



# Journal of the Senate

Number 19—Regular Session

Tuesday, April 29, 2008

## CONTENTS

Bills on Third Reading . . . . .	934, 972
Call to Order . . . . .	934, 956
Co-Introducers . . . . .	979
Executive Business, Reinstatements . . . . .	973
House Messages, Final Action . . . . .	979
House Messages, First Reading . . . . .	973
Messages From the Governor . . . . .	973
Motions . . . . .	939, 972
Motions Relating to Committee Meetings . . . . .	972
Motions Relating to Committee Reference . . . . .	944, 972
Point of Order . . . . .	963, 971
Remarks . . . . .	952, 956
Reports of Committees . . . . .	973
Special Order Calendar . . . . .	944, 956, 961
Special Presentation . . . . .	954, 956, 958, 961

## CALL TO ORDER

The Senate was called to order by President Pruitt at 9:30 a.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

## PRAYER

The following prayer was offered by Rabbi Schneur Z. Oirechman, Director of Chabad Lubavitch of the Panhandle-Tallahassee:

Almighty God, creator of all mankind:

With Passover, the Festival of Freedom, celebrated around the world just a few days ago, let us internalize the message of Passover today. Let our public servants humbly recognize their important role in promoting freedom here and abroad, and let the Passover spirit inspire us all to pass over our obstacles and reach ever-greater heights.

Let us draw inspiration from the self-sacrifice of Moses, the humble hero of Passover, and let us sacrifice of ourselves for the benefit of others. Let the work of our public servants be not in vain; let them not falter in the discharge of their duties; bestow leadership upon them and grant them your grace.

From this chamber we ask you, almighty God, to come to our aid as we strive to make our world a better place.

Let our laws reflect the universal, spiritual and moral principles that allow mankind to reach its potential. Let even our smallest decisions bring about the greatest results. Almighty God, may the sacrifices of our

distinguished public servants who leave loved ones at home to serve the people, find a special place in your heart.

Grant wisdom to our public servants who now move on to new public or private horizons, and bless their journeys with success and fulfillment.

Almighty God, we ask you to grant us your aid and your helping hand, that we may best respond to those seeking aid and a helping hand. Bestow your wisdom upon us and let your will be realized in our lives, and in the lives of every man, woman and child we seek to assist, until the day that all mankind shall know peace at the ultimate redemption; may it come speedily in our days. Amen.

## PLEDGE

Senate Pages Rance B. Hood of Palatka; Alyson Peet of Tallahassee; Mary Anna Jones of Windermere; and Caleb M. Sides of Ocoee, led the Senate in the pledge of allegiance to the flag of the United States of America.

## DOCTOR OF THE DAY

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

## BILLS ON THIRD READING

Consideration of **CS for CS for SB 2212, CS for CS for CS for SB 1544, CS for CS for CS for CS for SB 560 and CS for SB 1300** was deferred.

**CS for CS for SB 318**—A bill to be entitled An act relating to exceptional students with a disability; amending s. 1003.57, F.S.; providing definitions; requiring the Department of Children and Family Services, the Agency for Health Care Administration, and residential facilities licensed by the Agency for Persons with Disabilities to notify a school district under certain circumstances; requiring the review of a student's individual educational plan; providing for a determination of responsibility for educational instruction; requiring the school district to report the student for funding purposes; requiring the Department of Education, in consultation with specified agencies, to develop procedures for the placement of students in residential care facilities; requiring the State Board of Education and the Agency for Persons with Disabilities to adopt rules; requiring certain agencies to implement procedures; requiring a cooperative agreement; providing an exception; providing an effective date.

—as amended April 28 was read the third time by title.

On motion by Senator Constantine, **CS for CS for SB 318** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

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

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

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla, Garcia

**CS for HB 739**—A bill to be entitled An act relating to guardian advocates for persons with developmental disabilities; amending s. 393.12, F.S.; requiring the court to conduct determination of incapacity of persons with developmental disabilities and appointment of guardian advocates in separate proceedings; revising conditions relating to venue for appointment of guardian advocates; providing that the guardian advocate need not be represented by an attorney unless required by the court or the guardian advocate is delegated certain rights regarding property; limiting applicability to certain proceedings relating to appointment and supervision of guardian advocates; requiring the petition to include the relationship of the proposed guardian advocate to certain providers; modifying the persons to whom a notice of the filing of the petition must be given to include next of kin, the health care surrogate designated to execute an advance directive, and the agent under durable power of attorney; removing a provision requiring the inclusion of certain information relating to the right to be represented by counsel in the notice of the filing of the petition; establishing a timeframe for appointment of counsel and modifying who may be appointed as counsel to a person with a developmental disability; providing conditions for the court to appoint attorneys; requiring court proceedings and orders to consider advance directives for health care and durable powers of attorney; requiring the court's order to provide the name and reasons for the selection of the guardian advocate; providing a process for restoration of rights for the person with a developmental disability; providing for the petitioner to submit evidentiary support to the court; providing for a hearing if no evidentiary support is available; amending s. 393.13, F.S.; conforming a cross-reference; providing an effective date.

—was read the third time by title.

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

**Amendment 1 (939538)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Section 393.12, Florida Statutes, is amended to read:

393.12 Capacity; appointment of guardian advocate.—

(1) CAPACITY.—

(a) ~~The issue of capacity shall be separate and distinct from a determination of the appropriateness of admission to nonresidential services or residential care for a condition of developmental disabilities. A No person with a developmental disability may not shall be presumed incapacitated solely by reason of his or her acceptance in nonresidential services or admission to residential care and may not; nor shall any such person be denied the full exercise of all legal rights guaranteed to citizens of this state and of the United States.~~

(b) ~~The determination of incapacity issue of capacity of a person with a developmental disability and the appointment of a guardian must be conducted disabilities shall be determined in a separate proceeding according to the procedures and requirements of chapter 744 and the Florida Probate Rules.~~

(2) APPOINTMENT OF A GUARDIAN ADVOCATE.—

(a) ~~Conditions.—A circuit probate court may appoint a guardian advocate, without an adjudication of incapacity, for a person with developmental disabilities, if the person lacks the decisionmaking ability capacity to do some, but not all, of the decisionmaking tasks necessary to care for his or her person or; property; or estate or if the person has voluntarily petitioned for the appointment of a guardian advocate. Except as~~

otherwise specified, the proceeding shall be governed by the Florida Rules of Probate Civil Procedure.

(b) ~~A person who is being considered for appointment or is appointed as a guardian advocate need not be represented by an attorney unless required by the court or if the guardian advocate is delegated any rights regarding property other than the right to be the representative payee for government benefits. This paragraph applies only to proceedings relating to the appointment of a guardian advocate and the court's supervision of a guardian advocate and is not an exercise of the Legislature's authority pursuant to s. (2)(a), Art. V of the State Constitution.~~

(3)(b) PETITION.—A petition to appoint a guardian advocate for a person with a developmental disability may be executed by an adult person who is a resident of this state. The petition ~~must shall~~ be verified and ~~must shall~~:

(a)1- State the name, age, and present address of the petitioner and his or her relationship to the person with a developmental disability ~~disabilities~~;

(b)2- State the name, age, county of residence, and present address of the person with a developmental disability ~~disabilities~~;

(c)3- Allege that the petitioner believes that the person needs a guardian advocate and specify the factual information on which such belief is based;

(d)4- Specify the exact areas in which the person lacks the decision-making ability ~~capacity~~ to make informed decisions about his or her care and treatment services or to meet the essential requirements for his or her physical health or safety;

(e)5- Specify the legal disabilities to which the person is subject; and

(f)6- State the name of the proposed guardian advocate, the relationship of that person to the person with a developmental disability; the relationship that the proposed guardian advocate had or has with a provider of health care services, residential services, or other services to the person with a developmental disability; ~~disabilities~~, and the reason why this person should be appointed. If a willing and qualified guardian advocate cannot be located, the petition shall so state.

