incurred as a result of governing board acquisitions for water management districts pursuant to ss. 259.101, 259.105, 373.470, and this section during any year. Reserved funds not used for payments in lieu of taxes in any year shall revert to the Water Management Lands Trust Fund to be used in accordance with the provisions of this section.

(e) If property that was subject to ad valorem taxation was acquired by a tax-exempt entity for ultimate conveyance to the state under this chapter, payment in lieu of taxes shall be made for such property based upon the average amount of taxes paid on the property for the 3 years prior to its being removed from the tax rolls. The water management districts shall certify to the Department of Revenue those properties that

may be eligible under this provision. Once eligibility has been established, that governmental entity shall receive ~~10 consecutive~~ annual payments for each tax loss until the qualifying governmental entity exceeds the population threshold pursuant to s. 259.032(12)(b), ~~and no further eligibility determination shall be made during that period.~~

(Redesignate subsequent sections.)

Pursuant to Rule 4.19, **CS for CS for SB 542** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for CS for CS for SB 1544—A bill to be entitled An act relating to energy conservation; amending s. 74.051, F.S.; requiring a court to conduct a hearing and issue a final judgment on a petition for a taking within specified times after a utility's request for such hearing; creating s. 112.219, F.S.; defining terms for purposes of the state employee telecommuting program; requiring each state employing entity to complete a telecommuting plan by a specified date which includes a listing of the job classifications and positions that the state entity considers appropriate for telecommuting; providing requirements for the telecommuting plan; requiring each state employing entity to post the telecommuting plan on its website; amending s. 163.04, F.S.; revising provisions prohibiting restrictions on the use of energy devices based on renewable resources; amending s. 163.3177, F.S.; revising requirements for the future land use element of a local comprehensive plan to include energy-efficient land use patterns; requiring that the traffic-circulation element of incorporate transportation strategies to reduce greenhouse gas emissions; requiring each unit of local government within an urbanized area to amend the transportation element to incorporate transportation strategies addressing reduction in greenhouse gas emissions; amending s. 186.007, F.S.; authorizing the Executive Office of the Governor to include in the state comprehensive plan goals, objectives, and policies related energy and global climate change; amending s. 187.201, F.S.; adopting provisions of the State Comprehensive Plan concerning the development, siting, and use of low-carbon-emitting electric power plants; creating s. 193.804, F.S.; prohibiting the property appraiser from increasing the taxable value of homestead property when the taxpayer adds any solar energy device to the property; authorizing the property appraiser to refer the matter to the Department of Environmental Protection if the property appraiser questions whether a taxpayer is entitled, in whole or in part, to a solar energy device exemption; requiring the Department of Environmental Protection to adopt rules; amending s. 196.012, F.S.; deleting the definition of the term "renewable energy source device" or "device"; amending s. 206.43, F.S.; requiring each terminal supplier, importer, exporter, blender, and wholesaler to include the number of gallons of gasoline fuel which meet and fail to meet certain requirements in their monthly reports to the Department of Revenue; amending s. 212.08, F.S.; requiring that the Florida Energy and Climate Commission rather than the Department of Environmental Protection implement certain responsibilities concerning eligibility and application for the tax exemption; requiring the commission to adopt, by rule, an application form, including the required content and documentation to support the application, for the taxpayer to use in claiming the tax exemption; amending s. 220.192, F.S.; defining terms relating to a tax credit; allowing certain tax credits to be transferred for a specified period; providing procedures and requirements; authorizing the Department of Revenue to adopt rules; amending s. 220.193, F.S.; defining the terms "sale" or "sold" and "taxpayer"; providing legislative intent concerning retroactive application of certain renewable energy production tax credits; providing for the pass through of a renewable energy production tax credit under certain conditions; providing for retroactive application; amending s. 253.02, F.S.; authorizing the Secretary of Environmental Protection to grant easements across lands owned by the Board of Trustees of the Internal Improvement Trust Fund under certain conditions; amending s. 253.034, F.S.; granting a utility the use of non-sovereignty state-owned lands upon a showing of competent substantial evidence that the use is reasonable; establishing criteria relating to the title, distribution, and cost of such lands; amending s. 255.249, F.S.; requiring state agencies to annually provide telecommuting plans to the Department of Management Services; amending s. 255.251, F.S.; creating the "Florida Energy Conservation and Sustainable Buildings Act"; amending s. 255.252, F.S.; providing findings and legislative intent; providing that it is the policy of the state that buildings constructed and financed by the state, or existing buildings renovated by the state, be designed and constructed with a goal of meeting or exceeding the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system, the Green Building Initia-

tive's Green Globes rating system, or the Florida Green Building Coalition standards; requiring each state agency to identify and compile a list of energy-conservation projects that it determines are suitable for a guaranteed energy performance savings contract; amending s. 255.253, F.S.; defining terms relating to energy conservation for buildings; amending s. 255.254, F.S.; prohibiting a state agency from leasing or constructing a facility without having secured from the Department of Management Services an evaluation of life-cycle costs for the building; requiring certain leased buildings to have an energy performance analysis conducted; requiring the owner of any building leased by the state from the private sector to submit provisions for monthly energy use data to the department; amending s. 255.255, F.S.; requiring the department to use sustainable building ratings for conducting a life-cycle cost analysis; amending s. 255.257, F.S.; requiring that energy consumption and cost be reported to the department annually in a format prescribed by the department; providing duties of energy-management coordinators; requiring that the department of Management Services develop a state energy-management plan; requiring that state agencies adopt certain rating systems; prohibiting state agencies from entering into leasing agreements for office space not meeting certain building standards; providing an exception; requiring that state agencies develop energy-conservation measures and guidelines for new and existing office space in which state agencies occupy greater than a specified amount of square footage; providing requirements for such measures; creating s. 286.275, F.S.; requiring the Department of Management Services to develop the Florida Climate Friendly Preferred Products List; requiring state agencies to consult the list and purchase products from the list under certain circumstances; requiring state agencies to contract for meeting and conference space with facilities having the "Green Lodging" designation; authorizing the Department of Environmental Protection to adopt rules; requiring the department to establish voluntary technical assistance programs for various businesses; requiring state agencies to maintain vehicles according to minimum standards and follow certain procedures when procuring new vehicles; requiring state agencies to use ethanol and biodiesel-blended fuels when available; amending s. 287.063, F.S.; prohibiting the payment term for equipment from exceeding the useful life of the equipment unless the contract provides for the replacement or the extension of the useful life of the equipment during the term of the deferred payment contract; amending s. 287.064, F.S.; authorizing an extension of the master equipment financing agreement for energy conservation equipment; requiring the guaranteed energy, water, and wastewater performance savings contractor to provide for the replacement or the extension of the useful life of the equipment during the term of the contract; amending s. 287.16, F.S.; requiring the Department of Management Services to conduct an analysis of the Department of Transportation's ethanol and biodiesel use and encourage other state agencies to analyze transportation fuel usage and report such information to the Department of Management Services; amending s. 288.1089, F.S.; defining the term "alternative and renewable energy"; detailing the conditions for an alternative and renewable energy project to be eligible for an innovation incentive award; amending s. 337.401, F.S.; requiring the Department of Environmental Protection to adopt rules relating to the placement of and access to aerial and underground electric transmission lines having certain specifications; defining the term "base-load generating facilities"; amending s. 339.175, F.S.; requiring each metropolitan planning organization to develop a long-range transportation plan that, among other considerations, provides for sustainable growth and reduces greenhouse gas emissions; amending s. 366.82, F.S.; requiring the Public Service Commission to adopt rules requiring utilities to offset 20 percent of their annual load-growth through energy efficiency and conservation measures; requiring the commission to create an in-state market for tradable credits enabling those utilities that exceed the conservation standard to sell credits to those that cannot meet the standard for a given year; requiring that the commission conduct a periodic review; requiring the commission to require municipal and cooperative utilities that are exempt from the Energy Efficiency and Conservation Act to submit an annual report identifying energy efficiency and conservation goals and the actions taken to meet those goals; requiring that the Florida Energy and Climate Commission be a party in the proceedings to adopt goals and file with the Public Service Commission comments on the proposed goals; requiring the Public Service Commission to use certain methodologies in the evaluation of demand-side management programs; amending s. 366.8255, F.S.; redefining the term "environmental compliance costs" to include costs or expenses prudently incurred for scientific research and geological assessments of carbon capture and storage for the purpose of reducing an electric utility's greenhouse gas emissions; amending s. 366.92, F.S.; providing definitions; requiring the commission to adopt a renewable portfolio standard by rule; requiring

that the rule be ratified by the Legislature; providing that the rule must be submitted for legislative approval by February 1, 2009; specifying criteria for the rule development; allowing for full cost recovery of certain reasonable and prudent costs prior to the ratification of the rule; requiring each municipal electric utility and rural electric cooperative to develop standards for the use of renewable energy resources and energy conservation measures and submit a report to the Public Service Commission which identifies such standards; amending s. 366.93, F.S.; revising the definitions of "cost" and "preconstruction"; requiring the Public Service Commission to establish rules relating to cost recovery for the construction of new, expanded, or relocated electrical transmission lines and facilities for a nuclear power plant; amending s. 377.601, F.S.; revising legislative intent with respect to the need to implement alternative energy technologies; creating s. 377.6015, F.S.; creating the Florida Energy and Climate Commission; providing for appointment and qualifications of members; providing for meetings, duties, and authority of the commission; amending s. 377.602, F.S.; providing a definition; amending s. 377.605, F.S.; transferring duties on energy data collection from the Department of Environmental Protection to the Florida Energy and Climate Commission; amending ss. 377.604, 377.605, and 377.606, F.S.; making conforming changes; amending s. 377.703, F.S.; providing for additional duties of the Florida Energy and Climate Commission; conforming cross-references; amending s. 377.803, F.S.; providing definitions; providing the statutory reference to the definition of the term "biomass"; amending s. 377.804, F.S.; providing for administration of the Renewable Energy and Energy-Efficient Technologies Grant Program by the Florida Energy and Climate Commission rather than the Department of Environmental Protection; providing for the program to include matching grants for technologies that increase the energy efficiency of vehicles and commercial buildings; providing application requirements; repealing s. 377.804(6), F.S., relating to bioenergy projects; amending s. 377.806, F.S.; providing for administration of the Solar Energy System Incentives Program by the Florida Energy and Climate Commission rather than the Department of Environmental Protection; requiring compliance with the Florida Building Code rather than local codes in order to be eligible for a rebate under the program; creating s. 377.808, F.S.; creating the Florida Green Government Grants Act; providing a short title; requiring the Florida Energy and Climate Commission within the Executive Office of the Governor to award grants to assist local governments in the development of programs that achieve green standards; requiring the commission to adopt rules; providing requirements for the rules; limiting a certain number of grant applications made by a local government; limiting the number of active projects that may be conducted by a local government; requiring the commission to perform an overview of each grant; repealing s. 377.901, F.S., relating to the Florida Energy Commission; transferring the State Energy Program from the Department of Environmental Protection to the Florida Energy and Climate Commission; creating s. 377.921, F.S., relating to qualified solar energy systems; providing definitions; allowing a public utility to recover certain costs; amending ss. 380.23 and 403.031, F.S.; conforming cross-references; creating s. 403.44, F.S.; creating the Florida Climate Protection Act; defining terms; requiring the Department of Environmental Protection to establish the methodologies, reporting periods, and reporting systems that must be used when major emitters report to The Climate Registry; authorizing the department to adopt rules for a cap-and-trade regulatory program to reduce greenhouse gas emissions from major emitters; providing for the content of the rule; amending s. 403.503, F.S.; defining the term "alternate corridor" and redefining the term "corridor" for purposes of the Florida Electrical Power Plant Siting Act; amending s. 403.504, F.S.; requiring the Department of Environmental Protection to determine whether a proposed alternate corridor is acceptable; amending s. 403.506, F.S.; revising the thresholds and applicability standards of the Florida Electrical Power Plant Siting Act; deleting a provision that exempts from the act a steam generating plant; exempting from the act the associated facilities of an electrical power plant; exempting an electric utility from obtaining certification under the Florida Electrical Power Plant Siting Act before constructing facilities for a power plant using nuclear materials as fuel; providing that a utility may obtain separate licenses, permits, and approvals for such construction under certain circumstances; exempting such provisions from review under ch. 120, F.S.; amending s. 403.5064, F.S.; requiring an applicant to submit a statement to the department if such applicant opts for consideration of alternate corridors; amending s. 403.50665, F.S.; requiring an application to include a statement on the consistency of directly associated facilities constituting a "development"; requiring the Department of Environmental Protection to address at the certification hearing the issue of compliance with land use plans and

zoning ordinances for a proposed substation located in or along an alternate corridor; amending s. 403.509, F.S.; requiring the Governor and Cabinet sitting as the siting board to certify the corridor having the least adverse impact; authorizing the board to deny certification or allow a party to amend its proposal; amending s. 403.5115, F.S.; requiring the applicant proposing the alternate corridor to publish all notices relating to the application; requiring that such notices comply with certain requirements; requiring that notices be published at least 45 days before the rescheduled certification hearing; amending s. 403.5175, F.S.; conforming a cross-reference; amending s. 403.518, F.S.; authorizing the Department of Environmental Protection to charge an application fee for an alternate corridor; amending s. 403.519, F.S., relating to determinations of need; conforming provisions to changes made by the act; amending s. 403.7031, F.S.; prohibiting a county or municipality from using in practice any definition inconsistent with certain statutes; creating s. 403.7055, F.S.; encouraging counties in the state to form regional solutions to the capture and reuse or sale of methane gas from landfills and wastewater treatment facilities; requiring the Department of Environmental Protection to provide guidelines and assistance; amending s. 403.814, F.S., relating to general permits; conforming provisions; amending s. 489.145, F.S.; revising provisions of the Guaranteed Energy Performance Savings Contracting Act; renaming the act as the “Guaranteed Energy, Water, and Wastewater Performance Savings Contracting Act”; requiring that each proposed contract or lease contain certain agreements concerning operational cost-saving measures; redefining terms; defining the term “investment grade energy audit”; requiring that certain baseline information, supporting information, and documentation be included in contracts; requiring the office of the Chief Financial Officer to review contract proposals; providing audit requirements; requiring contract approval by the Legislature or Chief Financial Officer; creating s. 526.203, F.S.; providing definitions; requiring that on or after a specified date all gasoline sold in the state contain a specified percent of agriculturally derived denatured ethanol; providing for exemptions; creating s. 526.204, F.S.; providing for the requirements to be suspended during a declared emergency; providing an exemption if a supplier or other distributor is unable to obtain the required fuel at the same or lower price than the price of unblended gasoline; requiring that documentation be provided to the Department of Revenue; creating s. 526.205, F.S.; providing for enforcement of the requirement for gasoline content; providing penalties; providing for the Department of Revenue to grant an extension of time to comply with the requirement; creating s. 526.206, F.S.; authorizing the Department of Revenue and the Department of Agriculture and Consumer Services to adopt rules; requiring the Florida Energy Commission to conduct a study of the lifecycle greenhouse gas emissions associated with all renewable fuels; requiring a report to the Legislature by a specified date; amending s. 553.77, F.S.; authorizing the Florida Building Commission to implement recommendations relating to energy efficiency in residential and commercial buildings; creating s. 553.886, F.S.; requiring that the Florida Building Code facilitate and promote the use of certain renewable energy technologies in buildings; creating s. 553.9061, F.S.; requiring the Florida Building Commission to establish a schedule of increases in the energy performance of buildings subject to the Energy Efficiency Code for Building Construction; providing a process for implementing goals to increase energy-efficiency performance in new buildings; providing a schedule for the implementation of such goals; identifying energy-efficiency performance options and elements available to meet energy-efficiency performance requirements; providing a schedule for the review and adoption of renewable energy-efficiency goals by the commission; requiring the commission to conduct a study to evaluate the energy-efficiency rating of new buildings and appliances; requiring the commission to submit a report to the President of the Senate and the Speaker of the House of Representatives on or before a specified date; requiring the commission to conduct a study to evaluate opportunities to restructure the Florida Energy Code for Building Construction, including the integration of the Thermal Efficiency Code, the Energy Conservation Standards Act, and the Florida Building Energy-Efficiency Rating Act; requiring the commission to submit a report to the President of the Senate and the Speaker of the House of Representatives on or before a specified date; directing the Department of Community Affairs, in conjunction with the Florida Energy Affordability Council, to identify and review issues relating to the Low-Income Home Energy Assistance Program and the Weatherization Assistance Program; requiring the submission of a report to the President of the Senate and the Speaker of the House of Representatives on or before a specified date; providing for the expiration of certain study requirements; amending s. 553.957, F.S.; including certain home and commercial appliances in the requirements for testing and certification for meeting certain energy-conservation standards; amending s.

553.975, F.S.; conforming a cross-reference; requiring the Public Service Commission to analyze utility revenue decoupling and provide a report and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by a specified date; amending s. 718.113, F.S.; authorizing the board of a condominium or a multi-condominium to install solar collectors, clotheslines, or other energy-efficient devices on association property; creating s. 1004.648, F.S.; establishing the Florida Energy Systems Consortium, consisting of specified state universities; providing membership and duties of the consortium; providing for an oversight board and steering committee; providing reporting requirements for the consortium by a date certain; authorizing the Department of Environmental Protection to require certain agreements to contain a stipulation requiring the return to the state of a portion of the profit resulting from commercialization of an energy-related product or process; requiring the department to conduct a study relating to the state earning a monetary return on energy-related products or processes through the use of negotiated or licensing agreements; requiring the department to submit the study to the Governor and the Legislature; requiring the Department of Environmental Protection, in conjunction with the Department of Agriculture and Consumer Services, to conduct an economic impact analysis on the effect of granting financial incentives to energy producers who use woody biomass; requiring the department to submit the results to the Legislature; establishing a statewide solid waste reduction goal by a certain date; requiring the Department of Environmental Protection to develop a recycling program designed to meet that goal; requiring the Department of Environmental Protection to prepare a report relating to the costs and benefits of implementing a cap-and-trade system to trade emission credits; requiring the department to present the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives; describing certain specified issues to be included in the report; providing effective dates.

—was read the second time by title.

MOTION

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

Senator Saunders moved the following amendments which were adopted:

Amendment 1 (146394)—Delete line(s) 3324-3385 and insert:

403.44 Florida Climate Protection Act.—

(1) *The Legislature finds it is in the best interest of this state to document, to the greatest extent practicable, greenhouse gas (GHG) emissions and to pursue a market-based emissions abatement program, such as cap-and-trade, to address GHG emissions reductions.*

(2) *As used in this section, the term:*

(a) *“Allowance” means a credit issued by the department through allotments or auction which represents an authorization to emit specific amounts of greenhouse gases, as further defined in department rule.*

(b) *“Cap-and-trade” or “emissions trading” means an administrative approach used to control pollution by providing a limit on total allowable emissions, providing for allowances to emit pollutants, and providing for the transfer of the allowances among pollutant sources as a means of compliance with emission limits.*

(c) *“Greenhouse gas” means carbon dioxide, methane, nitrous oxide, and fluorinated gases such as hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.*

(d) *“Leakage” means the offset of emission abatement that is achieved in one location subject to emission control regulation by increased emissions in unregulated locations.*

(e) *“Major emitter” means an electric utility regulated under this chapter.*

(3) *A major emitter must use The Climate Registry for purposes of emission registration and reporting.*

(4) *The Department of Environmental Protection shall establish the methodologies, reporting periods, and reporting systems that must be*

used when major emitters report to *The Climate Registry*. The department may require the use of quality assured data from continuous emissions-monitoring systems.

(5) The department may adopt rules for a cap-and-trade regulatory program to reduce greenhouse gas emissions from major emitters. When developing the rules, the department shall consult with the Florida Energy and Climate Commission and the Public Service Commission, and may consult with the Governor's Action Team for Energy and Climate Change. The department shall not adopt rules until after January 1, 2010. The rules shall not become effective until ratified by the Legislature.

(6) The rules of the cap-and-trade regulatory program shall include, but are not limited to:

(a) A statewide limit or cap on the amount of GHG emissions emitted by major emitters.

(b) Methods, requirements, and conditions for allocating the cap among major emitters.

(c) Methods, requirements, and conditions for emissions allowances and the process for issuing emissions allowances.

(d) The relationship between allowances and the specific amounts of greenhouse gases they represent.

(e) The length of allowance periods and the time over which entities must account for emissions and surrender allowances equal to emissions.

(f) The time path of allowances from the initiation of the program through to 2050.

(g) A process for the trade of allowances between major emitters, including a registry, tracking, or accounting system for such trades.

(h) Cost containment mechanisms to reduce price and cost risks associated with the electric generation market in this state. Cost containment mechanisms to be considered for inclusion in the rule include, but are not limited to:

1. Allowing major emitters to borrow allowances from future time periods to meet their emission limit.

2. Allowing major emitters to bank emission reductions in the current year to be used to meet emission limits in future years.

3. Allowing major emitters to purchase emissions offsets from other entities who produce verifiable reductions in unregulated greenhouse gas emissions or who produce verifiable reductions in greenhouse gases through voluntary practices that capture and store greenhouse gases that otherwise would be released into the atmosphere. In considering this cost containment mechanism, the department shall identify sectors and activities outside of the capped sectors, including other state or international activities, and the conditions under which reductions there can be credited against emissions of capped entities in place of allowances issued by the department. The department shall also consider potential methods, and their effectiveness, to avoid double-incentivizing such activities.

4. Providing a safety valve mechanism to ensure that the market prices for allowances or offsets do not surpass a predetermined level compatible with the affordability of electric utility rates and the well being of the state's economy. In considering this cost containment mechanism, the department shall evaluate different price levels for the safety valve and methods to change the price level over time to reflect changing state, federal and international markets, regulatory environments, and technological advancements.

In considering cost containment mechanisms for inclusion in the rule, the department shall evaluate the anticipated overall effect of each mechanism on the abatement of greenhouse gas emissions, electricity rate payers, and the benefits and costs of each to the state's economy, and shall also consider the interrelationships between the mechanisms under consideration.

(i) A process to allow the department to exercise its authority to discourage leakage of GHG emissions to neighboring states attributable to the implementation of this program.

(j) Provisions for a trial period on the trading of allowances before full implementation of a trading system.

(7) In recommending and evaluating proposed features of the cap and trade system, the following factors shall be considered:

(a) The overall cost-effectiveness of the cap and trade system in combination with other policies and measures in meeting statewide targets.

(b) Minimizing the administrative burden to the state of implementing, monitoring and enforcing the program.

(c) Minimizing the administrative burden on entities covered under the cap.

(d) The impacts on electricity prices for consumers.

(e) The specific benefits to Florida's economy for early adoption of a cap-and-trade system for greenhouse gases in the context of a federal climate change legislation and the development of international compacts.

(f) The specific benefits to Florida's economy associated with the creation and sale of emissions offsets from economic sectors outside of the emissions cap.

(g) The potential effects of leakage if economic activity relocates out of the state.

(h) The effectiveness of the combination of measures in meeting identified targets.

(i) The implications for near-term periods of long run targets specified in the overall policy.

(j) The overall costs and benefits of a cap-and-trade system to the economy of this state.

(k) How to moderate impacts on low income consumers that result from energy price increases.

(l) Consistency of the program with other state and possible Federal efforts.

(m) The feasibility and cost-effectiveness of extending the program scope as broadly as possible among emitting activities and sinks in Florida.

(n) Evaluation of the conditions under which Florida should consider linking its trading system to other states' or other countries' systems, and how that might be affected by the potential inclusion in the rule of safety valve.

(8) Recognizing that the international, national, neighboring state policies and the science of climate change will evolve, prior to submitting the proposed rules to the Legislature for its consideration, the department shall submit the proposed rules to the Florida Energy and Climate Commission, which shall review the proposed rule and submit a report to the Governor, the President of the Florida Senate, the Speaker of the Florida House of Representatives, and the department. The report shall address:

(a) The overall cost-effectiveness of the proposed cap and trade system in combination with other policies and measures in meeting statewide targets.

(b) The administrative burden to the state of implementing, monitoring and enforcing the program.

(c) The administrative burden on entities covered under the cap.

(d) The impacts on electricity prices for consumers.

(e) The specific benefits to Florida's economy for early adoption of a cap-and-trade system for greenhouse gases in the context of federal climate change legislation and development of new international compacts.

(f) The specific benefits to Florida's economy associated with the creation and sale of emissions offsets from economic sectors outside of the emissions cap.

(g) *The potential effects on leakage if economic activity relocates out of the state.*

(h) *The effectiveness of the combination of measures in meeting identified targets.*

(i) *The economic implications for near-term periods of short-term and long-term targets specified in the overall policy.*

(j) *The overall costs and benefits of a cap-and-trade system to the economy of this state.*

(k) *The impacts on low income consumers that result from energy price increases.*

(l) *The consistency of the program with other states and possible Federal efforts. consider*

(m) *The evaluation of the conditions under which Florida should consider linking its trading system to other states' or other countries' systems, and how that might be affected by the potential inclusion in the rule of a safety valve.*

(n) *The timing and changes in the external environment, such as proposals by other states or implementation of a Federal program that would spur reevaluation of the Florida program.*

(o) *The conditions and options for eliminating the Florida program if a Federal program were to supplant it.*

(p) *The need for a regular re-evaluation of the progress of other emitting regions of the country and of the world, and whether other regions are abating emissions in a commensurate manner.*

(q) *The desirability of and possibilities of broadening the scope of Florida's cap and trade system at a later date to include more emitting activities as well as sinks in Florida, and the conditions that would need to be met to do so, as well as how the program would encourage these conditions to be met such as developing monitoring and measuring techniques for land use emissions and sinks, regulating sources up stream, and other considerations.*

Amendment 2 (446144)(with title amendment)—Delete line(s) 1186-1201 and insert:

(2)(a) The board of trustees shall not sell, transfer, or otherwise dispose of any lands the title to which is vested in the board of trustees except by vote of at least three of the four trustees.