(4)(e) NOTICE.—

(a)1- Notice of the filing of the petition ~~must shall~~ be given to the person with a developmental disability, ~~individual and his or her parent or parents. The notice shall be given both~~ verbally and in writing in the language of the person and in English. Notice ~~must shall~~ also be given to the next of kin of the person with a developmental disability as defined in chapter 744, a health care surrogate designated to execute an advance directive under chapter 765, an agent under a durable power of attorney, and such other persons as the court may direct. A copy of the petition to appoint a guardian advocate ~~must shall~~ be served with the notice.

(b)2- The notice ~~must shall~~ state that a hearing ~~will be held shall be~~ set to inquire into the capacity of the person with a developmental disability ~~disabilities~~ to exercise the rights enumerated in the petition. The notice ~~must shall~~ also state the date of the hearing on the petition.

(c)3- The notice shall state that the person with a developmental disability ~~individual with developmental disabilities~~ has the right to be represented by counsel of his or her own choice and that if the person ~~individual~~ cannot afford an attorney, the court shall appoint one.

(5)(d) COUNSEL.—*Within 3 days after a petition has been filed, the court shall appoint an attorney to represent a person with a developmental disability who is the subject of a petition to appoint a guardian advocate. The person with a developmental disability may substitute his or her own attorney for the attorney appointed by the court.*

(a) *If the court appoints the attorney, the attorney must have completed a minimum of 8 hours of education in guardianship. The court may waive this requirement for an attorney who has served as a court-appointed attorney in guardian advocate proceedings or as an attorney of record for guardian advocates for at least 3 years.*

(b) *An attorney representing a person with a developmental disability may not also serve as the guardian advocate of the person, as counsel for*

the guardian advocate, or as counsel for the person petitioning for the appointment of a guardian advocate.

1.—Every person with developmental disabilities who is the subject of a petition to appoint a guardian advocate shall be represented by counsel.

2.—Every person with developmental disabilities has the right to be represented by counsel of his or her own choice. If the person cannot afford an attorney, the court shall appoint one to represent the person. The court shall appoint counsel if no appearance has been filed within 10 working days of the hearing.

(6)(e) HEARING.—

(a)1.— Upon the filing of the petition to appoint a guardian advocate, the court shall set a date for holding a hearing on ~~upon which~~ the petition shall be heard. The hearing must on the petition shall be held as soon as practicable after the petition is filed, but reasonable delay for the purpose of investigation, discovery, or procuring counsel or witnesses may ~~shall~~ be granted.

(b)2.— The hearing ~~must be held~~ shall be conducted at the time and place specified in the notice of hearing and ~~must~~. The hearing shall be conducted in a manner consistent with due process.

(c)3.— The person with a developmental disability ~~individual~~ has the right to be present at the hearing and shall be present unless good cause to exclude the individual can be shown. The person ~~individual~~ has the right to remain silent, to present evidence, to call and cross-examine witnesses, and to have the hearing open or closed, as the person may choose.

(d)4.— At the hearing, the court shall receive and consider all reports relevant to the person's ~~disability~~ disabilities, including, but not limited to, the person's current individual family or individual support plan, the individual education plan, and other professional reports documenting the condition and needs of the person ~~individual~~.

(e)5.— The Florida Evidence Code, chapter 90, ~~applies~~ shall apply at the hearing. The burden of proof ~~must~~ shall be by clear and convincing evidence.

(7) ADVANCE DIRECTIVES FOR HEALTH CARE AND DURABLE POWER OF ATTORNEY.—In each proceeding in which a guardian advocate is appointed under this section, the court shall determine whether the person with a developmental disability has executed any valid advance directive under chapter 765 or a durable power of attorney under chapter 709.

(a) If the person with a developmental disability has executed an advance directive or durable power of attorney, the court must consider and find whether the documents will sufficiently address the needs of the person with a developmental disability for whom the guardian advocate is sought. A guardian advocate may not be appointed if the court finds that the advance directive or durable power of attorney provides an alternative to the appointment of a guardian advocate which will sufficiently address the needs of the person with a developmental disability.

(b) If an interested person seeks to contest an advance directive or durable power of attorney executed by a person with a developmental disability, the interested person shall file a verified statement. The verified statement shall include the factual basis for the belief that the advance directive or durable power of attorney is invalid or does not sufficiently address the needs of the person for whom a guardian advocate is sought or that the person with authority under the advance directive or durable power of attorney is abusing his or her power.

(c) If an advance directive exists, the court shall specify in its order and letters of guardian advocacy what authority, if any, the guardian advocate shall exercise over the person's health care surrogate. Pursuant to the grounds listed in s. 765.105, the court, upon its own motion, may, with notice to the health care surrogate and any other appropriate parties, modify or revoke the authority of the health care surrogate to make health care decisions for the person with a developmental disability. For purposes of this section, the term "health care decision" has the same meaning as in s. 765.101.

(d) If any durable power of attorney exists, the court shall specify in its order and letters of guardian advocacy what powers of the agent, if

any, are suspended and granted to the guardian advocate. The court, however, may not suspend any powers of the agent unless the court determines the durable power of attorney is invalid or there is an abuse by the agent of the powers granted.

(8)(f) COURT ORDER determining the appointment of a guardian advocate.—If the court finds the person with a developmental disability requires the appointment of a guardian advocate, the court shall enter a written order appointing the guardian advocate and containing determining the need for a guardian advocate. The written order shall contain the findings of facts and conclusions of law on which the court made its decision, including—The court shall make the following findings:

(a)1.— The nature and scope of the person's lack of decisionmaking ability ~~incapacity~~;

(b)2.— The exact areas in which the individual lacks decisionmaking ability ~~capacity~~ to make informed decisions about care and treatment services or to meet the essential requirements for his or her physical health and safety;

(c)3.— The specific legal disabilities to which the person with developmental disability ~~disabilities~~ is subject; and

(d) The name of the person selected as guardian advocate and the reasons for the court's selection; and

(e)4.— The powers, ~~and~~ duties, and responsibilities of the guardian advocate, including bonding of the guardian advocate, as provided in governed by s. 744.351.

(9)(g) LEGAL RIGHTS.—A person with a developmental disability ~~disabilities~~ for whom a guardian advocate has been appointed retains all legal rights except those that ~~which~~ have been specifically granted to the guardian advocate.

(10)(h) POWERS AND DUTIES OF GUARDIAN ADVOCATE.—A guardian advocate for a person with a developmental disability ~~disabilities~~ shall be a person or corporation qualified to act as guardian, with the same powers, duties, and responsibilities required of a guardian under chapter 744 or those defined by court order under this section. However, a guardian advocate may not be required to file an annual accounting under s. 744.3678 if the court determines that the person with a developmental disability ~~disabilities~~ receives income only from Social Security benefits and the guardian advocate is the person's representative payee for the benefits.

(11)(i) COURT COSTS.—In all proceedings under this section, ~~no~~ court costs may not ~~shall~~ be charged against the agency.

(12) SUGGESTION OF RESTORATION OF RIGHTS.—Any interested person, including the person with a developmental disability, may file a suggestion of restoration of rights with the court in which the guardian advocacy is pending. The suggestion must state that the person with a developmental disability is currently capable of exercising some or all of the rights that were delegated to the guardian advocate and provide evidentiary support for the filing of the suggestion. Evidentiary support includes, but is not limited to, a signed statement from a medical, psychological, or psychiatric practitioner by whom the person with a developmental disability was evaluated and which supports the suggestion for the restoration. If the petitioner is unable to provide evidentiary support due to the lack of access to such information or reports, the petitioner may state a good faith basis for the suggestion for the restoration of rights without attaching evidentiary support. The court shall immediately set a hearing if no evidentiary support is attached to inquire of the petitioner and guardian advocate as to the reason and enter such orders as are appropriate to secure the required documents. The person with a disability and the person's attorney shall be provided notice of the hearing.