(b) *The authority of the board of trustees to grant easements for rights-of-way over, across, and upon uplands the title of which is vested in the board of trustees for the construction and operation of electric transmission and distribution facilities and related appurtenances is hereby confirmed. The board of trustees may delegate to the Secretary of Environmental Protection the authority to grant such easements on its behalf. All easements for rights-of-way over, across, and upon uplands the title of which is vested in the board of trustees for the construction and operation of electrical transmission and distribution facilities and related appurtenances shall meet the following criteria:*

1. *Such easements shall not prevent the use of the state-owned uplands adjacent to the easement area for the purposes for which such lands were acquired, and shall not unreasonably diminish the ecological, conservation or recreational values of the state-owned uplands adjacent to the easement area.*

2. *There is no practical or prudent alternative to locating the linear facility and related appurtenances on state-owned upland. For purposes of this provision, the test of practicality and prudence shall compare the social, economic and environmental effects of the alternatives.*

3. *Appropriate steps are taken to minimize the impacts to state-owned uplands. Such steps may include:*

a. *Siting of facilities so as to reduce impacts and minimize fragmentation of the overall state-owned parcel;*

b. *Avoiding significant wildlife habitat, wetlands, or other valuable natural resources to the maximum extent practicable; or*

c. *Avoiding interference with active land management practices, such as prescribed burning.*

4. *Except for easements granted as a part of a land exchange initiated by a governmental entity to accomplish a recreational or conservation benefit, or other public purpose, in exchange for such easements, the grantee shall pay an amount equal to the market value of the interest acquired. In addition, for the initial grant of such easements only, the grantee shall provide additional compensation by vesting in the board of trustees fee simple title to other available uplands that are 1.5 times the size of the easement acquired by the grantee. The grantor shall approve the property to be acquired on its behalf based on the geographic location in relation to the land proposed to be under easement and a determination that economic, ecological and recreational value is at least equivalent to the value of the lands under proposed easement. Priority for replacement uplands shall be given to parcels identified as in-holdings and additions to public lands and lands on a Florida Forever land acquisition list. However, if suitable replacement uplands cannot be identified, the grantee shall provide additional compensation for the initial grant of such easements only by paying to the department an amount equal to 2 times the current market value of the state-owned land or the highest and best use value at the time of purchase, whichever is greater. When determining the use of such funds, priority shall be given to parcels identified as in-holdings and additions to public lands and lands on a Florida Forever land acquisition list.*

And the title is amended as follows:

After the semicolon (;) on line 66 and through line 69, delete those words and insert: F.S.; providing that the Board of Trustees of the Internal Improvement Trust Fund may delegate to the Secretary of Environmental Protection the authority to grant easements on its behalf under certain conditions; amending s. 253.034, F.S.;

Amendment 3 (583242)(with title amendment)—Delete line(s) 437-554 and insert:

Section 2. Subsection (3) of section 110.171, Florida Statutes, is amended, and a new subsection (4) is added to that section, to read:

110.171 State employee telecommuting program.—

(3) ~~By September 30, 2009~~ ~~October 1, 1994~~, each state agency shall identify and maintain a current listing of the job classifications and positions that the agency considers appropriate for telecommuting. Agencies that adopt a state employee telecommuting program must:

(a) Give equal consideration to career service and exempt positions in their selection of employees to participate in the telecommuting program.

(b) Provide that an employee's participation in a telecommuting program will not adversely affect eligibility for advancement or any other employment rights or benefits.

(c) Provide that participation by an employee in a telecommuting program is voluntary, and that the employee may elect to cease to participate in a telecommuting program at any time.

(d) Adopt provisions to allow for the termination of an employee's participation in the program if the employee's continued participation would not be in the best interests of the agency.

(e) Provide that an employee is not currently under a performance improvement plan in order to participate in the program.

(f) Ensure that employees participating in the program are subject to the same rules regarding attendance, leave, performance reviews, and separation action as are other employees.

(g) Establish the reasonable conditions that the agency plans to impose in order to ensure the appropriate use and maintenance of any equipment or items provided for use at a participating employee's home or other place apart from the employee's usual place of work, including the installation and maintenance of any telephone equipment and ongoing communications costs at the telecommuting site which is to be used for official use only.

(h) Prohibit state maintenance of an employee's personal equipment used in telecommuting, including any liability for personal equipment and costs for personal utility expenses associated with telecommuting.

- (i) Describe the security controls that the agency considers appropriate.
- (j) Provide that employees are covered by workers' compensation under chapter 440, when performing official duties at an alternate work-site, such as the home.

(k) Prohibit employees engaged in a telecommuting program from conducting face-to-face state business at the homesite.

(l) Require a written agreement that specifies the terms and conditions of telecommuting, which includes verification by the employee that the home office provides work space that is free of safety and fire hazards, together with an agreement which holds the state harmless against any and all claims, excluding workers' compensation claims, resulting from an employee working in the home office, and which must be signed and agreed to by the telecommuter and the supervisor.

(m) *Provide measurable financial benefits associated with reduced office space requirements, reductions in energy consumption and reductions in associated emissions of greenhouse gases resulting from telecommuting. State agencies operating in office space owned or managed by the department shall consult the facilities program to ensure its consistency with the strategic leasing plan required under s. 255.249(3)(b).*

(4) *The telecommuting program for each state agency, and pertinent supporting documents, shall be posted on the agency's website to allow access by employees and the public.*

And the title is amended as follows:

Delete line(s) 6-14 and insert: hearing; amending s. 110.171, F.S.; requiring each state agency to complete a telecommuting program by a specified date which includes a listing of the job classification and positions that the state agency considers appropriate for telecommuting; providing requirements for the telecommuting program; requiring each state agency to post the telecommuting program on its website; amending s. 163.04,

Amendment 4 (166848)(with title amendment)—Between line(s) 880 and 881 insert:

Section 9. Section 196.175, Florida Statutes, is amended to read:

196.175 Renewable energy source exemption.—

(1) Improved real property upon which a renewable energy source device is installed and operated shall be entitled to an exemption not greater than the lesser of:

(a) The assessed value of such real property less any other exemptions applicable under this chapter;

(b) The original cost of the device, including the installation cost thereof, but excluding the cost of replacing previously existing property removed or improved in the course of such installation; or

(c) Eight percent of the assessed value of such property immediately following installation.

(2) The exempt amount authorized under subsection (1) shall apply in full if the device was installed and operative throughout the 12-month period preceding January 1 of the year of application for this exemption. If the device was operative for a portion of that period, the exempt amount authorized under this section shall be reduced proportionally.

(3) It shall be the responsibility of the applicant for an exemption pursuant to this section to demonstrate affirmatively to the satisfaction of the property appraiser that he or she meets the requirements for exemption under this section and that the original cost pursuant to paragraph (1)(b) and the period for which the device was operative, as indicated on the exemption application, are correct.

(4) No exemption authorized pursuant to this section shall be granted for a period of more than 10 years. No exemption shall be granted with respect to renewable energy source devices installed before January 1, 2009 ~~January 1, 1980, or after December 31, 1990.~~

(Renumber subsequent sections.)

And the title is amended as follows:

On line(s) 42 after the semicolon (;) insert: amending s. 196.175, F.S.; providing no exemption shall be granted for renewable energy source devices installed before January 1, 2009;

Amendment 5 (389250)—Delete line(s) 1102 and insert: *for the eligible costs. A corporation that passes through the credit to a partner, member, or owner must comply with the notification requirements described in s. 220.192(6)(b). The partner, member, or owner must attach a copy of the certification to each tax return on which the partner, member, or owner claims any portion of the credit.*

Senator Saunders moved the following amendment:

Amendment 6 (553502)(with title amendment)—Delete line(s) 814-838 and redesignate subsequent section.

And the title is amended as follows:

Delete line(s) 32-40 and insert: plants; amending s.

On motion by Senator Saunders, further consideration of **CS for CS for SB 1544** with pending **Amendment 6 (553502)** was deferred.

MOTION

On motion by Senator Saunders, the rules were waived and Senators Constantine and Bennett were shown as co-introducers of **CS for CS for CS for SB 1544**.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator King, the rules were waived and the Committees on Criminal Justice; Judiciary; and Military Affairs and Domestic Security were granted permission to meet from 3:30 p.m. until 5:00 p.m. in lieu of 3:00 p.m. until 4:30 p.m. as scheduled this day.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Margolis, by two-thirds vote **SB 2844** was withdrawn from the committees of reference and further consideration.

On motion by Senator Garcia, by two-thirds vote **SB 184** was withdrawn from the committees of reference and further consideration.

On motion by Senator Dockery, by two-thirds vote **CS for CS for SB 766** and **CS for SB 1464** were withdrawn from the Committee on Rules.

On motion by Senator Constantine, by two-thirds vote **SB 562** was withdrawn from the Committee on Education Pre-K - 12; and **SB 500** was withdrawn from the Committee on Children, Families, and Elder Affairs.

On motion by Senator Saunders, by two-thirds vote **CS for CS for CS for SB 1670**, **SB 2192** and **SB 2750** were withdrawn from the Committee on Education Pre-K - 12; **CS for SB 2546** was withdrawn from the Committee on Governmental Operations; **SB 1106** was withdrawn from the Committee on Health and Human Services Appropriations; **CS for SB 1458** was withdrawn from the Committee on Health Policy; and **CS for SB 1042** and **SB 1046** were withdrawn from the Committee on Rules.

MOTIONS

On motions by Senator King, the rules were waived and by two-thirds vote **CS for CS for CS for SB 1544** and **CS for CS for CS for SB 1992** were placed first on the Special Order Calendar to be considered Thursday, April 17.

CONFEREES APPOINTED

The President appointed the following conferees on **CS for SB 1886**, **CS for SB 1888**, **CS for SB 1892**, **CS for CS for SB 1286**, **CS for CS for SB 1294**, **CS for CS for SB 1702**, **CS for SB 1756**, **CS for SB 1774**,

CS for SB 1788, CS for SB 1790, CS for SB 1792, CS for SB 1988, CS for CS for SB 2000, SB 2820, CS for SB 1864, CS for SB 1882, HB 5001, HB 5003, HB 5045, HB 5047, HB 5049, HB 5053, HB 5055, CS for HB 5057, HB 5079, HB 5081, HB 5067, HB 5069, HB 5071, HB 5073, HB 5075, HB 5093, HB 5083, HB 5077, HB 5051, HB 5043, HB 5059, HB 5061, HB 5085, HB 5087, HB 5091, and HB 5063: Senator Carlton, Chair; Senator Atwater, Vice Chair; Senators Geller, King and Webster, Members at Large; Criminal and Civil Justice Appropriations: Senator Crist, Chair; Senators Joyner, Dawson, Dean and Villalobos; Education Pre-K - 12 Appropriations: Senator Wise, Chair; Senators Siplin, Bullard, Constantine, Dockery and Garcia; General Government Appropriations: Senator Alexander, Chair; Senators Lawson, Aronberg, Baker, Bennett, Deutch, Haridopolos and Jones; Health and Human Services Appropriations: Senator Peaden, Chair; Senators Rich, Gaetz, Saunders, Storms and Wilson; Higher Education Appropriations: Senator Lynn, Chair; Senators Ring, Justice, King and Oelrich; Transportation and Economic Development Appropriations: Senator Fasano, Chair; Senators Margolis, Diaz de la Portilla, Hill, Posey and Webster.

The action of the Senate was certified to the House.

REPORTS OF COMMITTEES

The Responsible Regulation Policy and Calendar Committee submits the following bills to be placed on the Special Order Calendar for Wednesday, April 16, 2008: CS for CS for SB 542, CS for CS for CS for SB 1544, CS for CS for SB 2212, CS for SB 2422, CS for CS for CS for SB 392, CS for CS for SB 2580, CS for SB 794, CS for SB 1426

Respectfully submitted,
Lee Constantine, Chair

The Economic Opportunities Policy and Calendar Committee submits the following bills to be placed on the Special Order Calendar for Wednesday, April 16, 2008: CS for SB 2778, CS for CS for SB 2714, CS for CS for SB 2712, CS for SB 2310, CS for CS for CS for SB 2158, CS for CS for SB's 556 and 748, CS for CS for SB 682, CS for SB 2438, CS for CS for CS for SB 1992, CS for SB 1096, CS for SB 590, SB 2474, CS for SB 630

Respectfully submitted,
Jeff Atwater, Chair

The Committee on Health Regulation recommends the following pass: SB 1566

The bill was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Community Affairs recommends the following pass: SB 500 with 3 amendments

The Committee on Health Policy recommends the following pass: SB 2684

The bills contained in the foregoing reports were referred to the Committee on Children, Families, and Elder Affairs under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 2846

The bill was referred to the Committee on Commerce under the original reference.

The Committee on Banking and Insurance recommends the following pass: CS for SB 2470

The Committee on Commerce recommends the following pass: SB 1572 with 1 amendment

The Committee on Health Policy recommends the following pass: SB 2092

The bills contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Finance and Tax recommends the following pass: CS for SB 1110; CS for SB 1116

The bills were referred to the Committee on Criminal and Civil Justice Appropriations under the original reference.

The Committee on Community Affairs recommends the following pass: SJR 2190 with 1 amendment

The bill was referred to the Committee on Finance and Tax under the original reference.

The Committee on Banking and Insurance recommends the following pass: CS for SB 652

The Committee on Commerce recommends the following pass: CS for SB 1422

The Committee on Finance and Tax recommends the following pass: CS for SB 1490; SB 1502; SB 1982

The Committee on Health Policy recommends the following pass: SB 448; CS for SB 1010

The bills contained in the foregoing reports were referred to the Committee on General Government Appropriations under the original reference.

The Committee on Banking and Insurance recommends the following pass: CS for SB 1998 with 1 amendment

The Committee on Commerce recommends the following pass: CS for SB 2172

The bills contained in the foregoing reports were referred to the Committee on Governmental Operations under the original reference.

The Committee on Children, Families, and Elder Affairs recommends the following pass: SB 226

The bill was referred to the Committee on Higher Education under the original reference.

The Committee on Finance and Tax recommends the following pass: CS for SB 346

The bill was referred to the Committee on Higher Education Appropriations under the original reference.

The Committee on Commerce recommends the following pass: CS for SB 1128 with 1 amendment

The bill was referred to the Committee on Judiciary under the original reference.

The Committee on Finance and Tax recommends the following pass: CS for SB 698; CS for CS for SB 920; CS for SB 2458; SB 2666 with 1 amendment

The bills were referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 1986

The Committee on Criminal and Civil Justice Appropriations recommends the following pass: CS for SB 92; CS for SB 278; CS for SB's 340 and 1612; CS for SB 1064; CS for CS for SB 1084

The Committee on Education Pre-K - 12 Appropriations recommends the following pass: CS for CS for SB 574; CS for SB 856; CS for SB 1414

The Committee on General Government Appropriations recommends the following pass: CS for CS for SB 108; CS for SB 758; CS for CS for SB 1152; CS for SB 1300; CS for SB 2052; CS for SB 2422 with 1 amendment

The Committee on Health and Human Services Appropriations recommends the following pass: CS for SB 988; CS for SB 1462; CS for CS for SB 1488; CS for SB 1954; SB 2400

The Committee on Higher Education Appropriations recommends the following pass: CS for SB 1014

The Committee on Transportation and Economic Development Appropriations recommends the following pass: CS for CS for CS for SB 392; SB 2296

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2054

The bill with committee substitute attached was referred to the Committee on Agriculture under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: CS for SB 2084

The bill with committee substitute attached was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2272

The bill with committee substitute attached was referred to the Committee on Commerce under the original reference.

The Committee on Children, Families, and Elder Affairs recommends a committee substitute for the following: SB 786

The bill with committee substitute attached was referred to the Committee on Community Affairs under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: CS for CS for SB 1614

The bill with committee substitute attached was referred to the Committee on Criminal and Civil Justice Appropriations under the original reference.

The Committee on Commerce recommends a committee substitute for the following: SB 2856

The bill with committee substitute attached was referred to the Committee on Finance and Tax under the original reference.

The Committee on Finance and Tax recommends committee substitutes for the following: CS for SB 1006; SB 1548; SB 1590

The Committee on Regulated Industries recommends a committee substitute for the following: CS for SB's 1094 and 326

The Committee on Transportation and Economic Development Appropriations recommends a committee substitute for the following: CS for CS for SB 920

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on General Government Appropriations under the original reference.

The Committee on Higher Education recommends a committee substitute for the following: SB 2170

The bill with committee substitute attached was referred to the Committee on Governmental Operations under the original reference.

The Committee on Health Regulation recommends a committee substitute for the following: SB 2866

The bill with committee substitute attached was referred to the Committee on Higher Education under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2048

The Committee on Community Affairs recommends a committee substitute for the following: SB 640

The Committee on Health Regulation recommends a committee substitute for the following: SB 780

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1284

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 474

The Committee on Finance and Tax recommends a committee substitute for the following: CS for SB 2426

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Commerce recommends committee substitutes for the following: CS for SB 2264; CS for SB 2338

The Committee on Criminal and Civil Justice Appropriations recommends committee substitutes for the following: CS for SB 76; SB 328; SB 624; CS for CS for SB 756; CS for CS for SB 1442

The Committee on General Government Appropriations recommends committee substitutes for the following: CS for SB 542; CS for SB 818; CS for SB 1012; CS for CS for SB 1544; SB 1968; CS for SB 2212; CS for SB 2580

The Committee on Health and Human Services Appropriations recommends committee substitutes for the following: CS for SB 1360; CS for SB 1696; SB 2390; CS for SB 2598; CS for CS for SB 2654

The Committee on Higher Education recommends a committee substitute for the following: CS for SB 1762

The Committee on Judiciary recommends a committee substitute for the following: SB 740

The Committee on Transportation and Economic Development Appropriations recommends committee substitutes for the following: CS for SB 428; CS for SB 482; CS for CS for CS for SB 560; CS for SB 704; CS for CS for SB 802; CS for SB 1076; CS for SB 1946; CS for CS for SB 1992; CS for SB 2712; CS for SB 2714; SB 2778

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Commerce recommends that the Senate confirm the following appointments made by the Governor:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Board of Directors, Enterprise Florida, Inc. Appointees: Falconetti, John McCarty, Kevin	07/01/2011 07/01/2011

The Committee on Commerce recommends that the Senate confirm the following appointment made by the President of the Senate

<i>Office and Appointment</i>	<i>For Term Ending</i>
Board of Directors, Enterprise Florida, Inc. Appointee: Campbell, Ronald J.	07/01/2010

The Committee on Health Policy recommends that the Senate confirm the following appointment made by the Governor:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Secretary of Health Care Administration Appointee: Benson, Anna Holliday	Pleasure of Governor

The Committee on Higher Education recommends that the Senate confirm the following appointments made by the Governor:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Board of Trustees, Florida A & M University Appointee: Langston, Charles	01/06/2013
Board of Trustees, Florida Atlantic University Appointee: Plymale, Sherry	01/06/2013
Board of Trustees, Florida Gulf Coast University Appointee: Lutgert, Scott F.	01/06/2013
Board of Trustees, University of North Florida Appointee: Korman, Joy G.	01/06/2013
Board of Trustees, University of West Florida Appointee: Merrill, J. Collier	01/06/2013

The Committee on Higher Education recommends that the Senate confirm the following appointments made by the Board of Governors:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Board of Trustees, Florida A & M University Appointee: Brown, Robert J.	01/06/2010

Office and Appointment

*For Term
Ending*

Board of Trustees, Florida Atlantic University Appointee: Workman, Thomas, Jr.	01/06/2013
Board of Trustees, Florida State University Appointee: Kinsey, James E., Jr.	01/06/2013
Board of Trustees, University of North Florida Appointee: Twomey, Kevin M.	01/06/2013

[The appointments were referred to the Committee on Ethics and Elections under the original reference.]

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Criminal and Civil Justice Appropriations; Criminal Justice; and Senators Atwater, Gaetz, Lynn, Fasano, Baker and Haridopolos—

CS for CS for SB 76—A bill to be entitled An act relating to criminal activity; creating s. 16.62, F.S.; creating the Coordinating Council on Criminal Gang Reduction Strategies within the Department of Legal Affairs; providing for membership and administration of the council; providing duties of the council; requiring the Department of Legal Affairs to provide staff and administrative support to the council; providing for the expiration of the council; amending s. 775.0846, F.S.; providing that a person commits a felony of the third degree if he or she is in possession of a bulletproof vest when committing or attempting to commit certain specified crimes; amending s. 775.13, F.S.; requiring certain felons whose offenses related to criminal gangs to register with the sheriff; providing penalties; amending s. 790.23, F.S.; providing penalties for certain persons possessing a firearm; amending s. 823.05, F.S.; revising provisions relating to the enjoining of public nuisances to include certain nuisances related to criminal gangs and criminal gang activities; providing for enjoining such nuisances; providing for local laws; amending s. 874.01, F.S.; revising a short title; amending s. 874.02, F.S.; revising legislative findings and intent; amending s. 874.03, F.S.; creating and revising definitions; redefining “criminal street gangs” as “criminal gangs”; amending s. 874.04, F.S.; conforming provisions; revising an evidentiary standard; creating s. 874.045, F.S.; providing that ch. 874, F.S., does not preclude arrest and prosecution under other specified provisions; amending s. 874.05, F.S.; revising provisions relating to soliciting or causing another to join a criminal gang; amending s. 874.06, F.S.; authorizing the state to bring civil actions for certain violations; providing that a plaintiff has a superior claim to property or proceeds; providing penalties for knowing violation of certain orders; amending s. 874.08, F.S.; conforming provisions relating to forfeiture; amending s. 874.09, F.S.; providing additional powers for the Department of Law Enforcement and local law enforcement agencies relating to crime data information; creating s. 874.10, F.S.; prohibiting persons from initiating, organizing, planning, financing, directing, managing, or supervising criminal gang-related activity; providing penalties; creating s. 874.11, F.S.; prohibiting use of electronic communications to further the interests of a criminal gang; providing penalties; creating s. 874.12, F.S.; defining the term “identification document”; prohibiting possession of certain identification documents for specified purposes; providing penalties; amending s. 893.138, F.S.; conforming terminology to changes made by the act; amending s. 895.02, F.S.; adding certain offenses to the definition of “racketeering activity”; conforming terminology to changes made by this act; amending s. 903.046, F.S.; adding to the list of items a court may consider when determining whether to release a defendant on bail; amending s. 914.22, F.S.; revising the penalties for tampering with or harassing witnesses; amending s. 943.031, F.S.; revising provisions relating to the Florida Violent Crime and Drug Control Council; providing duties concerning criminal gangs; creating the Drug Control Strategy and Criminal Gangs Committee; providing for duties of the committee concerning funding of certain programs; providing for reports; amending s. 947.18, F.S.; prohibiting certain parolees from communicating with criminal gang members; providing exceptions; amending s. 947.1405, F.S.; prohibiting certain conditional releaseses from communicating with criminal gang members; providing exceptions; creating s. 948.033, F.S., prohibiting certain probationers or community controllees from communicating with criminal gang members; providing exceptions; amending s. 921.0022, F.S.; adding offenses to the offense severity

ranking chart of the Criminal Punishment Code; conforming terminology to changes made by this act; amending ss. 921.0024, 921.141, 943.325, 984.03, 985.03, 985.047, and 985.433, F.S.; conforming cross-references and terminology to changes made by this act; providing a directive to the Division of Statutory Revision; providing an effective date.

By the Committee on Criminal and Civil Justice Appropriations; and Senators Aronberg and Fasano—

CS for SB 328—A bill to be entitled An act relating to the offense of voyeurism; amending s. 810.145, F.S.; providing that it is a third-degree felony for certain persons who are responsible for the welfare of a child younger than 16 years of age to commit the offense of video voyeurism, video voyeurism dissemination, or commercial video voyeurism dissemination against that child; providing that it is a third-degree felony for a person employed at a school or voluntary prekindergarten education program to commit the offense of video voyeurism, video voyeurism dissemination, or commercial video voyeurism dissemination against a student of the school or voluntary prekindergarten education program; providing that it is a third-degree felony for a person who is 24 years of age or older to commit the offense of video voyeurism, video voyeurism dissemination, or commercial video voyeurism dissemination against a child younger than 16 years of age; providing that it is a second-degree felony for a person who was previously convicted of or adjudicated delinquent for video voyeurism, video voyeurism dissemination, or commercial video voyeurism dissemination to commit any such third-degree felony against a child younger than 16 years of age or a student; providing criminal penalties; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; Commerce; and Senator Bennett—

CS for CS for SB 428—A bill to be entitled An act relating to workforce innovation; amending s. 445.007, F.S.; authorizing designation of a regional workforce board as a one-stop operator and direct provider of certain services by agreement of the chief elected official and the Governor; requiring that Workforce Florida, Inc., establish procedures for a regional workforce board to request permission to operate and the criteria for granting such permission; providing for the permission to operate not exceed a certain period; providing an effective date.

By the Committee on Community Affairs; and Senator Garcia—

CS for SB 474—A bill to be entitled An act relating to growth management; amending s. 70.51, F.S.; deleting an exemption from the limitation on the frequency of amendments of comprehensive plans; transferring, renumbering, and amending s. 125.379, F.S.; requiring counties to certify that they have prepared a list of county-owned property appropriate for affordable housing before obtaining certain funding; amending s. 163.3174, F.S.; prohibiting the members of the local governing body from serving on the local planning agency; providing an exception; amending s. 163.3177, F.S.; requiring coordination of the local comprehensive plan with a school district's educational facilities plan; including a provision encouraging rural counties to adopt a rural sub-element as part of their future land use plan; prohibiting local comprehensive plans from imposing certain standards or development conditions inconsistent with certain requirements of law or state requirements for educational facilities or with maintaining financially feasible school district facilities work plans; requiring certain counties to certify that they have adopted a plan for ensuring affordable workforce housing before obtaining certain funding; requiring the housing element of the comprehensive plan to address senior affordable housing; authorizing the state land planning agency to amend administrative rules relating to planning criteria to allow for varying local conditions; deleting exemptions from the limitation on the frequency of plan amendments; deleting provisions encouraging local governments to develop a community vision and to designate an urban service boundary; amending s. 163.31771, F.S.; requiring a local government to amend its comprehensive plan to allow accessory dwelling units in an area zoned for single-family residential use; prohibiting such units from being treated as new units if there is a land use restriction agreement that restricts use to affordable housing; prohibiting accessory dwelling units from being located on certain land; amend-

ing s. 163.3178, F.S.; revising provisions relating to coastal management and coastal high-hazard areas; providing factors for demonstrating the compliance of a comprehensive plan amendment with rule provisions relating to coastal areas; amending s. 163.3180, F.S.; revising concurrency requirements; specifying municipal areas for transportation concurrency exception areas; revising provisions relating to the Strategic Intermodal System; deleting a requirement for local governments to annually submit a summary of de minimus records; providing additional requirements for school concurrency service areas and contiguous service areas; providing a minimum state availability standard for school concurrency; extending the deadline for local governments to adopt a public school facilities element and interlocal agreement; providing that a developer may not be required to reduce or eliminate backlog or address class size reduction; requiring charter schools to be considered as a mitigation option under certain circumstances; limiting the circumstances under which a local government may deny a development permit or comprehensive plan amendment based on school concurrency; requiring school districts to include relocatables in their calculation of school capacity in certain circumstances; requiring consistency between a school impact fee and an adopted school concurrency ordinance; absolving a developer from responsibility for mitigating school concurrency backlogs or addressing class size; authorizing a methodology based on vehicle and miles traveled for calculating proportionate fair-share methodology; providing transportation concurrency incentives for private developers; deleting an exemption from transportation concurrency provided to certain workforce housing; requiring proportionate-share mitigation for developments of regional impact to be based on the existing level of service or the adopted level-of-service standard, whichever is less; defining the term "backlogged transportation facility"; providing for recommendations for the establishment of a uniform mobility fee methodology to replace the current transportation concurrency management system; amending s. 163.3184, F.S.; requiring that potential applicants for a future land use map amendment conduct a meeting to present, discuss, and solicit public comment on the proposed amendment; requiring that such meeting be conducted before the application is filed; providing notice and procedure requirements for such meetings; providing for applicability of such requirements; requiring that applicants conduct a second meeting within a specified period before the local government's scheduled adoption hearing; providing for notice of such meeting; requiring that an applicant file with the local government a written certification attesting to certain information; exempting small-scale amendments from requirements related to meetings; revising a time period for comments on plan amendments; revising a time period for requesting state planning agency review of plan amendments; revising a time period for the state land planning agency to identify written comments on plan amendments for local governments; providing that an amendment is deemed abandoned under certain circumstances; authorizing the state land planning agency to grant extensions; requiring that a comprehensive plan or amendment to be adopted be available to the public; prohibiting certain types of changes to a plan amendment during a specified period before the hearing thereupon; requiring that the local government certify certain information to the state land planning agency; deleting exemptions from the limitation on the frequency of amendments of comprehensive plans; deleting provisions relating to community vision and urban boundary amendments to conform to changes made by the act; amending s. 163.3187, F.S.; providing that comprehensive plan amendments may be adopted by simple majority vote of the governing body of the applicable local government; requiring a super majority vote of such persons for the adoption of certain amendments; authorizing local governments to transmit and adopt certain plan amendments twice per calendar year; authorizing local governments to transmit and adopt certain plan amendments at any time during a calendar year without regard for restrictions on frequency; deleting certain types of amendments from the list of amendments eligible for adoption at any time during a calendar year; deleting exemptions from frequency limitations; providing circumstances under which small-scale amendments become effective; amending s. 163.3245, F.S.; revising provisions relating to optional sector plans; authorizing all local government to adopt optional sector plans into their comprehensive plan; increasing the size of the area to which sector plans apply; deleting certain restrictions on a local government upon entering into sector plans; deleting an annual monitoring report submitted by a host local government that has adopted a sector plan and a status report submitted by the department on optional sector plans; amending s. 163.3246, F.S.; discontinuing the Local Government Comprehensive Planning Certification Program except for currently certified local governments; retaining an exemption from DRI review for a certified community in certain circumstances; creating s.

163.32461, F.S.; providing expedited affordable housing growth strategies; providing legislative intent; providing definitions; providing an optional expedited review for certain future land use map amendments; providing procedures for such review; providing for the expedited review of subdivision, site plans, and building permits; providing for density bonuses for certain land uses; amending s. 163.32465, F.S.; revising provisions relating to the state review of comprehensive plans; providing additional types of amendments to which the alternative state review applies; renumbering and amending s. 166.0451, F.S.; requiring municipalities to certify that they have prepared a list of county-owned property appropriate for affordable housing before obtaining certain funding; amending s. 253.034, F.S.; requiring that a manager of conservation lands report to the Board of Trustees of the Internal Improvement Trust Fund at specified intervals regarding those lands not being used for the purpose for which they were originally leased; requiring that the Division of State Lands annually submit to the President of the Senate and the Speaker of the House of Representatives a copy of the state inventory identifying all nonconservation lands; requiring the division to publish a copy of the annual inventory on its website and notify by electronic mail the executive head of the governing body of each local government having lands in the inventory within its jurisdiction; amending s. 288.975, F.S.; deleting exemptions from the frequency limitations on comprehensive plan amendments; amending s. 380.06, F.S.; providing an exception from development-of-regional-impact review; providing a 3-year extension for the buildout, commencement, and expiration dates of developments of regional impact and Florida Quality Developments, including associated local permits; providing that all transportation impacts for a phase or stage of a development of regional impact shall be deemed mitigated under certain circumstances; amending s. 380.0651, F.S.; providing an exemption from development-of-regional impact review; amending s. 1002.33, F.S.; restricting facilities from providing space to charter schools unless such use is consistent with the local comprehensive plan; creating s. 1011.775, F.S.; requiring that each district school board prepare an inventory list of certain real property on or before a specified date and at specified intervals thereafter; requiring that such list include certain information; requiring that the district school board review the list at a public meeting and make certain determinations; requiring that the board state its intended use for certain property; authorizing the board to revise the list at the conclusion of the public meeting; requiring that the board adopt a resolution; authorizing the board to offer certain properties for sale and use the proceeds for specified purposes; authorizing the board to make the property available for the production and preservation of permanent affordable housing; defining the term “affordable” for specified purposes; repealing s. 339.282, F.S., relating to transportation concurrency incentives; repealing s. 420.615, F.S., relating to affordable housing land donation density bonus incentives; amending s. 1013.33, F.S.; prohibiting the imposition of standards and conditions exceeding certain requirements for an educational facilities or school district facilities work plan under certain circumstances; providing an exception; amending s. 1013.372, F.S.; requiring that certain charter schools serve as public shelters at the request of the local emergency management agency; amending ss. 163.3217, 163.3182, and 171.203, F.S.; deleting exemptions from the limitation on the frequency of amendments of comprehensive plans; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; Community Affairs; and Senators Garcia and Bullard—

CS for CS for SB 482—A bill to be entitled An act relating to affordable housing; amending s. 212.055, F.S.; redefining the term “infrastructure” to allow the proceeds of a local government infrastructure surtax to be used to purchase land for the construction of affordable or workforce housing units; amending s. 420.503, F.S.; defining the term “moderate rehabilitation” for purposes of the Florida Housing Finance Corporation Act; amending s. 420.5087, F.S.; revising purposes for which State Apartment Incentive Loans may be used; amending s. 420.5095, F.S.; requiring that certain funds related to the Community Workforce Housing Innovation Pilot Program be made available for workforce housing for teachers and instructional personnel; requiring that the Florida Housing Finance Corporation select projects for funding based on certain criteria; amending s. 420.9071, F.S.; defining the terms “assisted housing,” “assisted housing development,” and “preservation”; revising the definition of “eligible housing,” “local housing incentive strategies,” and “recaptured funds” for purposes of the State Housing Initiatives Partnership Act; amending s. 420.9072, F.S.; revising provisions related

to the administration of certain funds in the Local Government Housing Trust Fund; amending s. 420.9073, F.S.; revising requirements for distribution of funds in the Local Government Housing Trust Fund; specifying purposes for which such withheld funds may be used; clarifying purposes for which certain local governments may expend funds from the Local Government Housing Trust Fund; amending s. 420.9075, F.S.; requiring that local housing assistance plans address the special housing needs of persons with disabilities; authorizing the Florida Housing Finance Corporation to define “high-cost counties” by rule; authorizing high-cost counties or certain municipalities to assist persons meeting specific income requirements; revising requirements to be included in the local housing assistance plan; requiring counties and certain municipalities to include certain strategies in the local housing assistance plan; revising criteria that applies to awards made for the purpose of providing affordable housing; authorizing and limiting the percentage of funds from the local housing distribution that may be used for certain manufactured housing; extending the expiration date of an exemption from certain income requirements in specified areas; authorizing the use of certain funds for preconstruction activities; providing that certain costs are a program expense; authorizing counties and certain municipalities to award grant funds under certain conditions; providing for the repayment of funds by counties or certain municipalities; amending provisions related to the administration of certain funds in the Local Government Housing Trust Fund; amending s. 420.9076, F.S.; revising appointments to a local affordable housing advisory committee; deleting cross-references to conform to changes made by the act; deleting provisions related to the administration of certain funds by the Local Government Housing Trust Fund; amending s. 421.08, F.S.; limiting the authority of housing authorities in certain circumstances; amending s. 159.807, F.S.; deleting an exemption for the Florida Housing Finance Corporation from the applicability of certain uses of the state allocation pool; repealing s. 420.9078, F.S., relating to state administration of funds remaining in the Local Government Housing Trust Fund; amending ss. 212.08, 220.03, and 220.183, F.S.; conforming cross-references to changes made by the act; amending s. 624.5105, F.S.; conforming cross-references to changes made by the act; providing an effective date.

By the Committees on General Government Appropriations; Environmental Preservation and Conservation; and Senator Saunders—

CS for CS for SB 542—A bill to be entitled An act relating to land acquisition and management; amending s. 201.15, F.S., relating to the distribution of taxes collected for debt service; extending the deadline for retiring the bonds issued under the Florida Forever Act; amending s. 215.618, F.S.; authorizing the distribution of bonds for the acquisition of conservation lands; increasing the bonding authority for issuance of Florida Forever bonds; directing the Legislature to complete a debt analysis prior to the issuance of any such bonds by a date certain; directing the Legislature to complete an analysis on potential revenue sources by a date certain; amending s. 253.025, F.S.; requiring appraisals of land under certain circumstances; deleting provisions that allow appraisers to reject an appraisal report under certain conditions; providing authority to the Board of Trustees of the Internal Improvement Trust Fund to waive sales history requirements under certain conditions; amending s. 253.0325, F.S.; requiring the Department of Environmental Protection to modernize its information systems; requiring an annual report of state lands acquired by each recipient of funds; amending s. 253.034, F.S.; defining the term “public access” for purposes of chapters 253 and 259, F.S.; requiring that land management plans provide short-term and long-term management goals; specifying measurable objectives; requiring that a land management plan contain certain elements; revising requirements for determining which state-owned lands may be surplus lands; requiring additional appraisals under certain conditions; requiring the Division of State Lands to contract with an organization for the purpose of determining the value of carbon capture and carbon sequestration with respect to state lands and provide an inventory to the board of trustees; authorizing to the Fish and Wildlife Conservation Commission to manage lands for imperiled species under certain conditions; requiring a report to the Legislature; providing for future expiration of such authority; amending s. 253.111, F.S.; extending the period within which a board of county commissioners must provide a resolution to the Board of Trustees of the Internal Improvement Trust Fund before state-owned lands are otherwise sold; amending s. 253.82, F.S.; revising requirements of the sale of nonsovereignty lands owned by the board of trustees; deleting appraisal limitations; amending s. 259.032, F.S.; requiring priority purchase of conservation and recreational lands that

have high concentrations of population and certain agricultural lands; revising requirements for land management plans; establishing a minimum for funds expended for the management of state-owned land; requiring the Land Management Uniform Accounting Council to report on the formula for allocating land management funds; providing requirements for the report; deleting obsolete provisions; amending s. 259.035, F.S.; revising provisions establishing the Acquisition and Restoration Council; revising membership criteria; directing the council to establish specific criteria and numeric performance measures for the acquisition of land; amending s. 259.037, F.S.; revising the categories used by the Land Management Uniform Accounting Council to collect and report the costs of land management activities; requiring agencies to report additional information to the council; amending s. 259.041, F.S., relating to the acquisition of state-owned lands for preservation, conservation, and recreation purposes; requiring Legislative approval for acquisitions by the state exceeding a certain amount; increasing appraisal thresholds; requiring that specific language be included on option contracts; amending s. 259.105, F.S., relating to the Florida Forever Act; revising Legislative intent; providing for funds to be deposited in the Florida Forever Trust Fund; requiring bonded moneys be spent for capital improvements under certain conditions; providing for the expenditure of funds for conservation and agricultural easements under certain conditions; providing for the inclusion of carbon sequestration as a multiple use; providing rulemaking authority for the board of trustees; providing for the reversion of lands to the board of trustees under certain conditions; requiring an annual work plan be developed by the Acquisition and Restoration Council; authorizing alternatives to fee-simple purchases; deleting obsolete provisions; amending s. 259.1051, F.S., relating to the Florida Forever Trust Fund; increasing bonding authority; amending s. 373.089, F.S.; clarifying the process for disposing of surplus lands; amending s. 373.1391, F.S.; providing additional oversight authority to the department; amending s. 373.199, F.S.; clarifying work plan requirements; transferring all statutory powers, duties, functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds related to the Florida Communities Trust from the Department of Community Affairs to the Department of Environmental Protection; requesting that the Division of Statutory Revision of the Office of Legislative Services prepare a reviser's bill to conform certain provisions of state law to changes made by the act; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; Environmental Preservation and Conservation; Regulated Industries; Community Affairs; and Senator Constantine—

CS for CS for CS for CS for SB 560—A bill to be entitled An act relating to energy efficiency and conservation; amending s. 163.04, F.S.; revising provisions authorizing the use of solar collectors and other energy devices; amending s. 163.3177, F.S.; revising requirements for the future land use element of a local comprehensive plan to include energy-efficient land use patterns and greenhouse gas reduction strategies; requiring that the traffic-circulation element of a local comprehensive plan incorporate transportation strategies to reduce greenhouse gas emissions; requiring that the land use map or map series contained in the future land use element of a local comprehensive plan identify and depict energy conservation; requiring that the home element of a local comprehensive plan include energy efficiency in the design and construction of new housing and use of renewable energy resources; providing that certain counties may not receive state affordable housing funds under certain circumstances; requiring each unit of local government within an urbanized area to amend the transportation element of a local comprehensive plan to incorporate transportation strategies addressing reduction in greenhouse gas emissions; amending s. 489.105, F.S.; expanding the scope of the definition of “roofing contractor” to include contractors performing required roof-deck attachments and any repair or replacement of wood roof sheathing or fascia as needed during roof repair or replacement; amending s. 553.36, F.S.; redefining the term “manufactured building” for purposes of the Florida Manufactured Building Act to include modular and factory-built buildings; amending s. 553.37, F.S.; requiring the Department of Community Affairs to adopt rules related to the inspection, construction, and modification of manufactured buildings; requiring the department to develop an insignia to be affixed to newly constructed manufactured buildings; authorizing the department to charge a fee for the insignia; providing requirements for the insignia; requiring the department to develop minimum criteria for a manufacturer's data plate; amending s. 553.381, F.S.; conforming provisions; amending s. 553.415, F.S.; requiring the department to require

that an insignia be affixed to all newly constructed factory-built school buildings; providing requirements for the manufacturer's data plate; amending s. 553.71, F.S.; providing a definition; amending s. 553.73, F.S.; expanding required codes to be included in Florida Building Code updates; expanding the list of reasons the commission may amend the Florida Building Code; providing requirements for the retroactive application of parts of the Florida Building Code to commercial wireless communications towers; amending s. 553.74, F.S.; revising requirements for selecting members of the Florida Building Commission; revising membership of the commission; deleting obsolete provisions; amending s. 553.75, F.S.; authorizing the Florida Building Commission to use communications media technology in conducting its meetings or meetings held in conjunction with commission meetings; providing for public comment at meetings of the commission; amending s. 553.77, F.S.; authorizing the commission to implement recommendations relating to energy efficiency in residential and commercial buildings; amending s. 553.775, F.S.; authorizing the commission to render declaratory statements; amending s. 553.80, F.S.; providing that the enforcement of construction regulations relating to facilities for mental health treatment are under the jurisdiction of the Department of Children and Family Services; amending s. 553.842, F.S.; requiring the commission to review the list of product evaluation entities; providing reporting requirements; providing for rulemaking; designating an entity as an approved production evaluation entity until October, 1, 2009; providing criteria for substitution of approved products under certain conditions; providing for the expiration of certain product approvals; amending s. 553.844, F.S.; revising provisions requiring the adoption of certain mitigation techniques by the Florida Building Commission within the Florida Building Code for certain structures; amending s. 553.885, F.S.; requiring the installation of carbon monoxide detectors in certain new hospitals, hospice and nursing homes facilities; creating s. 553.886, F.S.; requiring that the Florida Building Code facilitate and promote the use of certain renewable energy technologies in buildings; amending s. 553.901, F.S.; requiring the commission to adopt by rule a definition of the term “cost-effective”; creating s. 553.9061, F.S.; establishing a schedule of required increases in the energy performance of buildings subject to the Florida Building Code; providing a process for implementing goals to increase energy-efficiency performance in new buildings; providing a schedule for the implementation of such goals; identifying energy-efficiency performance options and elements available to meet energy-efficiency performance requirements; providing a schedule for the review and adoption of renewable energy-efficiency goals by the commission; requiring the commission to conduct a study to evaluate the energy-efficiency rating of new buildings and appliances; requiring the commission to submit a report to the President of the Senate and the Speaker of the House of Representatives on or before a specified date; requiring the commission to conduct a study to evaluate opportunities to restructure the Florida Energy Code for Building Construction, including the integration of the Thermal Efficiency Code, the Energy Conservation Standards Act, and the Florida Building Energy-Efficiency Rating Act; requiring the commission to submit a report to the President of the Senate and the Speaker of the House of Representatives on or before a specified date; directing the Department of Community Affairs, in conjunction with the Florida Energy Affordability Council, to identify and review issues relating to the Low-Income Home Energy Assistance Program and the Weatherization Assistance Program; requiring the submission of a report to the President of the Senate and the Speaker of the House of Representatives on or before a specified date; providing for the expiration of certain study requirements; repealing s. 553.731 F.S., relating to wind-borne debris protection requirements; amending s. 718.113, F.S.; authorizing the board of a condominium or a multicondominium to install solar collectors, clotheslines, or other energy-efficient devices on association property; requiring the Florida Building Commission to include certain information in its report to the Legislature; providing an effective date.

By the Committee on Criminal and Civil Justice Appropriations; and Senators Dockery and Gaetz—

CS for SB 624—A bill to be entitled An act relating to human smuggling; creating s. 787.07, F.S.; defining the term “illegal alien”; providing that a person commits a third-degree felony if he or she transports an individual 18 years of age or older into this state and knows, or should know, that the individual is an illegal alien; providing that it is a second-degree felony if such illegal alien is injured or dies; providing that a person commits a second-degree felony if he or she transports a minor into this state and knows, or should know, that the minor is an illegal

alien; providing that it is a first-degree felony if such illegal alien is injured or dies; providing that a person commits a separate offense for each person he or she unlawfully transports; providing an effective date.

By the Committee on Community Affairs; and Senators Oelrich, Crist, Posey and Bennett—

CS for SB 640—A bill to be entitled An act relating to financial management by local governments; amending s. 116.07, F.S.; revising a requirement that the sheriff and the clerk of the circuit court keep financial statements and books of accounts in accordance with part III of ch. 218, F.S.; creating s. 116.075, F.S.; requiring the clerk of the circuit court, as county auditor, under certain circumstances to prepare the annual report of the county; authorizing the clerk of the circuit court to perform certain reviews and tests; clarifying that the act does not authorize the clerk to audit the offices of the county constitutional officers unless otherwise provided by the charter or approved by a vote of the electors; amending s. 136.05, F.S.; providing that the clerk of the circuit court is the accountant to the board of county commissioners; amending s. 190.006, F.S.; increasing the amount of the filing fee and election assessment for qualification of members of boards of supervisors of community development districts; increasing the amount of compensation for members of boards of supervisors; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; Judiciary; and Senators Bennett and Gaetz—

CS for CS for SB 704—A bill to be entitled An act relating to administrative procedures; providing a short title; amending s. 120.52, F.S.; redefining the term “invalid exercise of delegated legislative authority” to remove a limitation on the construction of statutory language granting rulemaking authority; defining the terms “law implemented,” “rule-making authority,” and “unadopted rule”; amending s. 120.53, F.S.; authorizing agencies to transmit agency orders electronically to the Division of Administrative Hearings; amending s. 120.536, F.S.; revising guidelines for the construction of statutory language granting rulemaking authority; amending s. 120.54, F.S.; prescribing limits and guidelines with respect to the incorporation of material by reference; prescribing requirements for material being incorporated by reference; prohibiting an agency head from delegating or transferring certain specified rulemaking responsibilities; revising the information required in notices of proposed actions; providing additional procedures for rule-adoption hearings; revising requirements for filing rules; requiring that material incorporated by reference be published by the agency when adopting emergency rules; revising provisions with respect to petitions to initiate rulemaking; amending s. 120.545, F.S.; revising duties and procedures of the Administrative Procedures Committee and agencies with respect to review of agency rules; deleting procedures for agency election to modify, withdraw, amend, or repeal a proposed rule; providing for the effect of the failure of an agency to respond to a committee objection to a statement of estimated regulatory costs within the time prescribed; deleting a requirement that the Department of State publish final legislative action; amending s. 120.55, F.S.; requiring the department to prescribe by rule the content requirements for rules, notices, and other materials; providing for the transfer of excess funds; requiring electronic publication of the Florida Administrative Code; prescribing requirements with respect to the content of such electronic publication; providing for filing information incorporated by reference in electronic form; providing requirements for the Florida Administrative Weekly Internet website; amending s. 120.56, F.S., relating to challenges to rules; conforming a cross-reference; revising procedures for administrative determinations of the invalidity of rules; requiring an agency to discontinue reliance on a statement under certain circumstances; providing an exception; deleting certain provisions relating to actions before a final hearing is held; amending s. 120.57, F.S.; revising procedures applicable to hearings involving disputed issues of material fact; prohibiting enforcement of unadopted agency rules under certain circumstances; amending s. 120.595, F.S.; increasing the limitation on attorney’s fees in challenges to proposed agency rules or existing agency rules; providing for an award of reasonable costs and attorney’s fees accrued by a petitioner under certain circumstances; providing for an award of fees and costs if the agency prevails and a party participated for an improper purpose; amending s. 120.569, F.S.; requiring that certain administrative proceedings be terminated and subsequently reinstated under different provisions of law if a disputed issue of material fact arises during

the proceeding; conforming a cross-reference; amending s. 120.74, F.S.; revising reporting requirement for agency heads; amending ss. 120.80, 120.81, 409.175, 420.9072, and 420.9075, F.S.; conforming cross-references; providing appropriations; requiring a temporary increase in the space rate charge for publication in the Florida Administrative Weekly; revising, for a specified period, the limit for the unencumbered balance in the Records Management Trust Fund at the beginning of the fiscal year for fees collected under ch. 120, F.S.; providing effective dates.

By the Committee on Judiciary; and Senator Dean—

CS for SB 740—A bill to be entitled An act relating to retired justices and judges; amending s. 25.073, F.S.; providing exceptions to a prohibition against certain former judges serving as retired justices or retired judges under certain circumstances; providing an effective date.

By the Committees on Criminal and Civil Justice Appropriations; Criminal Justice; Judiciary; and Senators Joyner, Webster and Dockery—

CS for CS for SB 756—A bill to be entitled An act relating to compensation for wrongful incarceration; creating the “Victims of Wrongful Incarceration Compensation Act”; providing definitions; providing a limited method by which a person may seek the status of a wrongfully incarcerated person who is eligible and entitled to compensation under the act; requiring a sworn petition by the claimant; requiring the petitioner to show verifiable and substantial evidence of actual innocence; requiring the original prosecuting authority to respond to the petition; providing for a determination on the pleadings whether claimant is ineligible for compensation based on past criminal history; providing for a contested factual determination before an administrative law judge if necessary; requiring the original sentencing court to determine whether a person is a wrongfully incarcerated person based upon clear and convincing evidence; providing exceptions and limitations regarding the eligibility of a wrongfully incarcerated person for compensation; requiring the original sentencing court to include a finding of eligibility for compensation in its order; granting rulemaking authority to the Department of Legal Affairs; requiring that a wrongfully incarcerated person seeking compensation apply to the Department of Legal Affairs; providing application requirements and a deadline; requiring that the Department of Legal Affairs review each application and notify the claimant of any omissions or errors, or the need for additional information, within a specified period; requiring that the Department of Legal Affairs process and review each completed application within a specified period; requiring that the Department of Legal Affairs notify the claimant if he or she qualifies for compensation within a specified period; providing for monetary compensation for certain wrongfully incarcerated persons; providing for recovery of reasonable attorney’s fees and other costs with limitations for certain wrongfully incarcerated persons; providing for tuition waivers for wrongfully incarcerated persons who meet certain requirements; providing for administrative expunction of certain records; requiring that any monetary compensation be paid within a specified period by specified means; prescribing conditions under which compensation payments cease; requiring a wrongfully incarcerated person to report any subsequent felony convictions; specifying that the estate, personal representative of, or heirs of the wrongfully incarcerated person are not entitled to future payments; prescribing conditions under which an application may not be filed and compensation may not be awarded; requiring a claimant to sign a release before receiving such compensation; providing for a continuing appropriation from the General Revenue Fund; providing that an award of compensation does not constitute a waiver of sovereign immunity by the state; providing for severability; providing an effective date.