(a) Within 3 days after the filing of the suggestion, counsel shall be appointed for the person with a developmental disability as set forth in subsection (5).

(b) The clerk of the court shall immediately send notice of the filing of the suggestion to the person with a developmental disability, the guardian advocate, the attorney for the person with a developmental disability, the attorney for the guardian advocate, if any, and any other

interested person designated by the court. Formal notice shall be served on the guardian advocate. Informal notice may be served on other persons. Notice need not be served on the person who filed the suggestion.

(c) Any objections to the suggestion must be filed within 20 days after service of the notice. If an objection is timely filed, or if the evidentiary support suggests that restoration of rights is not appropriate, the court shall set the matter for hearing. The hearing shall be conducted as set forth in s. 744.1095. The court, at the hearing, shall consider all reports and testimony relevant to the person's decisionmaking abilities at the hearing, including, but not limited to, the person's current individual family plan or individual support plan, the individual education plan, and other professional reports that document the condition and needs of the person.

(d) Notice of the hearing and copies of the objections shall be served upon the person with a developmental disability, the attorney for the person with a developmental disability, the guardian advocate, the attorney for the guardian advocate, the next of kin of the person with a developmental disability, and any other interested person as directed by the court.

(e) If no objections are filed and the court is satisfied with the evidentiary support for restoration, the court shall enter an order of restoration of rights which were delegated to a guardian advocate and which the person with a developmental disability may now exercise.

(f) At the conclusion of a hearing, the court shall enter an order denying the suggestion or restoring all or some of the rights that were delegated to the guardian advocate. If only some rights are restored to the person with a developmental disability, the court shall enter amended letters of guardian advocacy.

(g) If only some rights are restored to the person with a developmental disability, the order must state which rights are restored and amended letters of guardian advocacy shall be issued by the court. The guardian advocate shall amend the current plan as required under chapter 744 if personal rights are restored to the person with a developmental disability. The guardian advocate shall file a final accounting as required under chapter 744 if all property rights are restored to the person with a developmental disability. The guardian advocate must file the amended plan or final accounting within 60 days after the order restoring rights and amended letters of guardian advocacy are issued. A copy of the reports shall be served upon the person with a developmental disability and the attorney for the person with a developmental disability.

Section 2. Paragraph (h) of subsection (3) of section 393.13, Florida Statutes, is amended to read:

393.13 Treatment of persons with developmental disabilities.—

(3) RIGHTS OF ALL PERSONS WITH DEVELOPMENTAL DISABILITIES.—The rights described in this subsection shall apply to all persons with developmental disabilities, whether or not such persons are clients of the agency.

(h) Persons with developmental disabilities shall have a right to consent to or refuse treatment, subject to the powers of a guardian advocate appointed pursuant to s. 393.12 or a guardian appointed pursuant to provisions of s. 393.12(2)(a) or chapter 744.

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 guardian advocates for persons with developmental disabilities; amending s. 393.12, F.S.; requiring the court to conduct determination of incapacity of persons with developmental disabilities and appointment of guardian advocates in separate proceedings; revising conditions relating to venue for appointment of guardian advocates; providing that the guardian advocate need not be represented by an attorney unless required by the court or the guardian advocate is delegated certain rights regarding property; limiting applicability to certain proceedings relating to appointment and supervision of guardian advocates; requiring the petition to include the relationship of the proposed guardian advocate to certain providers; modifying the persons to whom a notice of the filing of the petition must be given to include next of kin, the health care surrogate designated to execute an advance directive, and the agent under durable power of attorney; establishing a

timeframe for appointment of counsel and modifying who may be appointed as counsel to a person with a developmental disability; providing conditions for the court to appoint attorneys; requiring court proceedings and orders to consider advance directives for health care and durable powers of attorney; requiring the court's order to provide the name and reasons for the selection of the guardian advocate; providing a process for restoration of rights for the person with a developmental disability; providing for the petitioner to submit evidentiary support to the court; providing for a hearing if no evidentiary support is available; amending s. 393.13, F.S.; conforming a cross-reference; providing an effective date.

On motion by Senator Crist, CS for HB 739 as amended was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla, Garcia

Consideration of CS for HB 137 and CS for CS for CS for SB 996 was deferred.

CS for HB 743—A bill to be entitled An act relating to mortgage fraud; creating s. 193.133, F.S.; requiring law enforcement agencies to notify property appraisers of incidents of mortgage fraud under certain circumstances; authorizing property appraisers to adjust property assessments under certain circumstances; requiring property appraisers to reassess certain properties under certain circumstances; amending s. 817.545, F.S.; providing an increased penalty for certain types of mortgage fraud; providing an effective date.

—was read the third time by title.

On motion by Senator Margolis, CS for HB 743 was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla, Garcia

**CS for HB 799**—A bill to be entitled An act relating to the theft of copper or other nonferrous metals; creating s. 812.145, F.S.; providing definitions; providing that it is a felony of the first degree to knowingly and intentionally take copper or other nonferrous metal from a utility or communications services provider, thereby causing damage to the facilities of a utility or communications services provider or interrupting or interfering with utility or communications services; providing criminal penalties; providing an effective date.

—was read the third time by title.

On motion by Senator Dean, **CS for HB 799** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Garcia, Wilson

**CS for HB 623**—A bill to be entitled An act relating to school food service programs; amending s. 1006.06, F.S.; requiring school breakfast programs in middle and high schools; providing procedures for school breakfast programs; specifying requirements for setting prices of breakfast meals; requiring district school boards to consider policies for the provision of universal-free school breakfast meals in certain schools; requiring information to be communicated to students and parents; clarifying the allocation of funds for school breakfast programs; directing the Office of Program Policy Analysis and Government Accountability to submit a report on school district food service programs; providing an effective date.

—as amended April 28 was read the third time by title.

On motion by Senator Wise, **CS for HB 623** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Garcia

Consideration of **CS for SB 1492** and **CS for SB 1604** was deferred.

**CS for HB 1427**—A bill to be entitled An act relating to beach management; amending s. 161.142, F.S.; providing legislative intent and findings; providing requirements concerning the quality and quantity of dredged sand placed on certain beaches adjacent to inlets; requiring an estimation of the requisite quantity of beach-quality sand by the Department of Environmental Protection and its consultants; revising exemptions from certain permitting requirements and prohibitions for certain construction activities; requiring compliance with the applicable Florida Building Code; requiring the protection of nesting shorebirds and marine turtles; specifying requirements of certain ports concerning the placement of dredged sand on adjacent eroding beaches; authorizing such ports to sponsor or cosponsor inlet management projects that are fully eligible for state cost-sharing; providing requirements and findings concerning the placement of dredged sand from federal navigation projects; providing for assignment of responsibility for the erosion caused by inlets; specifying actions to be taken by the department in disputes between local governments and property owners concerning how much sand should bypass an inlet; creating s. 161.143, F.S.; requiring that inlet management studies, projects, and activities be supported by certain plans; providing criteria governing the department’s ranking of inlet management projects and activities; specifying conditions that must be met; requiring that the department establish funding priorities for projects and activities concerning inlet management; providing for input from interested governmental and private entities; providing criteria for establishing priorities; authorizing funding levels for inlet management projects under specified conditions; requiring that the department annually provide an inlet management project list to the Legislature; providing requirements for the list; requiring that the department make available certain moneys for projects on the list; requiring that the department make available certain moneys for projects on other legislatively approved inlet management project lists; requiring that the Legislature designate a certain inlet project as “Inlet of the Year”; requiring the department to provide an annual report to the Legislature concerning the success of projects so designated; requiring rulemaking by the department; providing an effective date.

—was read the third time by title.

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

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Garcia

Consideration of **CS for SB 1954** was deferred.