By the Committee on Health Regulation; and Senators Rich, Bennett, Aronberg, Deutch, Ring, Margolis, Joyner, Wilson and Jones—

CS for SB 780—A bill to be entitled An act relating to reproductive health services and family planning; creating the “Prevention First Act”; providing definitions; providing duties of licensed health care practitioners and facilities relating to the treatment of rape survivors; requiring the Department of Health to provide certain information; requiring the

Agency for Health Care Administration to provide for enforcement and impose penalties; requiring the agency to adopt rules; amending s. 390.011, F.S.; defining the term "contraception"; creating s. 390.027, F.S.; specifying that the provision of contraception is not subject to ch. 390, F.S., relating to the termination of pregnancies; creating s. 465.190, F.S.; providing definitions; requiring licensed pharmacies to dispense certain forms of contraception without delay; specifying conditions under which a pharmacy may refuse to provide a contraceptive; providing for a person to file a complaint with the Department of Health if he or she believes that a violation of such provisions has occurred; providing for the Attorney General to bring a civil action; amending ss. 465.016 and 465.023, F.S.; providing that a violation of requirements for dispensing contraception constitutes grounds for the Department of Health or the Board of Pharmacy to impose disciplinary action or suspend or revoke a pharmacist's license or permit; providing for severability; providing an effective date.

By the Committee on Children, Families, and Elder Affairs; and Senator Crist—

CS for SB 786—A bill to be entitled An act relating to homelessness; amending s. 420.507, F.S.; conforming a cross-reference; amending s. 420.621, F.S.; revising, providing, and deleting definitions; amending s. 420.622, F.S.; increasing and revising membership on the Council on Homelessness; removing a member from an obsolete organization; correcting the name of a member organization on the council; revising the date of an annual report; creating s. 420.6275, F.S.; creating the Housing First program; providing legislative findings and intent; providing methodology; providing components of the program; creating s. 420.628, F.S.; providing legislative findings and intent relating to young adults leaving foster care; amending s. 1003.01, F.S.; revising a definition; amending ss. 1003.21 and 1003.22, F.S.; conforming terminology; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; Criminal Justice; Transportation; and Senator Garcia—

CS for CS for CS for SB 802—A bill to be entitled An act relating to operating a motor vehicle; creating s. 316.1926, F.S.; creating additional offenses regarding the operation of a motor vehicle; amending s. 316.2085, F.S.; requiring an operator of a motorcycle or moped to maintain both wheels on the ground at all times; requiring that the license tag of a motorcycle or moped be affixed horizontally; amending s. 318.14, F.S.; providing additional penalties for certain offenses involving the operation of a motorcycle or excessive speed; providing for revocation of the person's privilege to operate a motor vehicle; creating s. 318.195, F.S.; providing that a person who is convicted of a moving violation that causes or contributes to causing serious injury to or the death of a person riding a motorcycle commits a misdemeanor offense; requiring that the offender pay a specified fine, serve a minimum of period of incarceration, and attend a driver improvement course; requiring the court to revoke the person's driver's license for a specified period; providing criminal penalties; providing that the act does not prohibit the offender from being charged with, convicted of, or punished for any other violation of law; providing an effective date.

By the Committees on General Government Appropriations; Banking and Insurance; and Senator Bennett—

CS for CS for SB 818—A bill to be entitled An act relating to financial services; amending s. 20.121, F.S.; providing that the appointment of the director of each office within the Department of Financial Services is subject biennially to reaffirmation, which may be accomplished by a simple majority vote of the Financial Services Commission; requiring that such vote occur by a specified date; amending s. 520.02, F.S.; defining the term "guaranteed asset protection products"; amending s. 520.07, F.S.; setting forth requirements and prohibitions for selling guaranteed asset protection products; amending s. 624.605, F.S.; including debt-cancellation products under casualty insurance; providing a definition; authorizing certain entities to offer debt-cancellation products under certain circumstances; specifying that such products are not insurance; amending ss. 627.553 and 627.679, F.S.; revising limitations

on the amount of authorized insurance for debtors; amending s. 627.681, F.S.; revising a limitation on the term of credit disability insurance; amending s. 655.005, F.S.; redefining the terms "federal financial institution" and "financial institution"; defining the term "debt-cancellation products"; amending s. 655.79, F.S.; providing that a deposit account by a husband and wife is a tenancy by the entirety; creating s. 655.947, F.S.; providing a definition; authorizing financial institutions to offer debt-cancellation products; authorizing a fee; requiring the Financial Services Commission to adopt rules; providing that a periodic payment option is not required for certain debt-cancellation products; amending s. 655.954, F.S.; authorizing a financial institution to offer a debt-cancellation product but not as a requirement of receiving a loan; creating s. 655.967, F.S.; providing that state-mandated endowments may be maintained in trust accounts in financial institutions; amending s. 658.21, F.S.; revising an ownership of capital criterion for capital accounts at financial institutions and one-bank holding companies; amending s. 658.34, F.S.; prohibiting certain stock issuance practices for banks; amending s. 658.36, F.S.; requiring a state bank or trust company to file a written notice before increasing its capital stock; amending s. 658.44, F.S.; revising criteria for determining the value of dissenting shares of certain entities; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; Governmental Operations; Transportation; and Senators Fasano, Posey, Wise, Lawson, Baker, Gaetz, Oelrich, Alexander, Ring, Margolis and Deutch—

CS for CS for CS for SB 920—A bill to be entitled An act relating to driver's license fees; amending s. 318.15, F.S.; increasing the nonrefundable service charge paid to the Department of Highway Safety and Motor Vehicles or to the clerk of the court to reinstate a suspended driver's license and privilege to drive; requiring that the deposited funds be used to establish a recruitment and retention salary plan for officers of the highway patrol; amending s. 318.18, F.S.; increasing the civil penalty a person must pay for a late payment of civil traffic penalties; requiring that a specified amount of the collected penalty be used to establish a recruitment retention salary plan for officers of the highway patrol; amending s. 322.21, F.S.; increasing the fees for reinstating a suspended or revoked driver's license or commercial motor vehicle license; requiring that the fees collected from reinstating a suspended or revoked driver's license be used to establish a recruitment and retention salary plan for officers of the highway patrol; amending s. 322.29, F.S., relating to the surrender and return of a license; conforming provisions to changes made by the act; providing an effective date.

By the Committees on Finance and Tax; Regulated Industries; and Senator Geller—

CS for CS for SB 1006—A bill to be entitled An act relating to cardrooms; amending s. 849.086, F.S.; providing definitions; authorizing cardroom operators to host charity/celebrity poker tournaments and televised high-stakes poker tournaments at certain pari-mutuel facilities; providing limitations; authorizing the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation to adopt rules governing the operation of tournaments; providing an effective date.

By the Committees on General Government Appropriations; Banking and Insurance; and Senators Gaetz, Baker, Fasano, Posey, Oelrich, Bennett, Ring, Lynn and Storms—

CS for CS for SB 1012—A bill to be entitled An act relating to health insurance; amending s. 624.443, F.S.; authorizing the Office of Insurance Regulation to waive the requirement that each multiple-employer welfare arrangement maintain its principal place of business in this state if the arrangement meets certain specified conditions and has a minimum specified fund balance at the time of licensure; amending s. 627.638, F.S.; authorizing the payment of health insurance policy benefits directly to a licensed ambulance provider; requiring that an insurer make payments directly to the preferred provider for the delivery of health care services; creating s. 627.64731, F.S.; providing requirements for the rent, lease, or granting of access to the health care services of a

preferred provider or exclusive provider under a health care contract; amending s. 627.662, F.S.; applying the requirements for the rent, lease, or granting of access to the health care services of a preferred provider or exclusive provider under a health care contract to group health insurance, blanket health insurance, and franchise health insurance policies; amending s. 641.31; providing that a health maintenance contract may not prohibit and a claims form must provide an option for direct payment to specified providers; authorizing a health maintenance organization to require a provider to make available a written attestation of assignment of benefits; authorizing the attestation to be submitted to the health maintenance organization in electronic form; amending s. 641.3155, F.S.; decreasing the amount of time in which a health maintenance organization may make a claim for overpayment against a provider; amending s. 627.6131, F.S.; reducing the period for a health insurer to submit a claim to a provider for overpayment; amending s. 627.6471, F.S.; requiring that a nonpreferred provider, upon request of the insured, provide to the insured the estimated range of charges for the services requested; specifying that the provider is not liable if the final charge exceeds the initial estimate; providing applicability; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; Criminal Justice; and Senators King, Storms, Justice, Lynn and Crist—

CS for CS for SB 1076—A bill to be entitled An act relating to the dismantling and destruction of motor vehicles and mobile homes; amending s. 319.30, F.S.; revising definitions; defining “certificate of title,” “derelict motor vehicle,” “derelict motor vehicle certificate,” “recreational vehicle,” and “salvage certificate of title”; revising provisions requiring that certain documents accompany a motor vehicle or mobile home sold, transported, or delivered to a salvage motor vehicle dealer or a secondary metals recycler; providing requirements for the transfer of a derelict motor vehicle to a salvage motor vehicle dealer or a secondary metals recycler; requiring the purchaser to record and maintain certain information; providing for the use of a derelict motor vehicle certificate if the certificate of title, salvage certificate of title, or certificate of destruction is not available; restricting reassignment of a derelict motor vehicle certificate; providing penalties; revising provisions for reporting to the Department of Highway Safety and Motor Vehicles and cancellation of title records; providing for an electronic notification system to be established by the department; providing for the placement of a hold on a motor vehicle or mobile home in the possession of a salvage motor vehicle dealer or secondary metals recycler by an agent or employee of the department or a law enforcement officer who has reason to believe that the motor vehicle or mobile home was stolen or is fraudulently titled; authorizing the department to adopt rules and charge described fees; amending s. 319.14, F.S.; correcting a cross-reference; providing an effective date.

By the Committees on Regulated Industries; Environmental Preservation and Conservation; and Senators Haridopolos, Constantine, Gaetz, Justice, Baker, Jones, Lynn, Posey and Dockery—

CS for CS for SB’s 1094 and 326—A bill to be entitled An act relating to the regulation of releases from gambling vessels; creating s. 376.25, F.S.; providing a short title; providing definitions; requiring gambling vessels operating in coastal waters of the state to register with the Department of Environmental Protection; specifying the requirements for vessel registration; requiring the owners of certain waterfront-landing facilities to establish procedures concerning the release of waste from gambling vessels; requiring that such owners make available a waste-management service meeting specified criteria; requiring that such owners establish and collect certain fees; requiring that the department maintain on its website an estimate of the minimum waste-service demand of such waterfront-landing facilities; providing criteria governing the estimate; requiring the reporting of the release of certain substances into coastal waters by gambling vessels; providing civil penalties for violations; providing for the department to establish and collect fees meeting specified criteria; requiring the department to adopt rules; providing exemptions and legislative intent; directing the department to seek federal approval to amend Florida’s Coastal Zone Management Plan and, upon such approval, to petition the Federal Government, via consistency review under the federal Coastal Zone Management Act, to

prohibit certain releases from gambling vessels within the federal territorial waters off the shores of this state; directing the department to petition the Federal Government to prohibit certain releases from gambling vessels independently of such approval; providing an effective date.

By the Committee on Regulated Industries; and Senator Geller—

CS for SB 1284—A bill to be entitled An act relating to legislative authority to ratify compacts and agreements; defining terms; designating the Governor as the official to negotiate and execute compacts and agreements; providing for ratification of compacts and agreements by the Legislature; providing for submission of compacts and agreements to the Legislature and the Secretary of State; providing for submission of compacts and agreements to signatories for review and approval; providing legislative intent that the act is prospective and does not affect any actions and does not apply retroactively; providing an effective date.

By the Committees on Health and Human Services Appropriations; Health Regulation; and Senator Peaden—

CS for CS for SB 1360—A bill to be entitled An act relating to pharmacy technicians; amending s. 465.0075, F.S.; revising licensure requirements; amending s. 465.014, F.S.; requiring the Board of Pharmacy to adopt rules; providing for the registration of pharmacy technicians; deleting obsolete provisions governing adoption of rules; requiring that a registered pharmacy technician be under the direct supervision of a licensed pharmacist; requiring the board to set fees for the registration of pharmacy technicians; providing qualification requirements; providing a limitation; exempting pharmacy technician students and licensed pharmacy interns from registration requirements; providing continuing education requirements for registration renewal; requiring the board to adopt rules regarding the display of a registration; providing grounds for denial, suspension, or revocation of registration or other disciplinary action; authorizing the board to impose certain penalties; requiring completion of a pharmacy technician training program in order to register as a pharmacy technician by a specified date; providing an exception to the requirement to complete a training program; amending s. 465.015, F.S.; prohibiting a person who is not registered as a pharmacy technician from performing certain functions or holding himself or herself out to others as a registered pharmacy technician; amending ss. 465.019, 465.0196, and 465.0197, F.S., relating to institutional pharmacies, special pharmacy permits, and Internet pharmacy permits; conforming provisions; providing effective dates.

By the Committees on Criminal and Civil Justice Appropriations; Judiciary; Criminal Justice; and Senators Dockery and Baker—

CS for CS for CS for SB 1442—A bill to be entitled An act relating to exploited children; amending s. 92.56, F.S.; permitting use of a pseudonym to designate the victim of a crime involving a victim of production, possession, or promotion of child pornography; revising provisions concerning use of victim pseudonyms to specify that they may be used in civil and criminal proceedings; amending s. 796.035, F.S.; revising provisions relating to the sale or transfer of minors into sex trafficking or prostitution; amending s. 800.04, F.S., relating to lewd or lascivious exhibition, to conform to changes made by the act; amending s. 847.0135, F.S.; conforming provisions to changes made by the act; creating s. 847.002, F.S.; requiring law enforcement officers to provide certain information to the National Center for Missing and Exploited Children; requiring law enforcement officers submitting a case for prosecution that involves the creation, possession, or promotion of child pornography to provide specified information to prosecutors; requiring prosecutors to enter specified information in a database maintained by the Attorney General; creating s. 847.01357, F.S.; providing a civil remedy for any person who, while under the age of 18, was a victim of certain sexual abuse crimes wherein any portion of that abuse was used in the production of child pornography and who suffers personal or psychological injury as a result of the production, promotion, or possession of such images; specifying damages; providing for limitation of actions; providing for confidential pseudonyms to specified claimants; precluding a defense to certain civil actions; permitting the Attorney General to pursue cases on behalf of victims; providing for disposition of damages and

attorney's fees; amending s. 960.03, F.S.; expanding the definition of "crime" for purposes of victim compensation to include violations of s. 827.071, s. 847.0135, s. 847.0137, or s. 847.038, related to online sexual exploitation and child pornography; defining the term "identified victim of child pornography;" expanding the definition of "victim" for purposes of victim compensation to include a person less than 18 years of age who was present at the scene of a crime, saw or heard the crime, and suffered a psychiatric or psychological injury because of the crime, but who was not physically injured; creating s. 960.197, F.S.; authorizing victim compensation awards to certain persons who suffer psychiatric or psychological injury as a result of certain crimes; amending ss. 90.404, 92.565, 394.912, 409.2355, 775.082, 775.084, 775.15, 775.21, 784.048, 787.01, 787.02, 787.025, 794.065, 914.16, 921.0022, 921.244, 938.10, 943.04354, 947.1405, 948.03, 948.06, 948.101, 948.30, and 948.31, F.S.; conforming provisions to changes made by the act; providing an effective date.

By the Committees on General Government Appropriations; Communications and Public Utilities; Environmental Preservation and Conservation; and Senators Saunders, Constantine and Bennett—

CS for CS for CS for SB 1544—A bill to be entitled An act relating to energy conservation; amending s. 74.051, F.S.; requiring a court to conduct a hearing and issue a final judgment on a petition for a taking within specified times after a utility's request for such hearing; creating s. 112.219, F.S.; defining terms for purposes of the state employee telecommuting program; requiring each state employing entity to complete a telecommuting plan by a specified date which includes a listing of the job classifications and positions that the state entity considers appropriate for telecommuting; providing requirements for the telecommuting plan; requiring each state employing entity to post the telecommuting plan on its website; amending s. 163.04, F.S.; revising provisions prohibiting restrictions on the use of energy devices based on renewable resources; amending s. 163.3177, F.S.; revising requirements for the future land use element of a local comprehensive plan to include energy-efficient land use patterns; requiring that the traffic-circulation element of incorporate transportation strategies to reduce greenhouse gas emissions; requiring each unit of local government within an urbanized area to amend the transportation element to incorporate transportation strategies addressing reduction in greenhouse gas emissions; amending s. 186.007, F.S.; authorizing the Executive Office of the Governor to include in the state comprehensive plan goals, objectives, and policies related energy and global climate change; amending s. 187.201, F.S.; adopting provisions of the State Comprehensive Plan concerning the development, siting, and use of low-carbon-emitting electric power plants; creating s. 193.804, F.S.; prohibiting the property appraiser from increasing the taxable value of homestead property when the taxpayer adds any solar energy device to the property; authorizing the property appraiser to refer the matter to the Department of Environmental Protection if the property appraiser questions whether a taxpayer is entitled, in whole or in part, to a solar energy device exemption; requiring the Department of Environmental Protection to adopt rules; amending s. 196.012, F.S.; deleting the definition of the term "renewable energy source device" or "device"; amending s. 206.43, F.S.; requiring each terminal supplier, importer, exporter, blender, and wholesaler to include the number of gallons of gasoline fuel which meet and fail to meet certain requirements in their monthly reports to the Department of Revenue; amending s. 212.08, F.S.; requiring that the Florida Energy and Climate Commission rather than the Department of Environmental Protection implement certain responsibilities concerning eligibility and application for the tax exemption; requiring the commission to adopt, by rule, an application form, including the required content and documentation to support the application, for the taxpayer to use in claiming the tax exemption; amending s. 220.192, F.S.; defining terms relating to a tax credit; allowing certain tax credits to be transferred for a specified period; providing procedures and requirements; authorizing the Department of Revenue to adopt rules; amending s. 220.193, F.S.; defining the terms "sale" or "sold" and "taxpayer"; providing legislative intent concerning retroactive application of certain renewable energy production tax credits; providing for the pass through of a renewable energy production tax credit under certain conditions; providing for retroactive application; amending s. 253.02, F.S.; authorizing the Secretary of Environmental Protection to grant easements across lands owned by the Board of Trustees of the Internal Improvement Trust Fund under certain conditions; amending s. 253.034, F.S.; granting a utility the use of non-sovereignty state-owned lands upon a showing of competent substantial evidence that the use is reasonable; establishing criteria relating to the

title, distribution, and cost of such lands; amending s. 255.249, F.S.; requiring state agencies to annually provide telecommuting plans to the Department of Management Services; amending s. 255.251, F.S.; creating the "Florida Energy Conservation and Sustainable Buildings Act"; amending s. 255.252, F.S.; providing findings and legislative intent; providing that it is the policy of the state that buildings constructed and financed by the state, or existing buildings renovated by the state, be designed and constructed with a goal of meeting or exceeding the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system, the Green Building Initiative's Green Globes rating system, or the Florida Green Building Coalition standards; requiring each state agency to identify and compile a list of energy-conservation projects that it determines are suitable for a guaranteed energy performance savings contract; amending s. 255.253, F.S.; defining terms relating to energy conservation for buildings; amending s. 255.254, F.S.; prohibiting a state agency from leasing or constructing a facility without having secured from the Department of Management Services an evaluation of life-cycle costs for the building; requiring certain leased buildings to have an energy performance analysis conducted; requiring the owner of any building leased by the state from the private sector to submit provisions for monthly energy use data to the department; amending s. 255.255, F.S.; requiring the department to use sustainable building ratings for conducting a life-cycle cost analysis; amending s. 255.257, F.S.; requiring that energy consumption and cost be reported to the department annually in a format prescribed by the department; providing duties of energy-management coordinators; requiring that the department of Management Services develop a state energy-management plan; requiring that state agencies adopt certain rating systems; prohibiting state agencies from entering into leasing agreements for office space not meeting certain building standards; providing an exception; requiring that state agencies develop energy-conservation measures and guidelines for new and existing office space in which state agencies occupy greater than a specified amount of square footage; providing requirements for such measures; creating s. 286.275, F.S.; requiring the Department of Management Services to develop the Florida Climate Friendly Preferred Products List; requiring state agencies to consult the list and purchase products from the list under certain circumstances; requiring state agencies to contract for meeting and conference space with facilities having the "Green Lodging" designation; authorizing the Department of Environmental Protection to adopt rules; requiring the department to establish voluntary technical assistance programs for various businesses; requiring state agencies to maintain vehicles according to minimum standards and follow certain procedures when procuring new vehicles; requiring state agencies to use ethanol and biodiesel-blended fuels when available; amending s. 287.063, F.S.; prohibiting the payment term for equipment from exceeding the useful life of the equipment unless the contract provides for the replacement or the extension of the useful life of the equipment during the term of the deferred payment contract; amending s. 287.064, F.S.; authorizing an extension of the master equipment financing agreement for energy conservation equipment; requiring the guaranteed energy, water, and wastewater performance savings contractor to provide for the replacement or the extension of the useful life of the equipment during the term of the contract; amending s. 287.16, F.S.; requiring the Department of Management Services to conduct an analysis of the Department of Transportation's ethanol and biodiesel use and encourage other state agencies to analyze transportation fuel usage and report such information to the Department of Management Services; amending s. 288.1089, F.S.; defining the term "alternative and renewable energy"; detailing the conditions for an alternative and renewable energy project to be eligible for an innovation incentive award; amending s. 337.401, F.S.; requiring the Department of Environmental Protection to adopt rules relating to the placement of and access to aerial and underground electric transmission lines having certain specifications; defining the term "base-load generating facilities"; amending s. 339.175, F.S.; requiring each metropolitan planning organization to develop a long-range transportation plan that, among other considerations, provides for sustainable growth and reduces greenhouse gas emissions; amending s. 366.82, F.S.; requiring the Public Service Commission to adopt rules requiring utilities to offset 20 percent of their annual load-growth through energy efficiency and conservation measures; requiring the commission to create an in-state market for tradable credits enabling those utilities that exceed the conservation standard to sell credits to those that cannot meet the standard for a given year; requiring that the commission conduct a periodic review; requiring the commission to require municipal and cooperative utilities that are exempt from the Energy Efficiency and Conservation Act to submit an annual report identifying energy efficiency and conservation goals and the actions taken to meet those goals; requiring that the

Florida Energy and Climate Commission be a party in the proceedings to adopt goals and file with the Public Service Commission comments on the proposed goals; requiring the Public Service Commission to use certain methodologies in the evaluation of demand-side management programs; amending s. 366.8255, F.S.; redefining the term "environmental compliance costs" to include costs or expenses prudently incurred for scientific research and geological assessments of carbon capture and storage for the purpose of reducing an electric utility's greenhouse gas emissions; amending s. 366.92, F.S.; providing definitions; requiring the commission to adopt a renewable portfolio standard by rule; requiring that the rule be ratified by the Legislature; providing that the rule must be submitted for legislative approval by February 1, 2009; specifying criteria for the rule development; allowing for full cost recovery of certain reasonable and prudent costs prior to the ratification of the rule; requiring each municipal electric utility and rural electric cooperative to develop standards for the use of renewable energy resources and energy conservation measures and submit a report to the Public Service Commission which identifies such standards; amending s. 366.93, F.S.; revising the definitions of "cost" and "preconstruction"; requiring the Public Service Commission to establish rules relating to cost recovery for the construction of new, expanded, or relocated electrical transmission lines and facilities for a nuclear power plant; amending s. 377.601, F.S.; revising legislative intent with respect to the need to implement alternative energy technologies; creating s. 377.6015, F.S.; creating the Florida Energy and Climate Commission; providing for appointment and qualifications of members; providing for meetings, duties, and authority of the commission; amending s. 377.602, F.S.; providing a definition; amending s. 377.605, F.S.; transferring duties on energy data collection from the Department of Environmental Protection to the Florida Energy and Climate Commission; amending ss. 377.604, 377.605, and 377.606, F.S.; making conforming changes; amending s. 377.703, F.S.; providing for additional duties of the Florida Energy and Climate Commission; conforming cross-references; amending s. 377.803, F.S.; providing definitions; providing the statutory reference to the definition of the term "biomass"; amending s. 377.804, F.S.; providing for administration of the Renewable Energy and Energy-Efficient Technologies Grant Program by the Florida Energy and Climate Commission rather than the Department of Environmental Protection; providing for the program to include matching grants for technologies that increase the energy efficiency of vehicles and commercial buildings; providing application requirements; repealing s. 377.804(6), F.S., relating to bioenergy projects; amending s. 377.806, F.S.; providing for administration of the Solar Energy System Incentives Program by the Florida Energy and Climate Commission rather than the Department of Environmental Protection; requiring compliance with the Florida Building Code rather than local codes in order to be eligible for a rebate under the program; creating s. 377.808, F.S.; creating the Florida Green Government Grants Act; providing a short title; requiring the Florida Energy and Climate Commission within the Executive Office of the Governor to award grants to assist local governments in the development of programs that achieve green standards; requiring the commission to adopt rules; providing requirements for the rules; limiting a certain number of grant applications made by a local government; limiting the number of active projects that may be conducted by a local government; requiring the commission to perform an overview of each grant; repealing s. 377.901, F.S., relating to the Florida Energy Commission; transferring the State Energy Program from the Department of Environmental Protection to the Florida Energy and Climate Commission; creating s. 377.921, F.S., relating to qualified solar energy systems; providing definitions; allowing a public utility to recover certain costs; amending ss. 380.23 and 403.031, F.S.; conforming cross-references; creating s. 403.44, F.S.; creating the Florida Climate Protection Act; defining terms; requiring the Department of Environmental Protection to establish the methodologies, reporting periods, and reporting systems that must be used when major emitters report to The Climate Registry; authorizing the department to adopt rules for a cap-and-trade regulatory program to reduce greenhouse gas emissions from major emitters; providing for the content of the rule; amending s. 403.503, F.S.; defining the term "alternate corridor" and redefining the term "corridor" for purposes of the Florida Electrical Power Plant Siting Act; amending s. 403.504, F.S.; requiring the Department of Environmental Protection to determine whether a proposed alternate corridor is acceptable; amending s. 403.506, F.S.; revising the thresholds and applicability standards of the Florida Electrical Power Plant Siting Act; deleting a provision that exempts from the act a steam generating plant; exempting from the act the associated facilities of an electrical power plant; exempting an electric utility from obtaining certification under the Florida Electrical Power Plant Siting Act before constructing facilities for a power plant using nuclear materials as fuel;

providing that a utility may obtain separate licenses, permits, and approvals for such construction under certain circumstances; exempting such provisions from review under ch. 120, F.S.; amending s. 403.5064, F.S.; requiring an applicant to submit a statement to the department if such applicant opts for consideration of alternate corridors; amending s. 403.50665, F.S.; requiring an application to include a statement on the consistency of directly associated facilities constituting a "development"; requiring the Department of Environmental Protection to address at the certification hearing the issue of compliance with land use plans and zoning ordinances for a proposed substation located in or along an alternate corridor; amending s. 403.509, F.S.; requiring the Governor and Cabinet sitting as the siting board to certify the corridor having the least adverse impact; authorizing the board to deny certification or allow a party to amend its proposal; amending s. 403.5115, F.S.; requiring the applicant proposing the alternate corridor to publish all notices relating to the application; requiring that such notices comply with certain requirements; requiring that notices be published at least 45 days before the rescheduled certification hearing; amending s. 403.5175, F.S.; conforming a cross-reference; amending s. 403.518, F.S.; authorizing the Department of Environmental Protection to charge an application fee for an alternate corridor; amending s. 403.519, F.S., relating to determinations of need; conforming provisions to changes made by the act; amending s. 403.7031, F.S.; prohibiting a county or municipality from using in practice any definition inconsistent with certain statutes; creating s. 403.7055, F.S.; encouraging counties in the state to form regional solutions to the capture and reuse or sale of methane gas from landfills and wastewater treatment facilities; requiring the Department of Environmental Protection to provide guidelines and assistance; amending s. 403.814, F.S., relating to general permits; conforming provisions; amending s. 489.145, F.S.; revising provisions of the Guaranteed Energy Performance Savings Contracting Act; renaming the act as the "Guaranteed Energy, Water, and Wastewater Performance Savings Contracting Act"; requiring that each proposed contract or lease contain certain agreements concerning operational cost-saving measures; redefining terms; defining the term "investment grade energy audit"; requiring that certain baseline information, supporting information, and documentation be included in contracts; requiring the office of the Chief Financial Officer to review contract proposals; providing audit requirements; requiring contract approval by the Legislature or Chief Financial Officer; creating s. 526.203, F.S.; providing definitions; requiring that on or after a specified date all gasoline sold in the state contain a specified percent of agriculturally derived denatured ethanol; providing for exemptions; creating s. 526.204, F.S.; providing for the requirements to be suspended during a declared emergency; providing an exemption if a supplier or other distributor is unable to obtain the required fuel at the same or lower price than the price of unblended gasoline; requiring that documentation be provided to the Department of Revenue; creating s. 526.205, F.S.; providing for enforcement of the requirement for gasoline content; providing penalties; providing for the Department of Revenue to grant an extension of time to comply with the requirement; creating s. 526.206, F.S.; authorizing the Department of Revenue and the Department of Agriculture and Consumer Services to adopt rules; requiring the Florida Energy Commission to conduct a study of the lifecycle greenhouse gas emissions associated with all renewable fuels; requiring a report to the Legislature by a specified date; amending s. 553.77, F.S.; authorizing the Florida Building Commission to implement recommendations relating to energy efficiency in residential and commercial buildings; creating s. 553.886, F.S.; requiring that the Florida Building Code facilitate and promote the use of certain renewable energy technologies in buildings; creating s. 553.9061, F.S.; requiring the Florida Building Commission to establish a schedule of increases in the energy performance of buildings subject to the Energy Efficiency Code for Building Construction; providing a process for implementing goals to increase energy-efficiency performance in new buildings; providing a schedule for the implementation of such goals; identifying energy-efficiency performance options and elements available to meet energy-efficiency performance requirements; providing a schedule for the review and adoption of renewable energy-efficiency goals by the commission; requiring the commission to conduct a study to evaluate the energy-efficiency rating of new buildings and appliances; requiring the commission to submit a report to the President of the Senate and the Speaker of the House of Representatives on or before a specified date; requiring the commission to conduct a study to evaluate opportunities to restructure the Florida Energy Code for Building Construction, including the integration of the Thermal Efficiency Code, the Energy Conservation Standards Act, and the Florida Building Energy-Efficiency Rating Act; requiring the commission to submit a report to the President of the Senate and the Speaker of the House of Representatives on or before a specified date;

directing the Department of Community Affairs, in conjunction with the Florida Energy Affordability Council, to identify and review issues relating to the Low-Income Home Energy Assistance Program and the Weatherization Assistance Program; requiring the submission of a report to the President of the Senate and the Speaker of the House of Representatives on or before a specified date; providing for the expiration of certain study requirements; amending s. 553.957, F.S.; including certain home and commercial appliances in the requirements for testing and certification for meeting certain energy-conservation standards; amending s. 553.975, F.S.; conforming a cross-reference; requiring the Public Service Commission to analyze utility revenue decoupling and provide a report and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by a specified date; amending s. 718.113, F.S.; authorizing the board of a condominium or a multi-condominium to install solar collectors, clotheslines, or other energy-efficient devices on association property; creating s. 1004.648, F.S.; establishing the Florida Energy Systems Consortium, consisting of specified state universities; providing membership and duties of the consortium; providing for an oversight board and steering committee; providing reporting requirements for the consortium by a date certain; authorizing the Department of Environmental Protection to require certain agreements to contain a stipulation requiring the return to the state of a portion of the profit resulting from commercialization of an energy-related product or process; requiring the department to conduct a study relating to the state earning a monetary return on energy-related products or processes through the use of negotiated or licensing agreements; requiring the department to submit the study to the Governor and the Legislature; requiring the Department of Environmental Protection, in conjunction with the Department of Agriculture and Consumer Services, to conduct an economic impact analysis on the effect of granting financial incentives to energy producers who use woody biomass; requiring the department to submit the results to the Legislature; establishing a statewide solid waste reduction goal by a certain date; requiring the Department of Environmental Protection to develop a recycling program designed to meet that goal; requiring the Department of Environmental Protection to prepare a report relating to the costs and benefits of implementing a cap-and-trade system to trade emission credits; requiring the department to present the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives; describing certain specified issues to be included in the report; providing effective dates.

By the Committee on Finance and Tax; and Senator Saunders—

CS for SB 1548—A bill to be entitled An act relating to property appraisers; amending s. 193.023, F.S.; revising authority of the property appraiser to inspect property for assessment purposes; amending s. 196.011, F.S.; revising required time limitations for filing applications for homestead exemptions; revising procedural requirements for property appraiser approval of such exemptions; amending s. 196.015, F.S.; revising factors for consideration by property appraisers in determining permanent residency for homestead exemption purposes; amending s. 196.193, F.S.; clarifying that certain property is exempt from taxation; providing an effective date.

By the Committee on Finance and Tax; and Senator Haridopolos—

CS for SB 1590—A bill to be entitled An act relating to taxation; requiring the Governor to oversee a review of Florida's tax structure; requiring agency assistance; requiring the Governor to provide recommendations for revising the tax structure to the Legislature by a certain date; providing an effective date.

By the Committees on Judiciary; Children, Families, and Elder Affairs; Criminal Justice; and Criminal Justice—

CS for CS for CS for SB 1614—A bill to be entitled An act relating to the Department of Corrections; amending s. 120.57, F.S.; authorizing administrative law judges to appoint private pro bono attorneys in the continued placement hearings of inmates; amending s. 921.187, F.S.; deleting certain provisions limiting circumstances under which an offender may be placed in community control; amending s. 940.061, F.S.;

specifying that the Department of Corrections meets its statutory obligation to assist released offenders with completing the application for the restoration of civil rights by sending an electronic list to the Parole Commission each month of those inmates and offenders who were released from incarceration or terminated from supervision during the preceding month; amending s. 943.16, F.S.; eliminating provisions requiring that a law enforcement officer reimburse the employing agency for wages and benefits paid by the employing agency if the officer terminates employment before the end of a 2-year commitment period; eliminating wages and benefits from the costs that employing agencies may recover; eliminating the definition of the term "academy training period"; amending s. 944.1905, F.S.; authorizing the department to assign certain inmates younger than 18 years of age to a facility for youthful offenders until the inmate reaches a specified age; deleting provisions requiring that certain offenders younger than 18 years of age be housed and provided certain services separately from older offenders or placed in a facility for youthful offenders; amending s. 944.293, F.S.; specifying that the Department of Corrections meets its statutory obligation to assist released offenders with completing the application for the restoration of civil rights by sending an electronic list to the Parole Commission each month of those inmates and offenders who were released from incarceration or terminated from supervision during the preceding month; amending s. 944.47, F.S.; providing that a cellular telephone or other portable communication device that is introduced inside the secure perimeter of a state correctional institution without prior authorization is contraband; prohibiting an inmate or other person upon the grounds of the institution from possessing such contraband without authorization; providing a definition; providing criminal penalties; amending s. 945.41, F.S.; eliminating a requirement that the Department of Corrections contract with the Department of Children and Family Services to provide certain mental health services; authorizing the Department of Corrections to contract with other entities or persons to provide mental health services to inmates; amending s. 945.42, F.S.; revising definitions and defining the term "crisis stabilization care"; amending s. 945.43, F.S.; revising the procedures for placing an inmate in a mental health treatment facility; authorizing the court to waive the presence of the inmate at the hearing on the inmate's placement; amending s. 945.44, F.S.; providing for the emergency placement of an inmate in a mental health treatment facility; amending s. 945.45, F.S.; revising the provisions governing the continued placement of an inmate in a mental health treatment facility; authorizing administrative law judges to appoint private pro bono attorneys to represent inmates in continued placement hearings; providing that the administrative law judge may waive the presence of the inmate at the hearing under certain conditions; amending s. 945.46, F.S.; authorizing the warden to initiate procedures for the involuntary examination of an inmate who has a mental illness and meets certain criteria; amending s. 945.47, F.S.; providing for the transfer of an inmate who is no longer in need of mental health treatment; deleting certain provisions governing involuntary placement; requiring that a summary of the inmate's treatment be provided to the Parole Commission and the Department of Children and Family Services upon request; amending s. 945.48, F.S.; revising the procedure for the involuntary mental health treatment of an inmate; providing for the warden of the institution containing the mental health treatment facility to petition the circuit court for an order authorizing involuntary treatment; providing requirements for the hearing on involuntary treatment; limiting the period that an order authorizing involuntary treatment is effective; providing a procedure for emergency treatment; amending s. 945.49, F.S.; deleting a provision requiring that training provided to correctional officers employed by a mental health treatment facility be in accordance with the requirements of the Criminal Justice Standards and Training Commission; amending s. 948.01, F.S.; deleting certain provisions limiting circumstances under which an offender may be placed in community control; amending s. 948.10, F.S.; deleting a requirement that community control programs and manuals be developed in consultation with the Florida Conference of Circuit Court Judges and the State Courts Administrator; deleting requirements for the department in developing and implementing community control programs, resource directories, and training programs; deleting a requirement for the Florida Court Education Council and the State Courts Administrator to coordinate certain resources for judges pertaining to community control; eliminating provisions governing review and notice by the department of offenders ineligible for community control and requiring the department to develop a caseload equalization strategy; amending s. 958.04, F.S.; authorizing the court to sentence a person as a youthful offender if the offender is younger than 21 years of age at the time sentence is imposed; requiring the Department of Corrections to adopt by rule criteria to define successful participation in the youthful offender

program; amending s. 958.11, F.S.; removing the specific designation of youthful offender facilities for housing female offenders; revising requirements for the department with respect to assigning or transferring youthful offenders; removing references to the Assistant Secretary for Youthful Offenders; amending s. 958.12, F.S.; removing the requirement for a youthful offender to be visited by a probation and parole officer before release; removing the requirement for the department to develop community partnerships with the Department of Labor and Employment Security and the Department of Children and Family Services; providing an effective date.

By the Committees on Health and Human Services Appropriations; Health Regulation; and Senator Baker—

CS for CS for SB 1696—A bill to be entitled An act relating to orthotics, prosthetics, and pedorthics; amending s. 468.80, F.S.; providing and revising definitions; amending s. 468.801, F.S.; changing the composition of the Board of Orthotists and Prosthetists; removing an obsolete requirement for initial staggering of terms; amending s. 468.802, F.S.; expanding the authority for rule adoption to include standards of practice for orthotic fitters, orthotic fitter assistants, and residents; amending s. 468.803, F.S.; providing for registration for a resident to practice orthotics or prosthetics; authorizing licensure as a prosthetist-orthotist; providing requirements for such licensure; requiring applicants for registration, examination, or licensure to apply on forms created and provided by the Department of Health; requiring applicants to submit fingerprints and a fee to cover department costs for criminal background checks; requiring board verification of certain information prior to an applicant's examination, registration, or licensure; providing requirements for registration as a resident in orthotics or prosthetics; providing for registration and renewal fees for registration; authorizing either the Department of Health to develop and administer a state examination for an orthotist or prosthetist license or the board to approve an existing examination of a national standards organization; providing examination requirements; authorizing examination fees; delineating applicant qualifications for examination; delineating requirements for licensure and licensure fees for an orthotist, a prosthetist, an orthotic fitter, an orthotic fitter assistant, and a pedorthist; amending s. 468.806, F.S.; revising the list of materials required for submission for biennial license renewal, including information necessary to conduct a statewide criminal history check and payment of associated costs; requiring certain mandatory courses, standards, and qualifications for continuing education courses, and standards and qualifications for course providers to be established by rule; repealing s. 468.807, F.S., relating to the issuance of a temporary license; amending s. 468.808, F.S.; revising duties that can be delegated to unlicensed support personnel; providing requirements for support personnel identification; amending s. 468.809, F.S.; including the practice of orthotics, prosthetics, or pedorthics without registration in certain prohibitions; providing penalties; creating s. 468.8095, F.S.; requiring licensees and registrants to post licenses, registrations, recent photographs, and certain notices in a facility and to wear certain identification tags or badges; amending s. 468.811, F.S.; revising grounds for denial of a license or disciplinary action; providing grounds for denial of registration; amending s. 468.812, F.S.; revising provisions exempting certain persons from licensure; amending s. 468.813, F.S.; revising requirements regarding use of titles; providing effective dates.

By the Committees on Higher Education; Higher Education Appropriations; and Senator Lynn—

CS for CS for SB 1762—A bill to be entitled An act relating to postsecondary distance learning; establishing the Florida Distance Learning Task Force; providing for membership; requiring the task force to submit a report containing certain recommendations to the Governor, the Legislature, and certain entities by a specified date; providing for future expiration; creating s. 1004.09, F.S.; establishing the Florida Higher Education Distance Learning Catalog; requiring that the Florida Distance Learning Consortium establish guidelines and procedures and provide information on certain requirements and information relating to distance learning courses and degree programs; requiring that the catalog include an Internet-based analytic tool that collects and analyzes certain data; amending s. 1009.23, F.S.; exempting a distance learning course from laboratory fees; authorizing the State Board of Education to

adopt rules; authorizing a community college to assess a student enrolled in a course listed in the catalog a per-credit-hour user fee; requiring that such fee not exceed a certain amount; prohibiting the assessment of other fees if the distance learning course user fee is assessed; requiring that the board of trustees report to the Division of Community Colleges the total amount of revenue generated by such fee for the preceding year and how such fee was expended; requiring that the link for the catalog be prominently displayed on the institution's website; amending s. 1009.24, F.S.; authorizing a state university to assess a per-credit-hour distance learning course fee; requiring that such fee not exceed a certain amount; prohibiting the state university from assessing duplicative fees to cover the same additional costs; requiring that the link to the catalog be prominently displayed on the institution's website; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; Agriculture; and Senator Baker—

CS for CS for SB 1946—A bill to be entitled An act relating to motor vehicles; amending s. 316.515, F.S.; revising restrictions on use of certain agriculture-related vehicles; providing for exemptions from width limitations for certain farming or agricultural equipment; providing conditions for use of such equipment; authorizing certain movements without an overwidth permit from the Department of Transportation; providing lighting requirements for certain overwidth equipment; providing an effective date.

By the Committee on General Government Appropriations; and Senators Posey and Storms—

CS for SB 1968—A bill to be entitled An act relating to health insurance; amending s. 627.4236, F.S.; revising the definition of the term "bone marrow transplant"; amending ss. 627.642, 627.657, and 641.31, F.S.; requiring an identification card containing specified information to be given to insureds under health benefit plans and group health insurance policies and persons having health care services through health maintenance contracts; providing that a company that contracts with the state to provide medical services to enrollees in the state group insurance program is exempt from updating identification cards that were issued before a specified date; providing applicability; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; Criminal Justice; Transportation; and Senator Baker—

CS for CS for CS for SB 1992—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.0741, F.S.; redefining the term "hybrid vehicle"; authorizing the driving of a hybrid, low-emission, or energy-efficient vehicle in a high-occupancy-vehicle lane regardless of occupancy; authorizing the department to limit or discontinue such driving under certain circumstances; exempting such vehicles from the payment of certain tolls; amending s. 316.1575, F.S.; requiring a person walking or driving a vehicle to stop at a railroad crossing upon the signal of a law enforcement officer; amending s. 316.1895, F.S.; requiring the placement of signs in certain school zones stating that speeding fines are doubled within the zone; amending s. 316.191, F.S.; revising provisions prohibiting certain speed competitions and exhibitions; revising the definition of the terms "conviction," "drag race," and "race"; defining the terms "exhibition of acceleration," "exhibition of speed," and "spectator"; prohibiting driving in any race, drag race, exhibition of speed, or exhibition of acceleration; prohibiting certain acts in association with a race, drag race, exhibition of speed, or exhibition of acceleration; prohibiting being a spectator at any such race, drag race, or exhibition; providing criminal and noncriminal penalties; providing for revocation of the offender's driver's license upon conviction; providing for disposition of citation for being a spectator; providing penalties for a second or subsequent offense; providing that a violation that causes or contributes to causing serious bodily injury to another is a felony of the third degree; providing that a violation that causes or contributes to causing the death of any human being or unborn quick child is the crime of manslaughter resulting from the operation of a motor vehicle; providing penalties; providing for a determination of the definition of the term "unborn quick child"; requiring

that the driving record of a person charged be provided to the court; providing criteria for arrest; providing procedures for impoundment or immobilization of a motor vehicle under a court order; providing for release from impoundment under specified exceptions; requiring that costs and fees of impoundment to be paid by the owner or lessee of the motor vehicle; providing procedures for an arresting officer to immediately impound a motor vehicle used in a violation; providing for the period of impoundment; removing a requirement for impoundment that the person being arrested is the registered owner or coowner of the motor vehicle; providing for satisfaction of the element of negligent entrustment; providing for severability; providing noncriminal penalties for the display of obscene words, images, or devices on a motor vehicle; creating s. 316.1926, F.S.; creating additional offenses regarding the operation of a motor vehicle; amending s. 316.193, F.S.; lowering the blood-alcohol or breath-alcohol level for which enhanced penalties are imposed against a person who was accompanied in the vehicle by a minor at the time of the offense; clarifying that an ignition interlock device is installed for a continuous period; amending s. 316.1937, F.S.; revising the conditions under which the court may require the use of an ignition interlock device; amending s. 316.2085, F.S.; requiring an operator of a motorcycle or moped to maintain both wheels on the ground at all times; requiring that the license tag of a motorcycle or moped be affixed horizontally; amending s. 316.2397, F.S.; authorizing specified agencies to display blue lights when responding to emergencies; amending s. 316.251, F.S.; conforming a cross-reference; amending s. 316.29545, F.S.; exempting certain investigative vehicles from the prohibition against installing window sunscreening on a vehicle; amending s. 316.302, F.S.; revising the application of certain federal rules; providing for the department to perform certain duties assigned under federal rules; updating a reference to federal provisions governing out-of-service requirements for commercial vehicles; amending s. 316.3045, F.S.; providing enhanced penalties upon multiple convictions for violating prohibitions against the use of excessively loud soundmaking equipment in a motor vehicle; amending s. 316.613, F.S.; redefining the term "motor vehicle" to exclude certain trucks from the requirement to use a child restraint; amending s. 316.645, F.S.; authorizing a police officer to make an arrest upon probable cause of a violation of laws governing motor vehicle licenses; amending s. 316.650, F.S.; revising requirements for traffic citation forms; providing for the electronic transmission of citation data; amending s. 316.656, F.S.; lowering the percentage of blood or breath alcohol content relating to the prohibition against pleading guilty to a lesser offense of driving under the influence than the offense charged; amending s. 318.14, F.S.; prohibiting a person from electing more than five times within 10 years to attend a basic driver improvement course approved by the Department of Highway Safety and Motor Vehicles in lieu of making a court appearance; providing additional penalties for certain offenses involving the operation of a motorcycle or excessive speed; providing for revocation of an offender's privilege to operate a motor vehicle; creating s. 318.195, F.S.; providing enhanced penalties for moving violations that cause injury or death to a person on a motorcycle; amending s. 319.001, F.S.; defining the term "certificate of title" to include information stored electronically in the department's database; amending s. 320.0706, F.S.; providing that a violation of requirements for displaying a truck license plate is a moving violation; amending s. 320.0715, F.S.; requiring the department to withhold issuing or to suspend a registration and license plate for a commercial motor vehicle if the federal identifying number is not provided or if the motor carrier or vehicle owner has been prohibited from operating; amending s. 320.01, F.S.; redefining the term "motorcycle" to exclude a vehicle where the operator is enclosed by a cabin; amending s. 320.02, F.S., as amended; deleting the requirement for a motorcycle endorsement at the time of original registration of a motorcycle, motor-driven cycle, or moped; repealing s. 320.02(13), F.S., relating to a motor vehicle registration voluntary contribution for the Election Campaign Financing Trust Fund; repealing s. 320.08053(3), F.S., relating to provisions requiring that the department adopt rules providing certain specifications for the design of specialty license plates; amending s. 320.08056, F.S.; deleting a provision that exempts collegiate license plates from a requirement that a specialty license plate be discontinued if sales drop below a specified amount; amending s. 320.0894, F.S.; providing for the issuance of Gold Star license plates to certain family members; amending s. 320.27, F.S.; revising the insurance requirements for persons applying for a motor vehicle dealer license; amending s. 320.69, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to adopt rules, including definitions as necessary; creating s. 321.26, F.S.; designating the Joseph P. Bertrand Building in Fort Myers; amending s. 322.01, F.S.; defining the term "convenience service"; redefining the terms "conviction," "hazardous materials," and "out-of-service order"; amending s. 322.0255, F.S.;

revising eligibility for reimbursement for organizations that conduct motorcycle safety courses; amending s. 322.03, F.S.; deleting provisions exempting certain persons from the requirement to surrender a license issued by another jurisdiction; providing certain exceptions for part-time residents; amending ss. 322.051 and 322.08, F.S.; requiring that an applicant for an identification card or driver's license provide additional information; authorizing use of additional documents to prove identity; revising the fee requirements; revising provisions providing for the expiration of an identification card issued by the department; deleting provisions authorizing a voluntary contribution; amending s. 322.14, F.S.; requiring that an applicant for a driver's license provide a residence address; amending s. 322.15, F.S.; authorizing a law enforcement officer or authorized representative of the department to collect a person's fingerprints electronically; amending s. 322.17, F.S.; revising the requirements for obtaining a replacement license or permit; deleting provisions authorizing the department to issue address stickers; amending s. 322.18, F.S.; revising provisions providing for the expiration of driver's licenses; providing for the renewal of certain licenses every 8 years and for the renewal of licenses for persons older than a specified age every 6 years; providing for the renewal of licenses using a convenience service; requiring the department to issue new licenses rather than extension stickers; conforming cross-references; repealing s. 322.181(4), F.S., relating to the Florida At-Risk Driver Council; amending s. 322.19, F.S.; deleting provisions authorizing the use of a change-of-address sticker on a driver's license; conforming cross-references; amending s. 322.21, F.S.; increasing the fees charged for obtaining a new or renewal driver's license or identification card; specifying that a portion of the fees be deposited for use by the department; amending s. 322.2715, F.S.; clarifying that an ignition interlock device is installed for a continuous period; amending s. 322.291, F.S.; imposing additional sanctions against a person who violates requirements with respect to an ignition interlock device; amending s. 322.36, F.S.; requiring the suspension for a specified period of the driver's license of a person who loans a vehicle to a person whose driver's license is suspended if that vehicle is involved in an accident resulting in bodily injury or death; repealing s. 322.60, F.S., relating to a prohibition against possessing more than one driver's license under certain circumstances; amending s. 322.61, F.S.; clarifying provisions disqualifying a person from operating a commercial motor vehicle following certain traffic violations; providing for permanent disqualification following conviction of a felony involving the manufacture, distribution, or dispensing of a controlled substance; amending s. 322.64, F.S.; providing that refusal to submit to a breath, urine, or blood test disqualifies a person from operating a commercial motor vehicle; providing a period of disqualification if a person has an unlawful blood-alcohol or breath-alcohol level; providing for issuance of a notice of disqualification; revising the requirements for a formal review hearing following a person's disqualification from operating a commercial motor vehicle; amending s. 324.021, F.S.; clarifying that a judgment becomes final by expiration of the time for appeal; amending 501.976, F.S.; conforming a cross-reference; creating the Automobile Lenders Industry Task Force within the Department of Highway Safety and Motor Vehicles; providing duties of the task force; providing for membership and the election of officers; providing for meetings; providing for reimbursement for travel and per diem expenses for public-sector members; requiring the department to provide administrative support and assistance to the task force; prohibiting the Department of Highway Safety and Motor Vehicles from issuing any new specialty license plates for a specified period; providing an effective date.

By the Committee on Banking and Insurance; and Senator Lynn—

CS for SB 2048—A bill to be entitled An act relating to probate; amending s. 732.103, F.S.; authorizing intestate property that has escheated to the state to descend to certain Holocaust descendants prior to the 10-year escheatment period; extending the effective date of this provision; amending s. 732.402, F.S.; revising the list of property that is exempt from most claims against the estate; amending s. 733.602, F.S.; revising which standard of care is applicable to a personal representative responsible for settling an estate; providing an effective date.

By the Committee on Regulated Industries; and Senator Baker—

CS for SB 2054—A bill to be entitled An act relating to surveyors and mappers; amending s. 472.029, F.S.; prohibiting surveyors and mappers

and their subordinates from willfully and maliciously breaking or injuring fences on agricultural land; providing penalties; prohibiting offenders from willfully and maliciously breaking or injuring fences containing livestock; providing penalties; providing for restitution for damages or losses; providing for construction; providing an effective date.