**HB 961**—A bill to be entitled An act relating to cleanup of sites contaminated by petroleum; amending s. 376.3071, F.S.; increasing public funding for the restoration of certain sites contaminated by petroleum; providing criteria for the sites eligible for additional funds; prohibiting reimbursements for expenses incurred outside the petroleum cleanup preapproved site rehabilitation program administered by the Department of Environmental Protection; amending s. 376.30711, F.S.;

providing requirements concerning preapproved site rehabilitation agreements that govern submittal of invoices to the department and payment of subcontractors; providing that an exemption from requirements concerning payments to subcontractors and suppliers does not apply to payments associated with such preapproved agreements; amending s. 376.3072, F.S., relating to the Florida Petroleum Liability and Restoration Insurance Program; increasing the amount of funds available under the insurance program for certain incidents or discharges; providing criteria for the sites eligible for additional funds; prohibiting reimbursements for expenses incurred outside the petroleum cleanup preapproved site rehabilitation program administered by the Department of Environmental Protection; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **HB 961** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—1

Haridopolos

Vote after roll call:

Yea—Garcia

**CS for HB 219**—A bill to be entitled An act relating to the Gertrude Maxwell Save a Pet Act; providing a short title; creating s. 570.97, F.S.; creating a direct-support organization for the Department of Agriculture and Consumer Services; providing for the organization and operation of the direct-support organization; providing for the purpose of the direct-support organization; providing for the membership of the board of directors; providing for honorary board members of the direct-support organization; providing for appointment of Gertrude Maxwell or her designee as the first honorary board member of the direct-support organization; providing an effective date.

—was read the third time by title.

On motion by Senator Atwater, **CS for HB 219** was passed and certified to the House. The vote on passage was:

Yeas—38

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
Dockery	Margolis	

Nays—None

**CS for HB 527**—A bill to be entitled An act relating to environmental site redevelopment; amending s. 376.30715, F.S.; defining the term “acquired”; providing for financial assistance in certain additional circumstances involving the transfer of a contaminated property; s. 220.1845, F.S.; revising requirements for site rehabilitation tax credits; expanding eligibility for site rehabilitation tax credits; providing for application to brownfield site redevelopment solid waste removal costs; providing requirements and limitations; providing definitions; providing for application to construction and operation of new health care facilities or health care providers on brownfield sites; providing requirements; amending s. 376.30781, F.S.; revising provisions providing tax credits for rehabilitation of certain contaminated sites and brownfield sites; providing for application to solid waste removal activities and site rehabilitation; providing for granting tax credits to multiple applicants; providing criteria for claiming costs for solid waste removal; providing definitions; providing for application to construction and operation of new health care facilities or health care providers on brownfield sites; providing requirements; revising criteria and requirements for granting site rehabilitation tax credits; providing criteria and requirements for granting solid waste removal tax credits; revising criteria and requirements for Department of Environmental Protection review of tax credit applications; providing notice requirements for the department in reviewing applications; increasing available amounts eligible for tax credits; providing additional limitations on tax credit awards for site rehabilitation costs and solid waste removal costs; providing construction of costs not eligible for tax credits; providing requirements and procedures for allocating and awarding certain ineligible or disputed costs; amending s. 376.79, F.S.; revising definitions relating to brownfield redevelopment; conforming a cross-reference; amending s. 376.80, F.S.; revising the brownfield program administration process; revising local government proposal requirements; revising requirements for brownfield site redevelopment agreements; deleting certain brownfield site rehabilitation contractor certification requirements; deleting a requirement that certain professionals carry professional liability insurance; providing legislative findings and declarations; authorizing local governments to evaluate certain benefits and effects of brownfield site redevelopment and rehabilitation; providing criteria; authorizing the Department of Health to assist local governments in such evaluations; amending s. 376.82, F.S.; conforming references; amending s. 376.86, F.S.; providing for limited application of Brownfield Areas Loan Guarantee Program grants to construction and operation of new health care facilities and health care providers; expanding membership of the Brownfield Areas Loan Guarantee Council; providing for retroactive application; providing an effective date.

—was read the third time by title.

On motion by Senator Posey, **CS for HB 527** 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

**MOTION**

On motion by Senator Bennett, the House was requested to return **CS for CS for SB 2082**.

Consideration of **CS for CS for SB 2040** and **CS for CS for SB 2080** was deferred.

**CS for CS for SB 2532**—A bill to be entitled An act relating to child custody and support; providing a directive to the Division of Statutory Revision to retitle ch. 61, F.S.; amending s. 61.046, F.S.; defining the terms “parenting plan,” “parenting plan recommendation,” and “time-sharing schedule”; deleting definitions of the terms “custodial parent” and “noncustodial parent”; amending ss. 61.052, 61.09, and 61.10, F.S.; conforming provisions to changes in terminology; repealing s. 61.121, F.S., relating to rotating custody; amending s. 61.122, F.S.; conforming provisions to changes in terminology; revising provisions relating to a presumption of good faith for psychologists making specified determinations; amending s. 61.13, F.S.; revising provisions relating to modification of support; conforming provisions to changes in terminology; revising provisions relating to development of a parenting plan; amending s. 61.13001, F.S.; conforming provisions to changes in terminology; deleting obsolete definitions; amending s. 61.13002, F.S.; providing for orders of temporary support for children whose time-sharing is temporarily modified due to a parent’s military service; conforming provisions to changes in terminology; amending ss. 61.14, 61.181, and 61.1827, F.S.; conforming provisions to changes in terminology; conforming a cross-reference; amending s. 61.20, F.S.; conforming provisions to changes in terminology; revising provisions relating to social investigation and recommendations regarding a parenting plan; amending s. 61.21, F.S.; conforming provisions to changes in terminology; amending s. 61.30, F.S.; conforming provisions to changes in terminology; amending ss. 61.401, 61.45, 409.2554, and 409.2558, F.S.; conforming provisions to changes in terminology; amending s. 409.2563, F.S.; conforming provisions to changes in terminology; revising provisions relating to presumption of a parent’s income for the purpose of establishing a support obligation; deleting an obsolete provision concerning a study by the Office of Program Policy Analysis and Government Accountability; amending ss. 409.2564, 409.25657, 409.25659, and 409.2577, F.S.; conforming provisions to changes in terminology; amending s. 409.2579, F.S.; conforming a cross-reference; amending ss. 409.811, 414.0252, 414.065, 414.085, 414.095, 414.295, and 445.024, F.S.; conforming provisions to changes in terminology; amending s. 741.0306, F.S.; revising requirements for a family law handbook; conforming provisions to changes in terminology; requiring a review of the handbook and report to the Legislature; amending s. 741.30, F.S.; conforming provisions to changes in terminology; amending s. 742.031, F.S.; conforming provisions to changes in terminology; providing for time-sharing and parental responsibility in paternity judgments; amending ss. 753.01 and 827.06, F.S.; conforming provisions to changes in terminology; reenacting s. 61.1825(3)(a), F.S., relating to the State Case Registry, to incorporate the amendments made to s. 741.30, F.S., in a reference thereto; providing an effective date.

—as amended April 28 was read the third time by title.

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

**Amendment 1 (450614)**—Between lines 1143 and 1144 insert:

(4)(3) This section does not apply to permanent change of station moves by military personnel, which shall be governed by s. 61.13001.

On motion by Senator Lynn, **CS for CS for SB 2532** as amended was passed, ordered engrossed 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 1203**—A bill to be entitled An act relating to the Interstate Compact on Educational Opportunity for Military Children; creating s. 1000.36, F.S.; directing the Governor to execute the Interstate Compact on Educational Opportunity for Military Children on behalf of this state with any other state or states legally adopting the compact; providing definitions; providing applicability; providing for the transfer of education records from a sending to a receiving state; requiring that children of military personnel be enrolled in classes at current grade level; providing for eligibility for graduation; providing for a state council to coordinate agencies and schools; providing for membership on the council; creating the Interstate Commission on Educational Opportunity for Military Children; providing for membership, organization, meetings, operations, powers, and duties; creating an executive committee; requiring the commission to adopt rules; providing for a legal challenge to the adopted rules; providing for oversight, enforcement, and dispute resolution; providing procedures to suspend or terminate member states; authorizing the commission to levy and collect an annual assessment from each member state; providing the method for the compact to become effective and binding on the member states; providing procedures for the withdrawal of a member state; providing severability; providing for the effect of the compact on member states’ laws; creating s. 1000.37, F.S.; requiring the Secretary of State to furnish a copy of the enrolled act enacting the Interstate Compact on Educational Opportunity for Military Children to each of the states approving the compact; creating s. 1000.38, F.S.; authorizing the designation of a Compact Commissioner and a Military Family Education Liaison by the Governor; creating s. 1000.39, F.S.; creating the State Council on Interstate Educational Opportunity for Military Children; providing purpose and membership; prohibiting compensation; authorizing reimbursement for per diem and travel expenses; providing for public records and open meetings; requiring the Department of Education to provide administrative support; prescribing procedures if the council is abolished; providing for future legislative review and repeal of the act; providing an effective date.

—was read the third time by title.

On motion by Senator Storms, **CS for HB 1203** 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 1141**—A bill to be entitled An act relating to public records; amending s. 741.313, F.S.; expanding an exemption from public records requirements for certain records and time sheets submitted to an agency to include those submitted by an employee who is a victim of sexual violence; extending future legislative review and repeal; amending s. 2, ch. 2007-108, Laws of Florida; revising a statement of public necessity to conform; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Fasano, **CS for HB 1141** 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	Aronberg	Baker
Alexander	Atwater	Bennett

Bullard	Geller	Peaden	Crist	Hill	Rich
Carlton	Haridopolos	Posey	Dean	Jones	Ring
Constantine	Hill	Rich	Deutch	Joyner	Saunders
Crist	Jones	Ring	Diaz de la Portilla	Justice	Siplin
Dean	Joyner	Saunders	Dockery	King	Storms
Deutch	Justice	Siplin	Fasano	Lawson	Villalobos
Diaz de la Portilla	King	Storms	Gaetz	Lynn	Webster
Dockery	Lawson	Villalobos	Garcia	Margolis	Wilson
Fasano	Lynn	Webster	Geller	Oelrich	Wise
Gaetz	Margolis	Wilson	Haridopolos	Peaden	
Garcia	Oelrich	Wise	Nays—1		
Nays—None			Posey		

**CS for HB 1193**—A bill to be entitled An act relating to maternal and child health programs; amending s. 383.011, F.S.; requiring the Department of Health, in administering the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), to compare the costs of food items redeemed by certain vendors for purposes of meeting certain federal requirements; prohibiting the department from discontinuing certain generic products under certain circumstances; restricting the funding of the program to federal funds; providing for submission of budget amendments by the department; amending s. 409.942, F.S.; requiring the department to submit a plan to establish an electronic benefit transfer program to distribute WIC benefits to the United States Department of Agriculture; requiring the department to establish an electronic benefit transfer program to distribute WIC benefits; requiring the department to collaborate with the Department of Children and Family Services in developing the program and pay all costs associated therewith; providing an effective date.

—was read the third time by title.

On motion by Senator Garcia, **CS for HB 1193** 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 137**—A bill to be entitled An act relating to operating a motor vehicle; creating s. 316.1926, F.S.; creating additional offenses regarding motor vehicle operation; 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; providing for a specified fine and revocation of the person's privilege to operate a motor vehicle; providing an effective date.

—was read the third time by title.

On motion by Senator Garcia, **CS for HB 137** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Atwater	Bullard
Alexander	Baker	Carlton
Aronberg	Bennett	Constantine

**CS for CS for CS for SB 996**—A bill to be entitled An act relating to cosmetology; amending s. 477.013, F.S.; providing and revising definitions; redefining “cosmetology” to include specified services and exclude artificial nails and use of certain skin treatments; defining “hair stylist,” “esthetician,” and “nail technician”; including body wrapping within esthetician services; removing a distinction between specialty salons and other salons; creating s. 477.0131, F.S.; authorizing licensure for cosmetologists, hair stylists, estheticians, and nail technicians; amending s. 477.0132, F.S.; authorizing renewal of current body wrapping registrations; increasing length of required course; specifying that only the Board of Cosmetology may review, evaluate, and approve required course and text; amending s. 477.014, F.S.; revising requirements for qualification to practice under ch. 477, F.S.; authorizing current specialists to sit for licensure examinations in certain circumstances; providing for the renewal of current specialty registrations; amending s. 477.016, F.S.; requiring the Board of Cosmetology to adopt rules relating to protection of health of clients, nail technicians, and estheticians; amending s. 477.019, F.S.; revising qualifications, education, licensure and renewal, supervised practice, and endorsement requirements to include and differentiate such requirements for cosmetologists, hair stylists, estheticians, and nail technicians; requiring the board to adopt certain procedures relating to licensure by endorsement; amending s. 477.0212, F.S.; requiring the board to adopt certain rules relating to license renewal or continuing education; amending s. 477.023, F.S.; stipulating that the Department of Education is not prevented from issuing certain grooming and salon services certification; amending s. 477.025, F.S., relating to cosmetology and specialty salons, requisites, licensure, inspection, and mobile cosmetology salons, to conform; amending s. 477.026, F.S.; revising fee provisions to require specialties that are currently licensed to pay a fee commensurate with prior registration fees; revising fee provisions to conform with other changes made by the act; amending s. 477.0263, F.S.; specifying circumstances under which cosmetology, hair stylist, esthetician, nail technician, or specialty services may be practiced outside of a licensed salon; amending s. 477.0265, F.S., relating to prohibited acts, to conform; prohibiting the use or possession of a device containing a razor blade to remove, scrape, or cut calluses from the hands or feet; amending s. 477.028, F.S., relating to disciplinary proceedings, to conform; amending s. 477.029, F.S., relating to penalties; conforming provisions; repealing s. 477.0201, F.S., relating to specialty registration, qualifications, registration renewal, and endorsement; requiring a report to the Legislature on the use of a national examination for certain licenses in order to improve reciprocity with other states; providing an appropriation; providing effective dates.

—was read the third time by title.

On motion by Senator Wise, **CS for CS for CS for SB 996** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Peaden	Saunders	Webster
Posey	Siplin	Wilson
Rich	Storms	Wise
Ring	Villalobos	

Nays—None

On motion by Senator Margolis, by two-thirds vote **CS for CS for HB 1459** was withdrawn from the Committees on Community Affairs; and Finance and Tax.

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

**CS for CS for HB 1459**—A bill to be entitled An act relating to discretionary surtax on documents; amending s. 3, ch. 83-220, Laws of Florida, as amended; extending a future repeal date of provisions authorizing counties to levy a discretionary surtax on documents; amending s. 125.0167, F.S.; limiting the percentage of surtax revenues that may be used for administrative costs; specifying a minimum amount of surtax revenues to be used for housing for certain low-income and moderate-income families; requiring an affirmative vote of a local government governing body to rehabilitate certain governmentally owned housing; requiring certain remaining revenues to be used for down payment assistance; authorizing certain counties to create by ordinance a housing choice assistance voucher program; providing definitions; providing eligibility requirements for such vouchers; authorizing purchasing employers to file for allocations for such vouchers; limiting allocations; requiring distribution of allocations to employees in the form of such vouchers; prohibiting use of allocations for such vouchers if not awarded within a time certain after certain documentary stamps taxes are collected; amending s. 201.031, F.S.; expanding requirements for counties levying the discretionary surtax to include housing plan, affordable housing element, and annual reporting requirements; requiring the Auditor General to conduct a biennial operational audit of the discretionary surtax program operated by counties; requiring a report; providing an effective date.