By the Committees on Community Affairs; Regulated Industries; and Senator Villalobos—

CS for CS for SB 2084—A bill to be entitled An act relating to community associations; amending s. 468.431, F.S.; defining the term “community association management firm”; redefining the term “community association manager” to apply only to natural persons; amending s. 468.4315, F.S.; revising membership criteria for members of the Regulatory Council of Community Association Managers; requiring the board to establish a public education program; providing for board members to serve without compensation but be entitled to receive per diem and travel expenses; providing responsibilities of the board; amending s. 468.432, F.S.; providing for the licensure of community association management firms; providing application, licensure, and fee requirements; providing for the cancellation of the license of a community association management firm under certain circumstances; providing that such firm or similar organization agrees that, by being licensed, it shall employ only licensed persons providing certain services; amending s. 468.433, F.S.; providing for the refusal of an applicant certification under certain circumstances; amending s. 468.436, F.S.; requiring the Department of Business and Professional Regulation to investigate certain complaints and allegations; providing complaint and investigation procedures; providing grounds for which disciplinary action may be taken; amending s. 718.111, F.S.; providing duties of officers, directors, and agents of a condominium association and liability for monetary damages under certain circumstances; providing that a person who knowingly or intentionally fails to create or maintain, or who defaces or destroys certain records, is subject to civil penalties as prescribed by state law; requiring that a copy of the inspection report be maintained as an official record of the association; requiring official records of the association to be maintained for a specified minimum period and be made available at certain locations and in specified formats; providing that any person who knowingly or intentionally defaces, destroys, or fails to create or maintain accounting records is subject to civil and criminal sanctions; prohibiting accessibility to certain personal identifying information of unit owners by fellow unit owners; requiring that the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation adopt certain rules; requiring certain audits and reports to be paid for by the developer if done before control of the association is turned over; restricting a condominium association from waiving a financial report for more than a specified period; amending s. 718.112, F.S.; prohibiting a voting interest or a consent right allocated to a unit owner from being exercised under certain circumstances; requiring the board to address certain agenda items proposed by a petition of a specified percentage of the unit owners; providing requirements for the location of annual unit owner meetings; revising terms of service for board members; prohibiting certain persons from serving on the board; requiring the association to provide a certification form to unit owners for specified purposes; authorizing an association consisting of a specified maximum number of units to provide for different voting and election procedures in its bylaws by affirmative vote of a majority of the association’s voting interests; revising requirements related to the annual budget; requiring proxy questions relating to reserves to contain a specified statement; providing for the removal of board members under certain circumstances; requiring that directors who are delinquent in certain payments owed in excess of certain periods of time be suspended from office or deemed to have abandoned their offices; requiring that directors charged with certain offenses involving an association’s funds or property be suspended from office pending resolution of the charge; providing for the reinstatement of such officers or directors under certain circumstances; amending s. 718.1124, F.S.; providing that any unit owner may give notice of his or her intent to apply to the circuit court for the appointment of a receiver to manage the affairs of the association under certain circumstances; providing a form for such notice; providing for the delivery of such notice; providing procedures for resolving a petition submitted pursuant to such notice; requiring that all unit owners be provided written notice of the appointment of a receiver; amending s. 718.113, F.S.; providing a statement of clarification; authorizing the board to install certain hurricane protection; prohibiting the board

from installing hurricane shutters under certain circumstances; requiring that the board inspect certain condominium buildings and a issue a report thereupon; prohibiting the board from refusing a request for reasonable accommodation for the attachment to a unit of religious objects meeting certain size specifications; amending s. 718.117, F.S.; requiring that all unit owners be provided written notice of the appointment of a receiver; providing for the delivery of such notice; amending s. 718.121, F.S.; providing requirements and restrictions for liens filed by the association against a condominium unit; providing for notice and delivery thereof; creating s. 718.1224, F.S.; prohibiting strategic lawsuits against public participation; providing legislative findings and intent; prohibiting a governmental entity, business organization, or individual from filing certain lawsuits made upon specified bases against a unit owner; providing rights of a unit owner who has been served with such a lawsuit; providing procedures for the resolution of claims that such suit violates certain provisions of state law; providing for the award of damages and attorney’s fees; prohibiting associations from expending association funds in prosecuting such a suit against a unit owner; amending s. 718.1255, F.S.; revising legislative intent concerning alternative dispute resolution; creating s. 718.1265, F.S.; authorizing an association to exercise certain powers in instances involving damage caused by an event for which a state of emergency has been declared; limiting the applicability of such powers; creating s. 718.127, F.S.; requiring that all unit owners be provided written notice of the appointment of a receiver; providing for the delivery of such notice; amending s. 718.301, F.S.; providing circumstances under which unit owners other than a developer may elect not fewer than a majority of the members of the board of administration of an association; requiring that a developer deliver certain property of the unit owners and the association within a specified period after such election and upon relinquishing control of the association; requiring a turnover inspection report; requiring that the report contain certain information; amending s. 718.3025, F.S.; requiring that maintenance and management services contracts disclose certain information; amending s. 718.3026, F.S.; removing a provision authorizing certain associations to opt out of provisions relating to contracts for products and services; removing provisions relating to competitive bid requirements for contracts executed before a specified date; providing requirements for any contract or transaction between an association and one or more of its directors or any other entity in which one or more of its directors are directors or officers or have a financial interest; amending s. 718.303, F.S.; providing that hearings regarding noncompliance with a declaration be held before certain persons; amending s. 718.501, F.S.; providing authority and responsibilities of the division; providing for enforcement actions brought by the division in its own name; providing for the imposition of penalties by the division; requiring that the division issue a subpoena requiring production of certain requested records under certain circumstances; providing for the issuance of notice of a declaratory statement with respect to documents governing a condominium community; requiring that the division provide training and education for condominium association board members and unit owners; authorizing the division to include certain training components and review or approve training programs offered by providers; requiring that certain individuals cooperate with the division in any investigation conducted by the division; amending s. 718.50151, F.S.; redesignating the Advisory Council on Condominiums as the “Community Association Living Study Council”; providing for the creation of the council; providing functions of the council; amending s. 718.503, F.S.; providing for disclosure of certain information upon the sale of a unit by a nondeveloper; requiring the provisions of a governance form by the seller to the prospective buyer; requiring that such form contain certain information and a specified statement; providing an effective date.

By the Committee on Higher Education; and Senators Oelrich and Fasano—

CS for SB 2170—A bill to be entitled An act relating to retirement; amending s. 121.021, F.S.; clarifying that the term “compensation” for purposes of the benefit retirement program or the Public Employee Optional Retirement Program of the Florida Retirement System does not include fees or salary payments made from a faculty practice plan authorized by the Board of Governors of the State University System for clinical faculty at a state university having a faculty practice plan; amending s. 121.051, F.S.; requiring that a person appointed to a faculty position at a state university having a faculty practice plan participate in the optional retirement program of the State University System rather than the Florida Retirement System; providing definitions;

amending s. 121.35, F.S.; requiring the participating employee in the optional retirement program to execute a contract, not just an annuity contract, with a designated company in order for employee contributions to be forwarded to the company and for interest to accrue; defining the term “participant’s gross monthly compensation” for purposes of the optional retirement program for the State University System; creating s. 121.355, F.S.; authorizing certain former participants in the Community College Optional Retirement Program or the State University System Optional Retirement Program and present mandatory participants in the Florida Retirement System to receive a specified amount of service credit under certain conditions; providing a specified time period for the election of such transfer; limiting certain service credit; providing an effective date.

By the Committees on General Government Appropriations; Communications and Public Utilities; and Communications and Public Utilities—

CS for CS for SB 2212—A bill to be entitled An act relating to the Public Service Commission; amending s. 350.01, F.S.; revising the deadline for a sitting member of the Public Service Commission to give notice of intent to seek reappointment; conforming the beginning of a Public Service Commissioner’s term as chair with the beginning of terms of commissioners; amending s. 350.012, F.S.; renaming the Committee on Public Service Commission Oversight, a standing joint committee of the Legislature, as the “Committee on Public Counsel Oversight”; deleting the committee’s authority to recommend to the Governor nominees to fill vacancies on the Public Service Commission; deleting the committee’s authority to file an ethics complaint against a member, former member, or former employee of the commission, or a member of the Public Service Commission Nominating Council; amending s. 350.031, F.S.; increasing the number of members on the council; providing for initial appointments to the expanded council to establish staggered terms; requiring the President of the Senate and the Speaker of the House of Representatives to appoint a chair and vice chair to the council in alternating years; requiring the council to submit recommendations for vacancies on the Public Service Commission to the Governor; requiring the council to nominate a minimum of three persons for each vacancy; revising the date that recommendations for vacancies must be submitted; providing for the council to fill a vacancy on the commission if the Governor fails to do so; authorizing a successor Governor to recall an unconfirmed appointee under certain circumstances; amending ss. 350.061 and 350.0614, F.S., relating to the appointment, oversight, and compensation of the Public Counsel; conforming provisions to changes made by the act; providing an effective date.

By the Committees on Commerce; Banking and Insurance; and Senator Lawson—

CS for CS for SB 2264—A bill to be entitled An act relating to motor vehicle warranty associations; amending s. 628.4615, F.S., relating to specialty insurers; conforming a cross-reference to changes made by the act; amending s. 634.011, F.S.; defining the terms “motor vehicle manufacturer” and “subsidiary” for purposes of part I of ch. 634, F.S.; amending s. 634.041, F.S.; exempting motor vehicle manufacturers applying for licensure as service agreement companies from certain licensing requirements and limitations on claims liabilities; amending s. 634.137, F.S.; authorizing the Office of Insurance Regulation to develop an abbreviated form for statistical reporting of sales of service agreements by motor vehicle manufacturers in lieu of certain other financial reports; amending s. 634.271, F.S.; conforming a cross-reference; amending s. 634.4165, F.S.; requiring warranty service associations that do not collect the names and addresses of warranty holders at the time of sale to provide an alternative method for warranty holders to provide such information; amending s. 634.436, F.S.; prohibiting warranty service associations that do not collect the names and addresses of warranty holders from denying a warranty holder’s claim on the basis that the association cannot confirm that the warranty holder in fact purchased the warranty; providing an effective date.

By the Committee on Banking and Insurance; and Senator Posey—

CS for SB 2272—A bill to be entitled An act relating to escrow agents; creating s. 877.101, F.S.; prohibiting unauthorized persons from transacting business using the term “escrow” in a name or a title under certain circumstances; providing certain exceptions to such prohibition; authorizing a person aggrieved by a violation of the act to bring an action for declaratory relief; providing for recovery by an injured person of actual damages, plus attorney’s fees and court costs; providing criminal penalties; providing an effective date.

By the Committees on Commerce; Banking and Insurance; and Senator Aronberg—

CS for CS for SB 2338—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.736, F.S.; revising the schedule of maximum charges on which an insurer may base a limited reimbursement for certain medical services, supplies, and care for injured persons covered by personal injury protection; specifying a minimum amount for the applicable fee schedule or payment limitation under Medicare for such reimbursements; providing an effective date.

By the Committee on Health and Human Services Appropriations; and Senator Webster—

CS for SB 2390—A bill to be entitled An act relating to the Florida Self-Directed Care program; amending s. 394.9084, F.S.; providing for the expansion of the program to all districts of the Department of Children and Family Services; defining the term “fiscal intermediary”; providing for the duties of the intermediary; deleting an obsolete provision; requiring an evaluation of the program by the Office of Program Policy Analysis and Government Accountability by a certain date; revising the evaluation criteria; abrogating the expiration date of the program; providing an effective date.

By the Committees on Finance and Tax; Commerce; and Senator Posey—

CS for CS for SB 2426—A bill to be entitled An act relating to Space Florida; creating s. 288.1087, F.S.; providing legislative intent; creating the Space and Aerospace Catalyst and Enhancement Program in the Office of Tourism, Trade, and Economic Development; providing for moneys from the funds to be distributed to upgrade space-related infrastructure or to enter into partnerships with applicable businesses on space-related projects; requiring that certain information be provided to the Office of Tourism, Trade, and Economic Development; providing for a contract with a nationally recognized consultant to develop an economic impact assessment model that evaluates the costs, benefits, useful life, and other relevant factors related to space and aerospace infrastructure projects; describing the criteria by which the proposals will be judged as eligible to receive funding; requiring the director of the Office of Tourism, Trade, and Economic Development to recommend approval or disapproval of proposed projects; providing for the Governor to approve funds after consultation with the President of the Senate and the Speaker of the House of Representatives; providing for review by the Legislative Budget Commission prior to release of funds; requiring certain contract conditions; describing the content of the contract; providing an appropriation; designating Space Mile Marker One at the Space Florida headquarters; authorizing Space Florida to erect suitable markers; providing an effective date.

By the Committees on General Government Appropriations; Environmental Preservation and Conservation; and Senators Alexander, Carlton, Bennett, Aronberg and Storms—

CS for CS for SB 2580—A bill to be entitled An act relating to the West-Central Florida Water Restoration Action Plan; creating s. 373.0363, F.S.; providing definitions; providing legislative findings and intent; providing criteria governing the implementation of the West-Central Florida Water Restoration Action Plan by the Southwest Florida Water Management District; requiring that the district coordinate with

regional water supply authorities and governmental partners to maximize opportunities concerning the efficient expenditure of public funds; specifying the plan's purpose; specifying the initiatives that are included in the plan; providing criteria governing implementation of the Central West Coast Surface Water Enhancement Initiative, the Facilitating Agricultural Resource Management Systems Initiative, the Ridge Lakes Restoration Initiative, the Upper Peace River Watershed Restoration Initiative, and the Central Florida Water Resource Development Initiative and certain components or projects included in such initiatives; providing for the district to implement certain initiatives or parts thereof in cooperation with the Peace River-Manasota Regional Water Supply Authority or Polk County; requiring an annual report that meets specified criteria concerning implementation of the plan, regional conditions, and the use of funds; requiring that the Southwest Florida Water Management District prepare the report in cooperation with coordinating agencies and affected local governments and provide the report and legislative proposals to the Governor, the President of the Senate, and the Speaker of the House of Representatives; amending s. 403.087, F.S.; prohibiting the permitting of landfills under certain conditions; providing an effective date.

By the Committees on Health and Human Services Appropriations; Health Regulation; and Senator Atwater—

CS for CS for SB 2598—A bill to be entitled An act relating to treatment programs for impaired medical practitioners; amending s. 456.076, F.S.; revising requirements for consultants retained by the Department of Health; providing that a consultant may contract for services to be provided to students of allopathic and osteopathic medicine or physician assistants and nursing students who are alleged to be impaired, if requested by the school; exempting the department from paying the costs for services provided by treatment providers or consultants; indemnifying certain schools from liability in civil actions under certain circumstances; providing limited sovereign immunity for certain program consultants under specified contractual conditions; requiring that the Department of Financial Services defend legal actions against program consultants; providing an effective date.

By the Committees on Health and Human Services Appropriations; Health Policy; Banking and Insurance; and Senators Geller, Ring, Bennett, Deutch, Villalobos, Rich, Fasano, Garcia, Wise, Atwater, Margolis, Crist, Joyner, Justice, Dockery, Dean, Dawson and Saunders—

CS for CS for CS for SB 2654—A bill to be entitled An act relating to autism spectrum disorder; providing a short title; creating s. 627.6686, F.S.; providing definitions; requiring health insurance plans to provide coverage for screening, diagnosis, intervention, and treatment of autism spectrum disorder in certain children; requiring a treatment plan; prohibiting an insurer from denying or refusing coverage or refusing to renew or reissue or terminate coverage based on a diagnosis of autism spectrum disorder; providing coverage limitations; providing treatment plan requirements; limiting the frequency of requests for updating a treatment plan; providing eligibility requirements; providing a maximum benefit limitation; providing for annual adjustments of the maximum benefit limitation; amending s. 1004.55, F.S.; relocating the regional autism center at Florida State University from the Department of Communication Disorders to the College of Medicine; providing for application of the act; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; Commerce; and Senators Fasano and Crist—

CS for CS for SB 2712—A bill to be entitled An act relating to trust funds; creating s. 288.0971, F.S.; creating the Building Florida's Future Revolving Trust Fund within the Office of Tourism, Trade, and Economic Development; providing the purpose of the fund; providing for an annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

By the Committees on Transportation and Economic Development Appropriations; Commerce; and Senators Fasano and Crist—

CS for CS for SB 2714—A bill to be entitled An act relating to economic development; creating s. 288.097, F.S.; establishing Building Florida's Future Revolving Loan Guarantee Program within the Office of Tourism, Trade, and Economic Development; providing for the program to provide loan guarantees or credit enhancements to units of local government or to private entities for use in constructing or modernizing facilities and infrastructure necessary to attract or expand certain industries as part of an economic-development project; providing requirements and criteria for the office to consider in evaluating requests; requiring Enterprise Florida, Inc., to assist the office in its evaluation; requiring the Office of Tourism, Trade, and Economic Development to adopt rules; requiring that the office provide an annual report to the Legislature regarding the program; providing an appropriation; providing a contingent effective date.

By the Committee on Transportation and Economic Development Appropriations; and Senators Fasano and Crist—

CS for SB 2778—A bill to be entitled An act relating to economic development; creating s. 288.061, F.S.; creating a uniform process for the review and certification of economic development incentive projects by Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development; amending ss. 288.063 and 288.0655, F.S.; conforming the review of transportation projects and rural infrastructure projects to changes made by the act; amending s. 288.1045, F.S.; revising the sources of funds that may be used to provide refunds for the qualified defense contractor tax refund program; conforming the review of Department of Defense projects to changes made by the act; providing that the amount of the tax refund may be reduced by the value of the land granted; deleting a requirement for an annual report; amending s. 288.106, F.S.; revising information that must be submitted by a qualified target industry business applying for a tax refund; conforming the application process to changes made by the act; amending s. 288.107, F.S.; conforming review of applications for payment of brownfield redevelopment bonus refunds to changes made by the act; amending s. 288.108, F.S.; conforming the review of grant applications for high-impact businesses to changes made by the act; deleting provisions requiring an annual report; amending s. 288.1088, F.S.; conforming the review of projects funded by the Quick Action Closing Fund to changes made by the act; amending s. 288.1089, F.S.; providing definitions; revising application requirements for innovation incentive awards; revising evaluation and recommendation requirements for innovative incentive awards; requiring the Legislative Budget Commission to review and approve an innovation incentive award before the Executive Office of the Governor releases the funds; revising agreement requirements for payment of incentives; requiring award recipients to comply with certain business ethics developed by Enterprise Florida, Inc.; amending s. 288.955, F.S.; revising definitions; requiring the Scripps Florida Funding Corporation, along with the Office of Tourism, Trade, and Economic Development and Enterprise Florida, Inc., to review the performance and progress of grant recipients of the Innovation Incentive Program; revising membership requirements of the board of directors of the Scripps Florida Funding Corporation; authorizing the corporation to include on the same meeting agenda matters related to The Scripps Research Institute and the Innovation Incentive Program; deleting obsolete provisions; revising the duties of the corporation; revising the contract requirements between the corporation and the grant recipients; requiring the corporation to submit to the Governor and the Legislature a report related to the activities of the Innovation Incentive Program; providing requirements for the report; amending s. 288.9624, F.S.; providing that venture-capital funds affiliated with certain state universities are eligible for investment by the Florida Opportunity Fund; providing an effective date.

By the Committee on Commerce; and Senator Wise—

CS for SB 2856—A bill to be entitled An act relating to aircraft that temporarily enter the state; amending s. 212.08, F.S.; describing items and documents that a nonresident aircraft owner may use to prove that an aircraft has been in the state only temporarily; providing that the tax

exemption is in addition to other provisions authorized by law; providing an effective date.

By the Committee on Health Regulation; and Senators Diaz de la Portilla, Constantine and Baker—

CS for SB 2866—A bill to be entitled An act relating to the practice of medicine; creating s. 458.3096, F.S.; prohibiting the Department of Health from registration for medical residency or licensure under certain circumstances; providing an exception; creating s. 459.0052, F.S.; prohibiting the department from registration for medical residency or licensure under certain circumstances; providing an exception; providing an effective date.

REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

By the Committee on Community Affairs; and Senator Garcia—

CS for SB 474—A bill to be entitled An act relating to growth management; amending s. 70.51, F.S.; deleting an exemption from the limitation on the frequency of amendments of comprehensive plans; transferring, renumbering, and amending s. 125.379, F.S.; requiring counties to certify that they have prepared a list of county-owned property appropriate for affordable housing before obtaining certain funding; amending s. 163.3174, F.S.; prohibiting the members of the local governing body from serving on the local planning agency; providing an exception; amending s. 163.3177, F.S.; requiring coordination of the local comprehensive plan with a school district's educational facilities plan; including a provision encouraging rural counties to adopt a rural sub-element as part of their future land use plan; prohibiting local comprehensive plans from imposing certain standards or development conditions inconsistent with certain requirements of law or state requirements for educational facilities or with maintaining financially feasible school district facilities work plans; requiring certain counties to certify that they have adopted a plan for ensuring affordable workforce housing before obtaining certain funding; requiring the housing element of the comprehensive plan to address senior affordable housing; authorizing the state land planning agency to amend administrative rules relating to planning criteria to allow for varying local conditions; deleting exemptions from the limitation on the frequency of plan amendments; deleting provisions encouraging local governments to develop a community vision and to designate an urban service boundary; amending s. 163.31771, F.S.; requiring a local government to amend its comprehensive plan to allow accessory dwelling units in an area zoned for single-family residential use; prohibiting such units from being treated as new units if there is a land use restriction agreement that restricts use to affordable housing; prohibiting accessory dwelling units from being located on certain land; amending s. 163.3178, F.S.; revising provisions relating to coastal management and coastal high-hazard areas; providing factors for demonstrating the compliance of a comprehensive plan amendment with rule provisions relating to coastal areas; amending s. 163.3180, F.S.; revising concurrency requirements; specifying municipal areas for transportation concurrency exception areas; revising provisions relating to the Strategic Intermodal System; deleting a requirement for local governments to annually submit a summary of de minimus records; providing additional requirements for school concurrency service areas and contiguous service areas; providing a minimum state availability standard for school concurrency; extending the deadline for local governments to adopt a public school facilities element and interlocal agreement; providing that a developer may not be required to reduce or eliminate backlog or address class size reduction; requiring charter schools to be considered as a mitigation option under certain circumstances; limiting the circumstances under which a local government may deny a development permit or comprehensive plan amendment based on school concurrency; requiring school districts to include relocatables in their calculation of school capacity in certain circumstances; requiring consistency between a school impact fee and an adopted school concurrency ordinance; absolving a developer from responsibility for mitigating school concurrency backlogs or addressing class size; authorizing a methodology based on vehicle and miles traveled for calculating proportionate fair-share methodology; providing transportation concurrency incentives for private developers; deleting an exemption from transportation concurrency provided to certain workforce housing; requiring proportionate-share mitigation for developments of regional impact to be based on the existing

level of service or the adopted level-of-service standard, whichever is less; defining the term "backlogged transportation facility"; providing for recommendations for the establishment of a uniform mobility fee methodology to replace the current transportation concurrency management system; amending s. 163.3184, F.S.; requiring that potential applicants for a future land use map amendment conduct a meeting to present, discuss, and solicit public comment on the proposed amendment; requiring that such meeting be conducted before the application is filed; providing notice and procedure requirements for such meetings; providing for applicability of such requirements; requiring that applicants conduct a second meeting within a specified period before the local government's scheduled adoption hearing; providing for notice of such meeting; requiring that an applicant file with the local government a written certification attesting to certain information; exempting small-scale amendments from requirements related to meetings; revising a time period for comments on plan amendments; revising a time period for requesting state planning agency review of plan amendments; revising a time period for the state land planning agency to identify written comments on plan amendments for local governments; providing that an amendment is deemed abandoned under certain circumstances; authorizing the state land planning agency to grant extensions; requiring that a comprehensive plan or amendment to be adopted be available to the public; prohibiting certain types of changes to a plan amendment during a specified period before the hearing thereupon; requiring that the local government certify certain information to the state land planning agency; deleting exemptions from the limitation on the frequency of amendments of comprehensive plans; deleting provisions relating to community vision and urban boundary amendments to conform to changes made by the act; amending s. 163.3187, F.S.; providing that comprehensive plan amendments may be adopted by simple majority vote of the governing body of the applicable local government; requiring a super majority vote of such persons for the adoption of certain amendments; authorizing local governments to transmit and adopt certain plan amendments twice per calendar year; authorizing local governments to transmit and adopt certain plan amendments at any time during a calendar year without regard for restrictions on frequency; deleting certain types of amendments from the list of amendments eligible for adoption at any time during a calendar year; deleting exemptions from frequency limitations; providing circumstances under which small-scale amendments become effective; amending s. 163.3245, F.S.; revising provisions relating to optional sector plans; authorizing all local government to adopt optional sector plans into their comprehensive plan; increasing the size of the area to which sector plans apply; deleting certain restrictions on a local government upon entering into sector plans; deleting an annual monitoring report submitted by a host local government that has adopted a sector plan and a status report submitted by the department on optional sector plans; amending s. 163.3246, F.S.; discontinuing the Local Government Comprehensive Planning Certification Program except for currently certified local governments; retaining an exemption from DRI review for a certified community in certain circumstances; creating s. 163.32461, F.S.; providing expedited affordable housing growth strategies; providing legislative intent; providing definitions; providing an optional expedited review for certain future land use map amendments; providing procedures for such review; providing for the expedited review of subdivision, site plans, and building permits; providing for density bonuses for certain land uses; amending s. 163.32465, F.S.; revising provisions relating to the state review of comprehensive plans; providing additional types of amendments to which the alternative state review applies; renumbering and amending s. 166.0451, F.S.; requiring municipalities to certify that they have prepared a list of county-owned property appropriate for affordable housing before obtaining certain funding; amending s. 253.034, F.S.; requiring that a manager of conservation lands report to the Board of Trustees of the Internal Improvement Trust Fund at specified intervals regarding those lands not being used for the purpose for which they were originally leased; requiring that the Division of State Lands annually submit to the President of the Senate and the Speaker of the House of Representatives a copy of the state inventory identifying all nonconservation lands; requiring the division to publish a copy of the annual inventory on its website and notify by electronic mail the executive head of the governing body of each local government having lands in the inventory within its jurisdiction; amending s. 288.975, F.S.; deleting exemptions from the frequency limitations on comprehensive plan amendments; amending s. 380.06, F.S.; providing an exception from development-of-regional-impact review; providing a 3-year extension for the buildout, commencement, and expiration dates of developments of regional impact and Florida Quality Developments, including associated local permits; providing that all transportation impacts for a phase or stage of a development of regional impact shall be

deemed mitigated under certain circumstances; amending s. 380.0651, F.S.; providing an exemption from development-of-regional impact review; amending s. 1002.33, F.S.; restricting facilities from providing space to charter schools unless such use is consistent with the local comprehensive plan; creating s. 1011.775, F.S.; requiring that each district school board prepare an inventory list of certain real property on or before a specified date and at specified intervals thereafter; requiring that such list include certain information; requiring that the district school board review the list at a public meeting and make certain determinations; requiring that the board state its intended use for certain property; authorizing the board to revise the list at the conclusion of the public meeting; requiring that the board adopt a resolution; authorizing the board to offer certain properties for sale and use the proceeds for specified purposes; authorizing the board to make the property available for the production and preservation of permanent affordable housing; defining the term "affordable" for specified purposes; repealing s. 339.282, F.S., relating to transportation concurrency incentives; repealing s. 420.615, F.S., relating to affordable housing land donation density bonus incentives; amending s. 1013.33, F.S.; prohibiting the imposition of standards and conditions exceeding certain requirements for an educational facilities or school district facilities work plan under certain circumstances; providing an exception; amending s. 1013.372, F.S.; requiring that certain charter schools serve as public shelters at the request of the local emergency management agency; amending ss. 163.3217, 163.3182, and 171.203, F.S.; deleting exemptions from the limitation on the frequency of amendments of comprehensive plans; providing an effective date.