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

#### MOTION

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

Senator Margolis moved the following amendment which was adopted:

**Amendment 1 (386820)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Section 3 of chapter 83-220, Laws of Florida, as amended by section 1 of chapter 84-270, Laws of Florida, and section 1 of chapter 89-252, Laws of Florida, is amended to read:

Section 3. Sections 1 and 2 of chapter 83-220, Laws of Florida, as amended by this act, are repealed effective October 1, 2031 ~~2011~~.

Section 2. Subsections (4), (5), (6), (7), and (8) are added to section 125.0167, Florida Statutes, to read:

125.0167 Discretionary surtax on documents; adoption; application of revenue.—

(4) *No more than 10 percent of surtax revenues collected by the Department of Revenue and remitted to the county in any fiscal year may be used for administrative costs.*

(5)(a) *Notwithstanding the provisions of subsection (3), no less than 50 percent of the revenues collected in the Housing Assistance Loan Trust Fund shall be used to provide homeownership assistance for low-income and moderate-income families. At least 10 percent of the funds specified in this paragraph shall be used for down payment assistance.*

(b) *For purposes of this subsection, the term “homeownership assistance” means assisting low-income and moderate-income families in purchasing a home as their primary residence, including, but not limited to,*

*reducing the cost of the home with below-market construction financing, the amount of down payment and closing costs paid by the borrower, or the mortgage payment to an affordable amount for the purchaser or using any other financial assistance measure set forth in s. 420.5088.*

(6) *Rehabilitation of housing owned by a recipient government shall only be authorized after an affirmative vote of the governing body that no other sources of funds are available.*

(7)(a) *The governing body of each county as defined in s. 125.011(1) may by county ordinance and pursuant to procedures and requirements provided by such ordinance create a housing choice assistance voucher program.*

(b) *For purposes of this subsection, the term:*

1. *“Housing choice assistance voucher” means the document used to access assistance paid by the county from the discretionary surtax balance in the Housing Assistance Trust Fund to a prospective purchaser of a single-family residence which must be the purchaser’s homestead.*

2. *“Purchasing employer” means a business or business entity that has acquired real property within the county and paid the surtax due as a result of the acquisition of that property pursuant to this section.*

(c) *Housing choice assistance vouchers shall be used for down payment assistance for the purchase of a single-family residence within the county by low-income or moderate-income persons who are:*

1. *Actively employed by the purchasing employer or by a business entity directly affiliated with the purchasing employer; and*

2. *Prequalified for a mortgage loan by a certified lending institution.*

(d) *Upon payment of the discretionary surtax pursuant to this section, the purchasing employer may file for an allocation for housing choice assistance vouchers from the county in an amount not to exceed 50 percent of the amount of the discretionary surtax paid. The purchasing employer shall distribute the allocation to employees in the form of housing choice assistance vouchers pursuant to rules and procedures established for the program.*

(e) *Any housing choice assistance voucher allocation not distributed to employees and redeemed by an employee within 1 year after the date the discretionary surtax is paid may not be used for housing choice assistance vouchers under this subsection.*

(f) *Any housing assistance paid pursuant to the housing choice assistance voucher program shall be included in the calculation determining the percentage of discretionary surtax funds used for homeownership purposes during the year in which the surtax funds for such purposes are expended.*

Section 3. Section 201.031, Florida Statutes, is amended to read:

201.031 Discretionary surtax; administration and collection; Housing Assistance Loan Trust Fund; reporting requirements.—

(1) Each county, as defined by s. 125.011(1), may levy, subject to the provisions of s. 125.0167, a discretionary surtax on documents taxable under the provisions of s. 201.02, except that there shall be no surtax on any document pursuant to which the interest granted, assigned, transferred, or conveyed involves only a single-family residence. ~~The~~ ~~Such~~ single-family residence may be a condominium unit, a unit held through stock ownership or membership representing a proprietary interest in a corporation owning a fee or a leasehold initially in excess of 98 years, or a detached dwelling.

(2) All provisions of chapter 201, except s. 201.15, ~~shall~~ apply to the surtax. The Department of Revenue shall pay to the governing authority of the county which levies the surtax all taxes, penalties, and interest collected under this section less any costs of administration.

(3) Each county ~~that~~ ~~which~~ levies the surtax shall:

(a) Include in the financial report required under s. 218.32 information showing the revenues and the expenses of the trust fund for the fiscal year.

(b) *Adopt a housing plan every 3 years that includes provisions substantially similar to the plans required in s. 420.9075(1).*

(c) *Have adopted an affordable housing element of its comprehensive land use plan that complies with s. 163.3177(6)(f).*

(d) *Require by resolution that the staff or entity that has administrative authority for implementing the housing plan prepare and submit to the county's governing body an annual report substantially similar to the annual report required in s. 420.9075(10).*

(4) *Every 2 years after the effective date of this act, the Auditor General shall conduct an operational audit as defined in s. 11.45 of the discretionary surtax program operated by counties under s. 125.0167. The Auditor General shall provide a report of such audit to the President of the Senate and the Speaker of the House of Representatives.*

Section 4. Subsection (1) of section 201.02, Florida Statutes, is amended to read:

201.02 Tax on deeds and other instruments relating to real property or interests in real property.—

(1)(a) On deeds, instruments, documents, or writings whereby any lands, tenements, or other real property, or any interest therein, shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser or any other person by his or her direction, on each \$100 of the consideration therefor the tax shall be 70 cents *except as otherwise provided in this subsection*. When the full amount of the consideration for the execution, assignment, transfer, or conveyance is not shown in the face of such deed, instrument, document, or writing, the tax shall be at the rate of 70 cents for each \$100 or fractional part thereof of the consideration therefor *except as otherwise provided in this subsection*. For purposes of this section, consideration includes, but is not limited to, the money paid or agreed to be paid; the discharge of an obligation; and the amount of any mortgage, purchase money mortgage lien, or other encumbrance, whether or not the underlying indebtedness is assumed; *and any increase in the value of any ownership interest in a grantee entity or any other entity*. If the consideration paid or given in exchange for real property or any interest therein includes property other than money, it is presumed that *there is a purchaser and that the consideration is equal to the fair market value of the real property or interest therein*.

(b) *If:*

1. *A deed, instrument, document, or writing grants, assigns, transfers, or conveys any interest in real property;*
2. *There is a mere change in form of ownership without effecting any change in any beneficial ownership interests; and*
3. *The only consideration given is an increase in the value of any ownership interests in the grantee entity or any other entity,*

*in lieu of paying the tax due on such deed, instrument, document, or writing, the parties to the grant, assignment, transfer, or conveyance may make an election, on or before the date of the grant, assignment, transfer, or conveyance, on a form issued by the department, to not make payment of the tax due on such deed, instrument, document, or writing but instead to pay tax on the fair market value of the real property upon the subsequent change in any ownership interest in the real property or the subsequent transfer of any interest in the real property. The form on which such election is made shall be attached to and recorded with the deed, instrument, document, or writing that grants, assigns, conveys, or otherwise transfers any interest in the real property. However, when an election has been made, no tax shall apply to the subsequent transfer of the ownership interest in the legal entity, or the subsequent transfer of an interest in the real property, when the subsequent transfer is limited to a return of the identical interest in the real property by the grantee legal entity to the identical grantor or grantors resulting in no change in the beneficial ownership interests originally held in the real property.*

Section 5. This act shall take effect upon becoming a law and section 4 of this act applies to transfers of property for which the first transfer to an artificial entity occurs after that date.