—was referred to the Committees on Transportation; and Transportation and Economic Development Appropriations.

By the Committees on Judiciary; Criminal Justice; and Senator Crist—

CS for CS for SB 700—A bill to be entitled An act relating to juvenile justice; amending s. 29.008, F.S.; conforming cross-references; amending s. 790.22, F.S.; revising provisions relating to community service programs; amending s. 939.185, F.S.; providing diversion options; amending s. 984.05, F.S., conforming cross-references; amending s. 984.09, F.S.; deleting duplicative provisions relating to contempt of court and alternative sanctions; amending s. 985.02, F.S.; providing diversion options; amending s. 985.03, F.S.; defining the term "ordinary medical care"; amending and renumbering provisions of s. 985.037, F.S., relating to alternative sanctions; creating s. 985.0375, F.S.; providing for alternative sanctions; amending s. 985.04, F.S.; providing that confidential information obtained during an official's service with juvenile delinquents may be shared with authorized personnel of the Department of Children and Family Services; amending s. 985.245, F.S.; providing for additional representatives to be included on the committee formed to advise the Department of Juvenile Justice on the risk assessment instrument; requiring periodic evaluation of the risk assessment instrument; amending s. 985.265, F.S.; providing an exception to required supervision in direct supervision housing; amending s. 985.601, F.S.; requiring the Department of Juvenile Justice to adopt rules to establish procedures to provide ordinary medical care, mental health, substance abuse, and developmental disabilities services to youth within the juvenile justice continuum; requiring that, to the extent possible within available fiscal resources, the procedures must be commensurate with procedures that youth receive in the community; amending s. 985.606, F.S.; revising provisions governing data collection; amending s. 985.632, F.S.; authorizing the department to conduct a demonstration project in order to create an accountable juvenile justice system that is outcome-based; amending s. 985.644, F.S., relating to departmental contracting powers; removing references to the Department of Children and Family Services; amending s. 985.66, F.S.; transferring the responsibility for the juvenile justice training program from the Juvenile Justice Standards and Training Commission to the Department of Juvenile Justice; requiring the department to adopt rules; amending s. 985.664, F.S., relating to the juvenile justice circuit boards and juvenile justice county councils; providing a reference to the Children and Youth Cabinet; requiring that juvenile justice circuit boards and county councils participate in facilitating interagency cooperation and information sharing with certain entities; requiring that such collaborations specify certain information; providing requirements for the annual reports required to be submitted by each juvenile justice circuit board; amending s. 985.668, F.S.; encouraging each juvenile justice circuit board, in consultation with the juvenile justice county council, to propose an innovation zone within the

circuit; amending s. 985.676, F.S.; including the development and implementation of a strategic plan; amending s. 985.721, F.S.; conforming a cross-reference; creating s. 1006.125, F.S.; requiring that a student charged with a violation of the code of student conduct which constitutes a serious criminal offense be reported to a law enforcement agency; amending s. 1006.13, F.S.; removing the reference of zero tolerance; providing an appropriation; providing an effective date.

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

By the Committee on Environmental Preservation and Conservation; and Senator Crist—

CS for SB 730—A bill to be entitled An act relating to the permitting of landfills; amending s. 403.707, F.S.; requiring the Department of Environmental Protection to conduct a study concerning the location of landfills and report to the Governor and the Legislature; prohibiting the permitting of Class I landfills if the department finds that the applicant has violated certain laws during a specified period; defining the term "applicant"; providing an effective date.

—was referred to the Committees on Community Affairs; and General Government Appropriations.

By the Committee on Transportation and Economic Development Appropriations; and Senator Fasano—

CS for SB 788—A bill to be entitled An act relating to transportation services for the transportation disadvantaged; amending s. 427.011, F.S.; revising definitions; amending s. 427.012, F.S.; revising the number of members required for a quorum at a meeting of the Commission for the Transportation Disadvantaged; amending s. 427.013, F.S.; revising responsibilities for the commission; deleting a requirement that the commission establish by rule acceptable ranges of trip costs; requiring the commission to incur expenses for promotional services and items; amending s. 427.0135, F.S.; revising and creating duties and responsibilities for agencies that purchase transportation service for the transportation disadvantaged; providing requirements for the payment of rates; requiring agencies to negotiate with the commission before procuring transportation disadvantaged services; requiring that an agency identify its allocation for transportation disadvantaged services in its legislative budget request; amending s. 427.015, F.S.; revising provisions relating to the function of the metropolitan planning organization or designated official planning agency; amending s. 427.0155, F.S.; revising the duties of community transportation coordinators; amending s. 427.0157, F.S.; revising duties for coordinating boards; amending s. 427.0158, F.S.; deleting provisions requiring the school board to provide information relating to school buses to the transportation coordinator; providing for the transportation coordinator to request certain information regarding public transportation; amending s. 427.0159, F.S.; revising provisions relating to the Transportation Disadvantaged Trust Fund; providing for the deposit of funds by an agency purchasing transportation services; amending s. 427.016, F.S.; deleting a provision authorizing the establishment of certain fees under the Medicaid program; requiring that an agency identify the allocation of funds for transportation disadvantaged services in its legislative budget request; providing an effective date.

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

By the Committee on Health Policy; and Senator Dawson—

CS for SB 888—A bill to be entitled An act relating to the Florida Kidcare program; amending s. 20.43, F.S.; redesignating the Division of Children's Medical Services Network within the Department of Health as the "Division of Children's Medical Services Network and Specialty Programs"; creating the Division of Children's Health Insurance and the Office of Child Health Coordination within the Department of Health; amending s. 391.011, F.S.; redesignating ch. 391, F.S., as the "Children's Health Act"; amending s. 391.016, F.S.; revising legislative intent with respect to certain responsibilities of the Children's Health program; amending s. 391.021, F.S.; revising and providing definitions; amending

s. 391.025, F.S.; revising the components of the Children's Health program; conforming provisions to changes made by the act; amending s. 391.026, F.S.; requiring the Department of Health to administer the Florida Kidcare program; amending s. 391.028, F.S.; revising the duties of the Children's Medical Services Network; revising the duties of the director; requiring the Division of Children's Health Insurance to administer the Florida Kidcare program; specifying that the Office of Child Health Coordination is responsible for child health services not directly related to Florida Kidcare; amending s. 391.029, F.S.; requiring the Department of Health to establish clinical eligibility requirements for Florida Kidcare Plus benefits; revising eligibility criteria; amending s. 409.810, F.S.; conforming provisions; amending s. 409.811, F.S.; revising and providing definitions relating to the Florida Kidcare Act; amending s. 409.812, F.S.; revising the purpose of the Florida Kidcare program; amending s. 409.813, F.S.; specifying the components of the program which are marketed collectively as the Florida Kidcare program; amending s. 409.8132, F.S.; revising the assignment requirements in the Medikids program component; amending s. 409.8134, F.S.; revising requirements for the department in conducting enrollment in the Florida Kidcare program; amending s. 409.814, F.S.; revising the eligibility requirements for the program; establishing good cause reasons for voluntarily canceling employer or other private coverage; increasing the cap on enrollment of full-pay children in MediKids and Healthy Kids under certain conditions; requiring notification of changes in eligibility for health plans and providers; requiring the electronic verification of an applicant's family income; providing that full-pay enrollees are not subject to the eligibility documentation requirements of this section; amending s. 409.815, F.S.; requiring that the health benefits coverage of the Florida Kidcare program be equivalent to the pediatric Medicaid benefit package; amending s. 409.8177, F.S.; requiring the department to assume responsibility from the Agency for Health Care Administration for contracting for the annual evaluation of the Florida Kidcare program; amending s. 409.818, F.S.; requiring the Department of Children and Family Services to develop and use a standardized eligibility application; requiring the Department of Children and Family Services to develop a plan for determining the eligibility of certain children for coverage and to submit a report of the plan to the Governor and the Legislature by a specified date; revising the duties of the Department of Health with respect to reviewing the intake process; requiring the department to publicize the Florida Kidcare program, determine eligibility for Florida Kidcare Plus coverage, and develop standards for pediatric quality assurance and access; requiring the department to adopt rules; authorizing the department to make certain program modifications upon the approval of the Legislature; requiring the Agency for Health Care Administration to establish a toll-free telephone number to assist families; requiring the agency to apply for waivers and adopt rules to comply with federal laws and the requirements of the act; requiring the Florida Healthy Kids Corporation to conduct eligibility determination based on rules developed by the Department of Health; repealing s. 409.820, F.S., relating to quality assurance and access standards; amending s. 624.91, F.S.; revising provisions of the Florida Healthy Kids Corporation Act; providing for the transfer of certain functions to the Department of Health; requiring the Florida Healthy Kids Corporation to administer the program based on the rules and policies developed by the Department of Health; requiring the corporation to allow health plans to market the program; specifying the corporation's assignment process for family members in the program; requesting Florida's Congressional Delegation to support certain amendments to Title XXI of the Social Security Act; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Governmental Operations; and Health and Human Services Appropriations.

By the Committee on Commerce; and Senator Diaz de la Portilla—

CS for SB 954—A bill to be entitled An act relating to motor vehicle dealers; amending s. 501.975, F.S.; defining the term "advertised price" for purposes of motor vehicle sales; amending s. 501.976, F.S.; requiring that the advertised price include all costs, fees, or charges that the customer must pay, with certain exclusions; requiring a conspicuous label containing a disclosure regarding the pre-delivery service fee; providing an exception; providing an effective date.

—was referred to the Committees on Transportation; and General Government Appropriations.

By the Committee on Commerce; and Senator Diaz de la Portilla—

CS for SB 928—A bill to be entitled An act relating to economic development; creating s. 11.9006, F.S.; providing a short title; providing definitions; creating the Small Business Regulatory Advisory Council; providing for appointments, membership, and meetings; providing an administrative location for the council; providing powers and limitations of the council; providing for coordinated review of agency rules by the council, with agency sunset review; providing timelines for review; providing for the council to issue a business-friendly scorecard of agency rules; creating s. 11.9007, F.S.; providing definitions; providing for selection of small business advocate; providing for preferred qualifications of the advocate; providing duties of the advocate; providing for agency cooperation with the advocate; providing for an annual report by the advocate to the Governor and Legislature; amending s. 11.908, F.S.; requiring report of the Small Business Regulatory Advisory Council to be included in recommendations of Joint Legislative Sunset Committee; amending s. 11.919, F.S.; requiring agency assistance to the Small Business Regulatory Advisory Council; authorizing the council to inspect agency documents; amending s. 120.54, F.S.; requiring state agencies to prepare statements of estimated regulatory costs; requiring agency notification to Small Business Regulatory Advisory Council relating to proposed agency action affecting small businesses; requiring the agency to adopt regulatory alternatives offered by the council under certain circumstances; providing for a rule-filing extension when regulatory alternatives are offered by the council; providing for outside review of regulatory alternatives not adopted by the agency and for agency response; amending s. 120.74, F.S.; requiring biennial rule review by each agency to consider the impact of rules on small businesses; requiring that the results be included in report to Legislature; providing an effective date.

—was referred to the Committee on Governmental Operations.

By the Committee on Commerce; and Senator Diaz de la Portilla—

CS for SB 930—A bill to be entitled An act relating to economic development; creating s. 288.001, F.S.; designating the Florida Small Business Development Center Network as the principal business assistance organization for small businesses in the state; providing an effective date.

—was referred to the Committee on Governmental Operations.

By the Committee on Commerce; and Senator Diaz de la Portilla—

CS for SB 940—A bill to be entitled An act relating to employee leasing companies; providing a short title; amending s. 443.036, F.S.; redefining the term "employee leasing company"; amending s. 443.1216, F.S.; requiring quarterly reports that include client and establishment specific information; authorizing the Agency for Workforce Innovation to adopt rules; providing enforcement authority; providing an effective date.

—was referred to the Committee on Governmental Operations.

By the Committees on Education Pre-K - 12 Appropriations; Education Pre-K - 12; and Senators Dockery and Fasano—

CS for CS for SB 1062—A bill to be entitled An act relating to educator certification requirements; amending s. 1012.56, F.S.; requiring a bachelor's degree or higher and subject area examinations in specified foreign languages for the purpose of demonstrating mastery of that subject area knowledge; revising requirements relating to the issuance of temporary certificates; providing an effective date.

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

By the Committee on Military Affairs and Domestic Security; and Senator Dean—

CS for SB 1470—A bill to be entitled An act relating to the Uniform Port Access Credential Card; amending s. 311.125, F.S.; authorizing the

Department of Highway Safety and Motor Vehicles to designate the Transportation Security Administration's Transportation Worker Identification Credential card as the Uniform Port Access Credential Card; authorizing the department to set and collect a fee; limiting the amount of such fee; providing an effective date.

—was referred to the Committee on Transportation and Economic Development Appropriations.

By the Committee on Governmental Operations; and Senator Lawson—

CS for SB 1654—A bill to be entitled An act relating to state construction management contracting; creating s. 255.32, F.S.; defining terms; authorizing the Department of Management Services to select and contract with construction management entities to assist in the management of state construction projects; providing criteria; authorizing the department to enter into continuing contracts under certain circumstances; providing that a construction management entity may be required to offer a guaranteed maximum price and a guaranteed completion date under specified circumstances and secure a surety bond; authorizing the department to adopt rules; providing an effective date.

—was referred to the Committee on General Government Appropriations.

By the Committees on Community Affairs; Regulated Industries; and Senator Villalobos—

CS for CS for SB 2084—A bill to be entitled An act relating to community associations; amending s. 468.431, F.S.; defining the term “community association management firm”; redefining the term “community association manager” to apply only to natural persons; amending s. 468.4315, F.S.; revising membership criteria for members of the Regulatory Council of Community Association Managers; requiring the board to establish a public education program; providing for board members to serve without compensation but be entitled to receive per diem and travel expenses; providing responsibilities of the board; amending s. 468.432, F.S.; providing for the licensure of community association management firms; providing application, licensure, and fee requirements; providing for the cancellation of the license of a community association management firm under certain circumstances; providing that such firm or similar organization agrees that, by being licensed, it shall employ only licensed persons providing certain services; amending s. 468.433, F.S.; providing for the refusal of an applicant certification under certain circumstances; amending s. 468.436, F.S.; requiring the Department of Business and Professional Regulation to investigate certain complaints and allegations; providing complaint and investigation procedures; providing grounds for which disciplinary action may be taken; amending s. 718.111, F.S.; providing duties of officers, directors, and agents of a condominium association and liability for monetary damages under certain circumstances; providing that a person who knowingly or intentionally fails to create or maintain, or who defaces or destroys certain records, is subject to civil penalties as prescribed by state law; requiring that a copy of the inspection report be maintained as an official record of the association; requiring official records of the association to be maintained for a specified minimum period and be made available at certain locations and in specified formats; providing that any person who knowingly or intentionally defaces, destroys, or fails to create or maintain accounting records is subject to civil and criminal sanctions; prohibiting accessibility to certain personal identifying information of unit owners by fellow unit owners; requiring that the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation adopt certain rules; requiring certain audits and reports to be paid for by the developer if done before control of the association is turned over; restricting a condominium association from waiving a financial report for more than a specified period; amending s. 718.112, F.S.; prohibiting a voting interest or a consent right allocated to a unit owner from being exercised under certain circumstances; requiring the board to address certain agenda items proposed by a petition of a specified percentage of the unit owners; providing requirements for the location of annual unit owner meetings; revising terms of service for board members; prohibiting certain persons from serving on the board; requiring the association to provide a certification form to unit owners

for specified purposes; authorizing an association consisting of a specified maximum number of units to provide for different voting and election procedures in its bylaws by affirmative vote of a majority of the association's voting interests; revising requirements related to the annual budget; requiring proxy questions relating to reserves to contain a specified statement; providing for the removal of board members under certain circumstances; requiring that directors who are delinquent in certain payments owed in excess of certain periods of time be suspended from office or deemed to have abandoned their offices; requiring that directors charged with certain offenses involving an association's funds or property be suspended from office pending resolution of the charge; providing for the reinstatement of such officers or directors under certain circumstances; amending s. 718.1124, F.S.; providing that any unit owner may give notice of his or her intent to apply to the circuit court for the appointment of a receiver to manage the affairs of the association under certain circumstances; providing a form for such notice; providing for the delivery of such notice; providing procedures for resolving a petition submitted pursuant to such notice; requiring that all unit owners be provided written notice of the appointment of a receiver; amending s. 718.113, F.S.; providing a statement of clarification; authorizing the board to install certain hurricane protection; prohibiting the board from installing hurricane shutters under certain circumstances; requiring that the board inspect certain condominium buildings and a issue a report thereupon; prohibiting the board from refusing a request for reasonable accommodation for the attachment to a unit of religious objects meeting certain size specifications; amending s. 718.117, F.S.; requiring that all unit owners be provided written notice of the appointment of a receiver; providing for the delivery of such notice; amending s. 718.121, F.S.; providing requirements and restrictions for liens filed by the association against a condominium unit; providing for notice and delivery thereof; creating s. 718.1224, F.S.; prohibiting strategic lawsuits against public participation; providing legislative findings and intent; prohibiting a governmental entity, business organization, or individual from filing certain lawsuits made upon specified bases against a unit owner; providing rights of a unit owner who has been served with such a lawsuit; providing procedures for the resolution of claims that such suit violates certain provisions of state law; providing for the award of damages and attorney's fees; prohibiting associations from expending association funds in prosecuting such a suit against a unit owner; amending s. 718.1255, F.S.; revising legislative intent concerning alternative dispute resolution; creating s. 718.1265, F.S.; authorizing an association to exercise certain powers in instances involving damage caused by an event for which a state of emergency has been declared; limiting the applicability of such powers; creating s. 718.127, F.S.; requiring that all unit owners be provided written notice of the appointment of a receiver; providing for the delivery of such notice; amending s. 718.301, F.S.; providing circumstances under which unit owners other than a developer may elect not fewer than a majority of the members of the board of administration of an association; requiring that a developer deliver certain property of the unit owners and the association within a specified period after such election and upon relinquishing control of the association; requiring a turnover inspection report; requiring that the report contain certain information; amending s. 718.3025, F.S.; requiring that maintenance and management services contracts disclose certain information; amending s. 718.3026, F.S.; removing a provision authorizing certain associations to opt out of provisions relating to contracts for products and services; removing provisions relating to competitive bid requirements for contracts executed before a specified date; providing requirements for any contract or transaction between an association and one or more of its directors or any other entity in which one or more of its directors are directors or officers or have a financial interest; amending s. 718.303, F.S.; providing that hearings regarding noncompliance with a declaration be held before certain persons; amending s. 718.501, F.S.; providing authority and responsibilities of the division; providing for enforcement actions brought by the division in its own name; providing for the imposition of penalties by the division; requiring that the division issue a subpoena requiring production of certain requested records under certain circumstances; providing for the issuance of notice of a declaratory statement with respect to documents governing a condominium community; requiring that the division provide training and education for condominium association board members and unit owners; authorizing the division to include certain training components and review or approve training programs offered by providers; requiring that certain individuals cooperate with the division in any investigation conducted by the division; amending s. 718.50151, F.S.; redesignating the Advisory Council on Condominiums as the “Community Association Living Study Council”; providing for the creation of the council; providing

functions of the council; amending s. 718.503, F.S.; providing for disclosure of certain information upon the sale of a unit by a nondeveloper; requiring the provisions of a governance form by the seller to the prospective buyer; requiring that such form contain certain information and a specified statement; providing an effective date.

—was referred to the Committee on Judiciary.

By the Committee on Higher Education; and Senator Posey—

CS for SB 2526—A bill to be entitled An act relating to the space industry; providing a short title; providing legislative findings; amending s. 331.3051, F.S.; revising duties of Space Florida to include supporting the development and operation of the Space Technology and Research Diversification Initiative; creating s. 331.365, F.S.; establishing the multiuniversity Space Technology and Research Diversification Initiative within the Office of Tourism, Trade, and Economic Development; providing for duties and administration; providing an effective date.

—was referred to the Committees on Transportation and Economic Development Appropriations; and Higher Education Appropriations.

By the Committee on Commerce; and Senator Atwater—

CS for SB 2774—A bill to be entitled An act relating to security for late-night businesses; providing a short title; creating a pilot project within specified counties to fund surveillance systems for late-night businesses; providing a purpose; providing definitions; providing grant qualifications; providing for pilot project funding; providing an effective date.

—was referred to the Committees on Criminal Justice; and General Government Appropriations.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

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

<i>Office and Appointment</i>	<i>For Term Ending</i>
Governing Board of the Northwest Florida Water Management District Appointee: Antonacci, Peter, Tallahassee	03/01/2012
Executive Director of Northwest Florida Water Management District Appointee: Barr, Douglas E., Tallahassee	Pleasure of the Board
Executive Director of St. Johns River Water Management District Appointee: Green, Kirby B. III, Palatka	Pleasure of the Board
Governing Board of the South Florida Water Management District Appointees: Huck, Paul C., Jr., Coral Gables Montgomery, Robert G., Celebration	03/01/2012 03/01/2012
Executive Director of South Florida Water Management District Appointee: Wehle, Carol Ann, Placida	Pleasure of the Board
Governing Board of the Southwest Florida Water Management District Appointee: Joerger, Albert G., Sarasota	03/01/2011
Executive Director of Southwest Florida Water Management District	

Office and Appointment

Appointee: Moore, David L., Odessa

For Term Ending

Pleasure of the Board

Executive Director of Suwannee River Water Management District

Appointee: Still, David, Lake City

Pleasure of the Board

[Referred to the Committees on Environmental Preservation and Conservation; and Ethics and Elections.]

Board of Trustees, Florida Atlantic University

Appointee: Plymale, Sherry, Palm City

01/06/2013

[Referred to the Committees on Higher Education; and Ethics and Elections.]

SUPREME COURT OF FLORIDA

The opinion released by the Supreme Court of Florida on January 17, 2008, (as published in the March 4, 2008 Journal of the Senate) has been withdrawn and the following opinion, released on April 15, 2008, was substituted in its place:

The following certificate was received:

No. SC07-2379

In Re: CERTIFICATION OF THE NEED FOR ADDITIONAL JUDGES

[April 15, 2008]

LEWIS, C.J.

This amended opinion is intended to fulfill the constitutional obligation of this Court to determine the need for additional judges in Fiscal Year 2008-2009 and to certify our findings and recommendations concerning that need to the Legislature.¹ Certification is “the sole mechanism established by our constitution for a systematic and uniform assessment of this need.” *In re Certification of Need for Additional Judges*, 889 So. 2d 734, 735 (Fla. 2004).

JUDICIAL RESOURCE STUDY

As part of our continuing commitment to refine the judicial workload model for analysis, this Court directed the Florida Supreme Court Commission on Trial Court Performance and Accountability to perform an additional extensive study of the judicial case weights to be utilized and the contribution of magistrates and other hearing officers in the case disposition process in an attempt to consistently and regularly validate our process of certification.² In response, the Commission created a Judicial Resource Study Workgroup composed of circuit and county court judges, trial court administrators, general magistrates, and hearing officers to study, evaluate, and make recommendations to this Court with regard to the overall judicial workload.

The primary objectives of the study were to update the existing judicial case weights and establish processing times for cases which involve the services of general magistrates and hearing officers. A secondary objective of the study was to develop a tool to assist judicial leadership in determining the optimal allocation of judicial and supplemental resources. The updating of the judicial case weights on a continuing basis is consistent with the recommendations of the National Center for State Courts, the original consultants in connection with the 1999 case weight development.³ Since 1999, new laws and statutory requirements have been enacted by the Florida Legislature that require additional time in the judicial processing of cases. Moreover, to our knowledge, this is the first time that any state court has ever attempted to evaluate the impact of the contribution of supplemental hearing officers as part of a judicial workload model. These factors and others have been considered in the Judicial Resource Study Final Report.

At the direction of the Judicial Resource Study Workgroup, a General Magistrate/Hearing Officer Subgroup was also formed to study the workload of magistrates and other hearing officers. That subgroup was composed of three judges and seven magistrates and hearing officers

from across the state. Together, these two studies provide a state-of-the-art evaluation of judicial workload in Florida. These studies were multifaceted and integrated.