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 excise tax on documents; amending s. 3,

ch. 83-220, Laws of Florida, as amended; extending a future repeal date of provisions authorizing counties to levy a discretionary surtax on documents; amending s. 125.0167, F.S.; limiting the percentage of surtax revenues that may be used for administrative costs; specifying a minimum amount of surtax revenues to be used for housing for certain low-income and moderate-income families; requiring an affirmative vote of a local government governing body to rehabilitate certain governmentally owned housing; requiring certain remaining revenues to be used for down payment assistance; authorizing certain counties to create by ordinance a housing choice assistance voucher program; providing definitions; providing eligibility requirements for such vouchers; authorizing purchasing employers to file for allocations for such vouchers; limiting allocations; requiring distribution of allocations to employees in the form of such vouchers; prohibiting use of allocations for such vouchers if not awarded within a certain period after certain documentary stamps taxes are collected; amending s. 201.031, F.S.; expanding requirements for counties levying the discretionary surtax to include housing plan, affordable housing element, and annual reporting requirements; requiring the Auditor General to conduct a biennial operational audit of the discretionary surtax program operated by counties; requiring a report; amending s. 201.02, F.S.; revising criteria determining liability for payment of the tax; providing requirements and methods for making an election regarding payment of tax under specified circumstances; providing requirements; providing for application of the act; providing an effective date.

On motion by Senator Margolis, by two-thirds vote **CS for CS for HB 1459** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—1

Haridopolos

**CS for CS for SB 2040**—A bill to be entitled An act relating to the excise tax on documents; amending s. 201.02, F.S.: revising criteria determining liability for payment of the tax; providing requirements and methods for making an election regarding payment of tax under specified circumstances; providing requirements; providing for application of the act; providing an effective date.

—was read the third time by title.

On motion by Senator Geller, **CS for CS for SB 2040** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Storms  
Villalobos  
Nays—None  
Vote after roll call:  
Yea—Dockery  
Yea to Nay—Haridopolos

Webster  
Wilson

Wise

committee; authorizing the use of a signed appearance card in lieu of an oral oath or affirmation; prescribing conditions related to the use of the card; providing for penalties for making a false statement after signing the card; providing an effective date.

—was read the second time by title.

Senator Villalobos moved the following amendments which were adopted:

**Amendment 1 (452640)(with title amendment)**—Delete line(s) 104-106 and insert:

(b) *Paragraph (a) does not apply to:*

1. *A member of the Legislature in his or her official capacity or an employee of the Legislature in his or her capacity as an employee; however, the member or employee shall be subject to discipline by the presiding officer of the applicable house of the Legislature for making a false statement that he or she does not believe to be true.*

2. *A child, if the chair of the committee determines the child understands the duty to tell the truth or the duty not to lie.*

*Notwithstanding the exceptions prescribed in this paragraph, a standing or select committee, or any subcommittee thereof, may, if it deems necessary, require any person who addresses the committee to take an oath or affirmation of truthfulness as provided in this section and subject to the penalties provided in this section.*

(c) *The chair or any other member of the committee shall administer the oath or affirmation required under this section.*

(2)(a) *Except as provided in paragraph (b), whoever makes a*

And the title is amended as follows:

On line 11, after the semicolon (;) insert: providing exceptions;

**Amendment 2 (978606)**—Delete line(s) 128-131 and insert: *provisions.*

Pursuant to Rule 4.19, **CS for SB 268** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Atwater, by two-thirds vote **CS for CS for SB 992** was withdrawn from the Committee on General Government Appropriations.

On motion by Senator Dockery, by two-thirds vote **CS for CS for SB 1128** was withdrawn from the Committee on Criminal and Civil Justice Appropriations and **SB 2440** was withdrawn from the Committee on Judiciary.

On motion by Senator Saunders, by two-thirds vote **CS for SB 1950** was withdrawn from the Committees on Health and Human Services Appropriations; and Judiciary.

On motion by Senator Constantine, by two-thirds vote **CS for CS for SB 1208** and **SB 1638** were withdrawn from the Committee on General Government Appropriations; and **CS for SB 640** was withdrawn from the Committee on Judiciary.

## SPECIAL ORDER CALENDAR, continued

Consideration of **CS for CS for SB 474** was deferred.

By Senator Garcia—

**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 Corpo-

## SPECIAL ORDER CALENDAR

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

**SB 2400**—A bill to be entitled An act relating to abortion; amending s. 390.0111, F.S.; requiring that an ultrasound be performed on any woman obtaining an abortion; specifying who must perform an ultrasound; requiring that the ultrasound be reviewed with the patient prior to the woman giving informed consent; specifying who must review the ultrasound with the patient; requiring that the woman certify in writing that she declined to review the ultrasound and did so of her own free will and without undue influence; providing an exemption from the requirement to view the ultrasound for women who are the victims of rape, incest, domestic violence, or human trafficking or for women who have a serious medical condition necessitating the abortion; revising requirements for written materials; amending s. 390.012, F.S.; conforming cross-references; requiring ultrasounds for all patients; requiring that live ultrasound images be reviewed and explained to the patient; requiring that all other provisions in s. 390.0111, F.S., be complied with if the patient declines to view her live ultrasound images; providing for severability; providing an effective date.

—which was previously considered April 24. Pending **Amendment 1 (445744)** and **Amendment 3 (343562)** by Senator Bennett were withdrawn. Subsequently pending **Amendment 2 (767380)**, **Amendment 4 (856752)** and **Amendment 4A (621152)** by Senator Webster were also withdrawn.

Pursuant to Rule 4.19, **SB 2400** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for HB 257**, **SB 42**, **CS for SB 46** and **CS for SB 64** was deferred.

On motion by Senator Rich, by two-thirds vote **HB 35** was withdrawn from the Committee on Children, Families, and Elder Affairs.

On motion by Senator Rich—

**HB 35**—A bill to be entitled An act relating to social worker identification; amending ss. 39.01 and 491.003, F.S.; providing definitions for “social worker”; creating s. 491.016, F.S.; providing requirements for using the title “social worker”; providing a penalty; providing exemptions; requiring the Department of Health to adopt certain implementing and enforcing rules; providing an effective date.

—a companion measure, was substituted for **SB 226** and read the second time by title.

Pursuant to Rule 4.19, **HB 35** was placed on the calendar of Bills on Third Reading.

By Senator Villalobos—

**CS for SB 268**—A bill to be entitled An act relating to the Legislature; providing a short title; amending s. 11.143, F.S.; eliminating authority for members of a legislative committee to administer certain oaths and affirmations to witnesses; eliminating penalties for false swearing before a legislative committee; conforming to the creation of new provisions relating to oaths and affirmations before a legislative committee; creating s. 11.1435, F.S.; requiring persons who address a legislative committee to take an oath or affirmation of truthfulness; requiring a member of the legislative committee to administer the oath or affirmation; providing criminal penalties for certain false statements before a legislative

ration 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.

—was read the second time by title.

Senator Garcia moved the following amendments which were adopted:

**Amendment 1 (182098)(with title amendment)**—Delete line(s) 608 and insert: *of the corporation or eligible municipalities within high-cost counties may include*

And the title is amended as follows:

Delete line(s) 34 and insert: *authorizing high-cost counties or eligible municipalities within high-cost counties*

**Amendment 2 (226354)**—Delete line(s) 765 and insert: *subsection with the exception of paragraphs (a) and (e) (4) of this*

**Amendment 3 (300242)(with title amendment)**—Delete line(s) 971-1017 and insert:

Section 10. Section 420.9079, Florida Statutes, is amended to read:

420.9079 Local Government Housing Trust Fund.—

(1) There is created in the State Treasury the Local Government Housing Trust Fund, which shall be administered by the corporation on behalf of the department according to the provisions of ss. 420.907-420.9076 ~~420.907-420.9078~~ and this section. There shall be deposited into the fund a portion of the documentary stamp tax revenues as provided in s. 201.15, moneys received from any other source for the purposes of ss. 420.907-420.9076 ~~420.907-420.9078~~ and this section, and all proceeds derived from the investment of such moneys. Moneys in the

fund that are not currently needed for the purposes of the programs administered pursuant to ss. 420.907-420.9076 ~~420.907-420.9078~~ and this section shall be deposited to the credit of the fund and may be invested as provided by law. The interest received on any such investment shall be credited to the fund.