First, the Judicial Resource Study Workgroup employed a three-prong approach to analyze judicial case weights: (1) a judicial survey of trial court judges was completed; 466 judges, or fifty-four percent, of the 866 trial court judges available during the study participated; (2) a judicial forum was convened to review and validate the weights; seventy-five judges, or nine percent, of the 866 trial court judges available at that time participated; and (3) a final case weight review was conducted by the Judicial Resource Study Workgroup.⁴ In addition to reviewing the twenty-six original case weights established in 1999 and the drug court case weight established in 2003, the Workgroup assigned weights to two new categories of cases that have been designated by the Legislature since 1999, namely, Jimmy Ryce and Parental Notice of Abortion cases.

A number of adjustments were made to the existing case weights as a result of this Judicial Resource Study. At the circuit court level, nine weights increased and ten weights decreased. In county court, four weights increased and four decreased. The study provides exhaustive documentation for each adjustment. Reasons for the various case weight adjustments vary by case type in both circuit and county court divisions.

Some of the justifications for increases and decreases in the case weights provided by the judges in the survey and forum group included but were not limited to increases in post-judgment activity, increases in Nelson⁵ hearings, increases in bond reduction hearings, mandatory minimum sentencing requirements, disposition requirements for expanded plea colloquies, civil case complexity, statutory changes, difficulty in seating juries, motion practice, increased numbers of parties, the involvement of magistrates in portions of a case, case-related administration, indigence hearings, requirements associated with cases involving children, increasing complexity of Baker Act and Marchman Act cases, increased staff support, increased supplemental resources, increased use of interpreters for non-English speaking litigants, increased numbers of self-represented litigants, changes to the personal injury protection law, increases in identity theft that impact the intensity of workload associated with that category of cases, increases in construction litigation, and decreases in proportions of occurrences of trials and other case-related events. These examples illustrate the changing dynamics and complexities associated with the cases filed in Florida's courts.

Of particular interest to this Court is the nature of the workload relationship between judges and general magistrates and hearing officers. To the extent currently possible, this study addressed that question. Specifically, the adjusted and new weights (e.g., Jimmy Ryce and Parental Notice of Abortion cases) incorporate the use of general magistrates and hearing officers in case disposition.

The objectives of the General Magistrate/Hearing Officer Study were to: (1) develop a mechanism to measure the workload of general magistrates, Title IV-D child support hearing officers, and traffic hearing officers; and (2) develop a tool to assist judicial leadership in determining the optimal allocation of supplemental resources. This study created a new model for magistrates and hearing officers by drawing on the original judicial workload model framework developed in 1999 and utilizing the same case types and filing data source.⁶ As a result, this Court, the chief judges, and the Trial Court Budget Commission are all now in a better position to evaluate the need for and distribution of general magistrates and hearing officers throughout the state.

Judicial availability to hear and decide cases in the county, circuit, and district courts is essential to fulfilling the guarantee of meaningful and timely access to justice for the people of Florida. It is essential that our courts be open, properly staffed, and operational at all times.

Florida's courts must also be equally accessible to all of our citizens. This includes physical and communication accessibility for persons with disabilities, effective and sustained remedies for individuals with mental illnesses, and legal access for self-represented litigants.

All of these issues are linked to the presence of a sufficient judicial staffing complement at the trial and appellate court levels. It is our judges who help to ensure public safety, protect individual rights and liberties, and safeguard the promises of our democracy by promoting and enforcing constitutional guarantees and the rule of law.

The State Courts System has now completed its effort to update the judicial case weights. As noted, we have also established new case weights for general magistrates and other supplemental hearing officers. These new case weights reflect statutory changes enacted by the Legislature since 1999 and the availability of additional supplemental resources (e.g., general magistrates, case managers, and staff attorneys), both of which impact judicial workload.

The Court has accepted the adjusted case weights as provided in the Judicial Resource Study and applied them in our current certification analysis. In addition, in accordance with the discretion afforded under Rule of Judicial Administration 2.240, we have also applied an additional factor to the judicial net need equation, that being the availability of senior judges to hear and dispose of cases. Although the case-weighted methodology takes into account all supplemental resources that assist judges in disposing of cases, prior to the analysis, it has not previously included the contribution of senior judges who dispose of cases without the assistance of current county or circuit court judges. In our view, senior judges represent an additional resource that can and must be factored into the total package of available judicial resources and are included in this certification analysis.

The application of the case-weighted methodology in 1999 was the dawn of a new era for the State Courts System. Prior to 1999, the certification process was a blend of statistical data regarding case filings and a review of anecdotal information from the trial and appellate courts. The missing element was the actual time necessary for judges to dispose of cases. By adopting the case-weighting methodology in 1999, Florida became one of a very few states to attempt to employ sophisticated evaluation techniques when analyzing judicial workload. From the outset, our court system has embraced the concept of a case-weighted methodology. We are committed to improving the process and analysis each year. Over the last eight years, we have conducted a continual evaluation of the certification process. It is important to this Court, our judges, and the people of Florida that we employ the appropriate methodology. We believe that ongoing self-analysis enhances the overall validity of the process.

We recognize that the incorporation of senior judge time into the certification process this year is a departure from the previous methodology approach. Clearly, this is a complex issue as the use of senior judges allows for greater operational flexibility in the trial courts. However, we believe that it is a prudent approach given the new judgeships the State Courts System has received the last two fiscal years and the adoption of the adjusted case weights. We intend to carefully consider the impact of our decision in this regard by continuing to consult with the chief judges of the lower courts and requesting that the Commission on Trial Court Performance and Accountability further analyze this change to the certification methodology and advise us accordingly.

TRIAL COURT CERTIFICATION

This Court has examined case filing and disposition data, analyzed various judicial workload indicators, and considered judgeship requests submitted by the lower courts. Further, we have taken into consideration the 114 judgeships that were created by the Florida Legislature during two of the last three fiscal years.

In Fiscal Year 2005-2006, approximately ninety-nine percent of all court filings in Florida were processed in the circuit and county courts. Trial court judges are on the front line in dispensing justice; their work is vital to our citizens and businesses who expect the judicial branch to resolve issues fairly, peaceably, expeditiously, and in a manner that promotes the rule of law. Florida's trial court judges stand as guardians of our constitutional freedoms as they ensure access to the courts, protect vulnerable citizens, and ensure that the courts remain open, operational, and functioning at maximum capacity.

From Fiscal Year 2004-2005 to Fiscal Year 2005-2006, case filings have increased by three percent in circuit court. Felony case filings continue to drive statewide growth, specifically cases involving property crimes and drug crimes. Property crime cases (including burglary, theft, worthless checks, and other felonies) have increased by fourteen percent and drug crimes cases have increased by nine percent since Fiscal Year 2004-2005. In circuit civil, the number of mortgage foreclosures has increased by ninety-seven percent statewide over the last twelve months.

Also contributing to the rise in circuit court filings is substantial growth in certain family case types. From Fiscal Year 2004-2005 to Fiscal Year 2005-2006, dissolution cases have increased by nine percent and dependency cases, including termination of parental rights, have increased by six percent.

County court filings experienced even greater growth from Fiscal Year 2004-2005 to Fiscal Year 2005-2006, with statewide filings increasing by ten percent (excluding civil traffic infractions). Significant growth was seen particularly in the county criminal division, with overall filings rising by nine percent. Cases involving misdemeanors and municipal ordinances increased by seven percent and eight percent, respectively, from Fiscal Year 2004-2005 to Fiscal Year 2005-2006. In county civil, from Fiscal Year 2004-2005 to Fiscal Year 2005-2006, all case types experienced some level of growth with the exception of replevin actions.

In light of the foregoing considerations, this Court certifies the need for nineteen new circuit court judges for Fiscal Year 2008-2009, distributed as follows:

1. Four additional circuit court judges for the Fifth Judicial Circuit;
2. Three additional circuit court judges for both the First and Ninth Judicial Circuits;
3. Two additional circuit court judges for the following circuits: the Seventh, Tenth, and Fourteenth Judicial Circuits; and
4. One additional circuit court judge for the following circuits: the Sixth, Eighth, and Nineteenth Judicial Circuits.

Further, we certify the need for forty-two new county court judges for Fiscal Year 2008-2009, distributed as follows:

1. Six additional county court judges for Miami-Dade County;
2. Five additional county court judges for both Hillsborough and Palm Beach Counties;
3. Four additional county court judges for Duval County;
4. Three additional county court judges for Broward County;
5. Two additional county court judges for the following counties: Brevard, Lee, and Orange; and
6. One additional county court judge for the following counties: Alachua, Citrus, Collier, Columbia, Highlands, Lake, Manatee, Marion, Pinellas, Polk, St. Lucie, Sarasota, and Volusia.

In addition to these judges we have certified today, we have also specifically reviewed the requests from chief judges to certify three circuit court judges in the Ninth Judicial Circuit; two circuit court judges each in the Fourth, Fifth, Seventh, Eleventh, Thirteenth, Fifteenth, Eighteenth, Nineteenth, and Twentieth Judicial Circuits; one circuit court judge each in the Second, Eighth, Tenth, and Twelfth Judicial Circuits; and one county court judge each in Orange, Osceola, St. Lucie, and Seminole Counties. The Court's decision to include the contributions of senior judges in the workload calculation has reduced the net judicial need to less than 0.5 in each of these circuits.⁷ We have determined that in the absence of special circumstances, we must deny these requests.

DISTRICT COURT OF APPEAL CERTIFICATION

Florida Rule of Judicial Administration 2.240(b)(2) delineates the criteria for certifying the need for additional judges in the district courts of appeal. Based on these criteria, we do not certify the need for any additional district court judges. Our determination is bolstered by the fact that the district courts have not requested the certification of any additional judgeships this year.

The issue of certifying a need to decrease a judicial position for any appellate court is far more complex and requires the concurrence of multiple factors for practical application. The timing of a decision on a need to decrease and the timing of a certification to the Legislature of that need to decrease are impacted by the interrelated nature of Florida's constitutional structure and the participation of our three branches of government in the process. Any decrease in judicial positions must be considered with reference to the end of a term of a judicial position, or a resignation, retirement, or other opening that does not correspond

with the end of a term of a judicial position. Evaluation of the need to decrease a judicial position involves the concept of a vacancy and the considerations of the executive branch related thereto. Finally, these issues must be addressed by the Legislature in the context of a certification by this Court with reference to a legislative session for final action.

We now have a confluence of practical factors to certify a need to decrease one judicial position in the Third District Court of Appeal for a position with a term that ends on January 5, 2009. A judicial officer of the Third District Court of Appeal has formally advised that she will not seek retention and will leave her judicial position upon the end of the current term for that position. The chief judge of the Third District Court of Appeal has requested on behalf of that court that this judicial position be decertified upon the end of the current term, when the position becomes vacant. This is based upon a continued downward trend in caseload.

We have continuously reviewed the workload trends for the Third District for the last several years including case filings and weighted judicial workload. We must be careful that any decision to decrease the number of judicial positions be based on a clear trend and not merely a recent fluctuation in volume. Our review indicates that from FY 2002-03 through FY 2006-07, the Third District has had the lowest weighted judicial workload per judge for four of those five years. Further, during that same time period, the Third District has demonstrated a clear trend to have the lowest number of case filings and case filings per judge for all years. We determine that these factors are not mere periodic fluctuations, but represent a clear trend which supports a decrease of one position.

Based upon the request of the chief judge on behalf of that court and our review of the workload data, we agree that there should be a reduction of one judicial position for the Third District Court of Appeal. Further, this confluence of factors allows us to amend our certification opinion at this time because it is necessary to allow the Legislature to consider this action before the executive branch is required to begin a process which may alter the status of this position.⁸ Pursuant to our obligation under Article V, Section 9 of the Florida Constitution, we hereby decertify one judgeship for the Third District Court of Appeal upon the vacancy of the judicial position, effective January 5, 2009. This measure is consistent with our efforts to critically evaluate judicial workload, be accountable for our resources and, at the same time, ensure that the administration of justice proceeds without delay.

Despite significant caseloads, the appellate courts of this State have continued to function effectively through the adoption of innovative case-processing methods, strong staff support and law clerk assistance, and diligent case management. The use of technological advancements has also significantly enhanced the efforts of the appellate courts to operate efficiently. We support the conscientious commitment of our district court of appeal judges to improve court operations, and we urge the Legislature to continue to provide funding for the district courts of appeal to support performance at an optimum level.

CONCLUSION

Florida's judiciary continues to be the finest in the country. Our judges serve a vital role in keeping our courts open and accessible to all. The demands on our judiciary arise from several fronts including sustained growth in caseloads and demands for access. There is also a growing recognition by county officials of the need to build more courtrooms to accommodate the space needs of Florida's trial courts.

This Court extends its appreciation to the members of the judiciary who participated in the Judicial Resource Study survey and forum group. The contributions from those sources as subject matter experts in the area of case processing and disposition were essential to the success of the study. We also thank the members of the Judicial Resource Study Workgroup who worked tirelessly for eighteen months with our staff to ensure that the case weights were updated and verified. Lastly, we offer our thanks to the members of the General Magistrate/Hearing Officer Subgroup and all of the general magistrates and hearing officers who participated in the time study and development of new case weights for general magistrates and other hearing officers. Like the judicial effort in 1999, this was a groundbreaking effort for Florida's judiciary.

The Florida Legislature has been receptive to our requests for new judgeships in recent years, for which we are most appreciative. Those

additional judgeships significantly reduced the judicial need that has existed for an extended time and since the development of the case weighting methodology. This amended opinion reflects our commitment to continually monitor and evaluate judicial workload by requiring that the case weights be reviewed every five years and by developing enhanced techniques (e.g., magistrate/hearing officer case weights) that enable us to better understand the complexities of case processing and dispositions in Florida given the variety of resources that are available. Validity of the process must be our top priority.

We recognize that the State of Florida is once again facing revenue issues that may impact the ability to place additional resources into the judicial system. Nevertheless, in accordance with our constitutional obligation, we encourage the Florida Legislature to authorize the judgeships identified in this amended opinion as they are targeted to counties and circuits with sustained growth in judicial workload and unsatisfied needs. We ask the Legislature to accept this amended opinion and give it appropriate consideration.

It is so ordered.

WELLS, ANSTEAD, PARIENTE, QUINCE, CANTERO, and BELL, JJ., concur.

Original Proceeding - Certification of the Need for Additional Judges

¹ Article V, section 9 of the Florida Constitution provides in pertinent part:

Determination of number of judges.—The supreme court shall establish by rule uniform criteria for the determination of the need for additional judges except supreme court justices, the necessity for decreasing the number of judges and for increasing, decreasing or redefining appellate districts and judicial circuits. If the supreme court finds that a need exists for increasing or decreasing the number of judges or increasing, decreasing or redefining appellate districts and judicial circuits, it shall, prior to the next regular session of the legislature, certify to the legislature its findings and recommendations concerning such need.

² See Supreme Court of Florida, Commission on Trial Court Performance and Accountability, Judicial Resource Study Final Report, Measuring the Workload of Trial Court Judges, General Magistrates and Hearing Officers (2007), available at http://www.flcourts.org/gen_public/pubs/committee_reports.shtml.

³ The report states:

Recommendation 2: The OSCA should plan to conduct a systematic update of the case weights approximately every five years, depending on the judgment of the Court Statistics and Workload Committee. Funding for this should be part of the regular legislative agenda related to the process of certification of the need for new judgeships.

Brian J. Ostrom et al., Florida Delphi-Based Weighted Caseload Project Final Report 75 (2000), available at http://www.floridasupremecourt.org/pub_info/highprofile/DelphiFullReport.pdf.

⁴ See Supreme Court of Florida, Commission on Trial Court Performance and Accountability, Judicial Resource Study Final Report, Measuring the Workload of Trial Court Judges, General Magistrates and Hearing Officers (2007), available at http://www.flcourts.org/gen_public/pubs/committee_reports.shtml, for a complete discussion of the methodology used.

⁵ *Nelson v. State*, 274 So. 2d 256, 258-59 (Fla. 4th DCA 1973) (where defendant, before commencement of trial, requests discharge of his court-appointed counsel, trial judge should make an inquiry of defendant as to reason for request and, if incompetency of counsel is assigned as reason, should make a sufficient inquiry of defendant and his appointed counsel to determine whether there is cause to believe that counsel is not rendering effective assistance to defendant, and if reasonable cause for such belief appears, trial judge should make a finding to that effect on record and appoint substitute counsel who should be allowed adequate time to prepare defense, but if no reasonable basis for such belief appears, trial judge should so state on record and advise

defendant that if he discharges his original counsel the State may not thereafter be required to appoint a substitute).

⁶ See Supreme Court of Florida, Commission on Trial Court Performance and Accountability, Judicial Resource Study Final Report, Measuring the Workload of Trial Court Judges, General Magistrates and Hearing Officers (2007) 11, available at http://www.flcourts.org/gen_public/pubs/committee_reports.shtml.

⁷ Total judicial need is the total number of judges required to complete all expected workload. Net judicial need is the difference between the total judicial need and the number of existing judges.

⁸ See art. V, § 11(a), Fla. Const.

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 321, CS for HB 537, CS for HB 1363, HB 7041; has passed as amended CS for CS for HB 43, HB 61, HB 603, CS for HB 803 and requests the concurrence of the Senate.

William S. Pittman III, Chief Clerk

By the Safety and Security Council; and Representative Snyder and others—

CS for HB 321—A bill to be entitled An act relating to murder of law enforcement officers; creating s. 782.065, F.S.; providing a minimum mandatory sentence for certain offenses; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By the Safety and Security Council; and Representative Dorworth and others—

CS for HB 537—A bill to be entitled An act relating to the offense of voyeurism; amending s. 810.145, F.S.; providing that it is a third-degree felony for certain persons who are responsible for the welfare of a child younger than 16 years of age to commit the offense of video voyeurism, video voyeurism dissemination, or commercial video voyeurism dissemination against that child; providing that it is a third-degree felony for a person employed at a school or voluntary prekindergarten education program to commit the offense of video voyeurism, video voyeurism dissemination, or commercial video voyeurism dissemination against a student of the school or voluntary prekindergarten education program; providing that it is a third-degree felony for a person who is 24 years of age or older to commit the offense of video voyeurism, video voyeurism dissemination, or commercial video voyeurism dissemination against a child younger than 16 years of age; providing that it is a second-degree felony for a person who was previously convicted of or adjudicated delinquent for video voyeurism, video voyeurism dissemination, or commercial video voyeurism dissemination to commit any such third-degree felony against a child younger than 16 years of age or a student; providing criminal penalties; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By the Safety and Security Council; and Representative Brandenburg and others—

CS for HB 1363—A bill to be entitled An act relating to controlled substances; amending s. 893.03, F.S.; including Salvia divinorum and Salvinorin A on the list of controlled substances in Schedule I; providing exceptions from the scheduling of Salvia divinorum and Salvinorin A; reenacting ss. 893.13(1)(a), (c), (d), (e), (f), and (h), (2)(a), (4)(b), and

(5)(b), and 921.0022(3)(b), (c), and (e), F.S., relating to prohibited acts and penalties concerning controlled substances and the offense severity chart of the Criminal Punishment Code, to incorporate the amendment to s. 893.03, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Criminal Justice; Health Regulation; and Criminal and Civil Justice Appropriations.

By the Healthcare Council; and Representative Bean—

HB 7041—A bill to be entitled An act relating to the Florida Self-Directed Care program; amending s. 394.9084, F.S.; authorizing the Department of Children and Family Services to expand the program statewide; requiring the department to implement a payment mechanism for mental health treatment and support services; defining the term “fiscal intermediary”; providing for the duties of the fiscal intermediary; permitting the fiscal intermediary to receive funds on behalf of participants; requiring an evaluation by the Office of Program Policy Analysis and Government Accountability by a certain date; providing evaluation criteria; deleting provisions relating to the evaluation of the original pilot program; deleting the expiration date of the program; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; and Health and Human Services Appropriations.

By the Policy and Budget Council; Safety and Security Council; and Representative Snyder and others—

CS for CS for HB 43—A bill to be entitled An act relating to criminal activity; amending s. 775.13, F.S.; requiring certain felons whose offenses related to criminal gangs to register; providing penalties; amending s. 790.23, F.S.; providing penalties for certain persons possessing a firearm; amending s. 775.0846, F.S.; providing that a person commits a third degree felony if he or she possesses a bulletproof vest while committing or attempting to commit specified crimes; amending s. 823.05, F.S.; revising provisions relating to the enjoining of public nuisances to include certain nuisances related to criminal gangs and criminal gang activities; providing for enjoining such nuisances; providing for local laws; amending s. 874.01, F.S.; revising a short title; amending s. 874.02, F.S.; revising legislative findings and intent; amending s. 874.03, F.S.; creating and revising definitions; redefining “criminal street gangs” as “criminal gangs”; amending s. 874.04, F.S.; conforming provisions; revising an evidentiary standard; creating s. 874.045, F.S.; providing that chapter 874, F.S., does not preclude arrest and prosecution under other specified provisions; amending s. 874.05, F.S.; revising provisions relating to soliciting or causing another to join a criminal gang; amending s. 874.06, F.S.; authorizing the state to bring civil actions for certain violations; providing that a plaintiff has a superior claim to property or proceeds; providing penalties for knowing violation of certain orders; amending s. 874.08, F.S.; conforming provisions relating to forfeiture; amending s. 874.09, F.S.; providing additional powers for the Department of Law Enforcement and local law enforcement agencies relating to crime data information; creating s. 874.10, F.S.; prohibiting persons from knowingly initiating, organizing, planning, financing, directing, managing, or supervising criminal gang-related activity; providing penalties; creating s. 874.11, F.S.; prohibiting use of electronic communications to further the interests of a criminal gang; providing penalties; creating s. 874.12, F.S.; defining the term “identification document”; prohibiting possession of certain identification documents for specified purposes; providing penalties; amending s. 895.02, F.S.; adding certain offenses to the definition of “racketeering activity”; conforming terminology to changes made by this act; amending s. 903.046, F.S.; adding to the list of items a court may consider when determining whether to release a defendant on bail; amending s. 914.22, F.S.; revising the penalties for tampering with or harassing witnesses; amending s. 943.031, F.S.; revising provisions relating to the Florida Violent Crime and Drug Control Council; providing duties concerning criminal gangs; creating the Drug Control Strategy and Criminal Gangs Committee; providing for duties of the committee concerning funding of certain programs; providing for reports; creating s. 948.033, F.S.; prohibiting certain probationers or community controllees from communicating with criminal gang members; providing exceptions; amending s. 947.18, F.S.; prohibiting certain parolees from communicating with criminal gang members; providing

exceptions; amending s. 947.1405, F.S.; prohibiting certain conditional releases from communicating with criminal gang members; providing exceptions; amending s. 893.138, F.S.; conforming terminology to changes made by this act; amending s. 921.0022, F.S.; adding offenses to the offense severity ranking chart of the Criminal Punishment Code; conforming terminology to changes made by this act; amending ss. 921.0024, 921.141, 943.325, 984.03, 985.03, 985.047, and 985.433, F.S.; conforming cross-references and terminology to changes made by this act; providing a directive to the Division of Statutory Revision; creating the Coordinating Council on Criminal Gang Reduction Strategies; providing membership of the council; providing duties of the council; providing for expiration of the council; providing effective dates.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By Representative Scionti and others—

HB 61—A bill to be entitled An act relating to offenses against officers; amending s. 776.051, F.S.; providing that a person is not justified in using force to resist an arrest by a law enforcement officer, or to resist a law enforcement officer engaged in executing a legal duty, if the officer acts in good faith and is known or appears to be a law enforcement officer; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Operations; and Judiciary.

By Representative Flores and others—

HB 603—A bill to be entitled An act relating to textbook affordability; creating s. 1004.09, F.S.; prohibiting certain actions of community college or state university employees that relate to student purchase of required textbooks; authorizing receipt of certain instructional materials, compensation, and training; requiring student notification of required textbooks; requiring adoption of specified policies and practices to minimize the cost of textbooks; providing an effective date.

—was referred to the Committees on Higher Education; and Higher Education Appropriations.

By the Healthcare Council; and Representative Brise and others—

CS for HB 803—A bill to be entitled An act relating to licensure of psychologists; amending s. 490.005, F.S.; requiring the Board of Psychology to close application files of applicants failing to pass certain examinations, or failing to submit evidence of completion of postdoctoral supervised experience, within a specified timeframe; providing that an individual who completes the required postdoctoral training residency may continue to practice under supervision under certain conditions; providing an effective date.

—was referred to the Committees on Health Regulation; and Health and Human Services Appropriations.

ENROLLING REPORTS

CS for CS for SB 242, CS for SB 276, SB 2100, CS for SB 2102, SB 2104, SB 2106, SB 2108, SB 2110, SB 2112, SB 2114, CS for SB 2116, SB 2118, SB 2120, CS for SB 2122, SB 2124, SB 2128, SB 2130 and SB 2132 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 15, 2008.

Faye W. Blanton, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 10 was corrected and approved.

CO-INTRODUCERS

Senators Aronberg—SCR 362; Baker—CS for SB 2172; Bullard—SB 2678; Deutch—CS for CS for CS for SB 920, CS for SB 1490; Fasano—

CS for SB 2170; Justice—SB 226; Lynn—SB 226, CS for SB 274, CS for SB 472, CS for SB 1070, SB 1188, CS for CS for SB 2630

RECESS

On motion by Senator King, the Senate recessed at 3:08 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:15 a.m., Thursday, April 17 or upon call of the President.

SENATE PAGES

April 14-18, 2008

Jennifer “Jen” Beatty, Fort Myers; Demi T. Busatta, Cape Coral; Garrett Carlson, Melbourne; Arielle S. Claude, Williston; Lydia M. Cremer, Palatka; Paul M. Dalbery, Plantation; Jamila Dickey, Quincy; Joey Doyle, Pinecrest; Dana Martin, Quincy; Michael “Spencer” McCall, Wildwood; Peter Monteparo, Melbourne; William D. Moose, Miami; Anjali Natarajan, Sarasota; Ranjani Natarajan, Sarasota; Daniella “Danie” Pereira, Miami; Savannah L. Reams, Greenville; Jennifer Sullivan, Eustis; James “Jake” Tate, Venice