(2) The corporation shall administer the fund exclusively for the purpose of implementing the programs described in ss. 420.907-420.9076 ~~420.907-420.9078~~ and this section. With the exception of monitoring the activities of counties and eligible municipalities to determine local compliance with program requirements, the corporation shall not receive appropriations from the fund for administrative or personnel costs. For the purpose of implementing the compliance monitoring provisions of s. 420.9075(9), the corporation may request a maximum of one-quarter of 1 percent of the annual appropriation per state fiscal year. When such funding is appropriated, the corporation shall deduct the amount appropriated prior to calculating the local housing distribution pursuant to ss. 420.9072 and 420.9073.

Section 11. Subsection (6) of section 421.08, Florida Statutes, is amended to read:

421.08 Powers of authority.—An authority shall constitute a public body corporate and politic, exercising the public and essential governmental functions set forth in this chapter, and having all the powers necessary or convenient to carry out and effectuate the purpose and provisions of this chapter, including the following powers in addition to others herein granted:

(6) Within its area of operation: to investigate into living, dwelling, and housing conditions and into the means and methods of improving such conditions; to determine where slum areas exist or where there is a shortage of decent, safe, and sanitary dwelling accommodations for persons of low income; to make studies and recommendations relating to the problem of clearing, replanning, and reconstruction of slum areas and the problem of providing dwelling accommodations for persons of low income; to administer fair housing ordinances and other ordinances as adopted by cities, counties, or other authorities who wish to contract for administrative services and to cooperate with the city, the county, the state or any political subdivision thereof in action taken in connection with such problems; and to engage in research, studies, and experimentation on the subject of housing. *However, the housing authority may not take action to prohibit access to a housing project by a state or local elected official or a candidate for state or local government office.*

Section 12. Subsection (12) of section 1001.43, Florida Statutes, is amended to read:

1001.43 Supplemental powers and duties of district school board.—The district school board may exercise the following supplemental powers and duties as authorized by this code or State Board of Education rule.

(12) AFFORDABLE HOUSING.—A district school board may use portions of school sites purchased within the guidelines of the State Requirements for Educational Facilities, land deemed not usable for educational purposes because of location or other factors, or land declared as surplus by the board to provide sites for affordable housing for teachers and other district personnel *and, in areas of critical state concern, for other essential services personnel as defined by local affordable housing eligibility requirements, independently or in conjunction with other agencies as described in subsection (5).*

Section 13. Subsection (4) of section 159.807, Florida Statutes, is amended to read:

159.807 State allocation pool.—

(4)(a) The state allocation pool shall also be used to provide written confirmations for private activity bonds that are to be issued by state agencies, which bonds, notwithstanding any other provisions of this part, shall receive priority in the use of the pool available at the time the notice of intent to issue such bonds is filed with the division.

(b) *Notwithstanding the provisions of paragraph (a), on or before November 15 of each year, the Florida Housing Finance Corporation's access to the state allocation pool is limited to the amount of the corporation's initial allocation under s. 159.804. Thereafter, the corporation may not receive more than 80 percent of the amount in the state allocation pool*

on November 16 of each year, and may not receive more than 80 percent of any additional amounts that become available each year. ~~This subsection does not apply to the Florida Housing Finance Corporation:~~

1. ~~Until its allocation pursuant to s. 159.804(3) has been exhausted, is unavailable, or is inadequate to provide an allocation pursuant to s. 159.804(3) and any carryforwards of volume limitation from prior years for the same carryforward purpose, as that term is defined in s. 146 of the Code, as the bonds it intends to issue have been completely utilized or have expired.~~

2. ~~Prior to July 1 of any year, when housing bonds for which the Florida Housing Finance Corporation has made an assignment of its allocation permitted by s. 159.804(3)(c) have not been issued.~~

And the title is amended as follows:

Delete line(s) 57-59 and insert: Government Housing Trust Fund; amending s. 420.9079, F.S.; conforming cross-references; amending s. 421.08, F.S.; limiting the authority of housing authorities in certain circumstances; amending s. 1001.43, F.S.; revising district school board powers and duties in relation to use of land for affordable housing in certain areas for certain personnel; amending s. 159.807, F.S.; revising an

#### MOTION

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

Senator Garcia moved the following amendment which was adopted:

**Amendment 4 (628486)(with title amendment)**—Delete line(s) 72-217 and insert:

Section 1. Section 193.018, Florida Statutes, is created to read:

*193.018 Land owned by a community land trust used to provide affordable housing.—*

(1) *As used in this section, the term “community land trust” means a nonprofit entity that is qualified as charitable under s. 501(c)(3) of the Internal Revenue Code and has as one of its purposes the acquisition of land to be held in perpetuity for the primary purpose of providing affordable homeownership.*

(2) *A community land trust may convey structural improvements, condominium parcels, or cooperative parcels, located on specific parcels of land which are identified by a legal description contained in and subject to a ground lease having a term of at least 99 years, for the purpose of providing affordable housing to natural persons or families who meet the extremely low, very-low, low, or moderate income limits specified in s. 420.0004, or the income limits for workforce housing as specified in s. 420.5095(3). A community land trust shall retain a preemptive option to purchase any structural improvements, condominium parcels, or cooperative parcels on the land at a price determined by a formula specified in the ground lease designed to ensure that such structural improvements, condominium parcels, or cooperative parcels remain affordable.*

(3) *In arriving at just valuation under s. 193.011, a structural improvement, condominium parcel, or cooperative parcel providing affordable housing on land owned by a community land trust, and the land owned by a community land trust that is subject to a 99-year or longer ground lease, shall be assessed using the following criteria:*

(a) *The amount a willing purchaser would pay a willing seller for the land is limited to an amount commensurate with the terms of the ground lease which restricts the use of the land to the provision of affordable housing in perpetuity.*

(b) *The amount a willing purchaser would pay a willing seller for the resale-restricted improvements, condominium parcel, or cooperative parcel is limited to the amount determined by the formula in the ground lease.*

(c) *If the ground lease and all amendments and supplements thereto, or a memorandum documenting how such lease and amendments or supplements restrict the price at which the improvements, condominium parcel, or cooperative parcel may be sold, is recorded in the official public*

*records of the county in which the leased land is located, the recorded lease and any amendments or supplements, or the recorded memorandum, shall be deemed a land use regulation during the term of the lease as amended or supplemented.*

Section 2. Subsection (5) is added to section 196.196, Florida Statutes, to read:

196.196 Determining whether property is entitled to charitable, religious, scientific, or literary exemption.—

(5) *Property owned by an exempt organization qualified as charitable under s. 501(c)(3) of the Internal Revenue Code is used for a charitable purpose if the organization has taken affirmative steps to prepare the property to provide affordable housing to persons or families that meet the extremely-low-income, very-low-income, low-income, or moderate-income limits specified in s. 420.0004. For purposes of this subsection, the term “affirmative steps” means environmental or land use permitting activities, the creation of architectural plans or schematic drawings, land clearing or site preparation, construction or renovation activities, or other similar activities that demonstrate a commitment by the exempt entity to use of the property to provide affordable housing.*

Section 3. Section 196.1978, Florida Statutes, is amended to read:

196.1978 Affordable housing property exemption.—

(1) *Property used to provide affordable housing serving eligible persons as defined by s. 159.603(7) and natural persons or families meeting the extremely-low-income, very-low-income, low-income, or moderate-income persons meeting income limits specified in s. 420.0004 s. 420.0004(8), (10), (11), and (15), which property is owned entirely by a nonprofit entity that is a corporation not for profit, qualified as charitable under s. 501(c)(3) of the Internal Revenue Code, and in compliance with Rev. Proc. 96-32, 1996-1 C.B. 717, or a Florida-based limited partnership, the sole general partner of which is a corporation not for profit which is qualified as charitable under s. 501(c)(3) of the Internal Revenue Code and which complies with Rev. Proc. 96-32, 1996-1 C.B. 717, shall be considered property owned by an exempt entity and used for a charitable purpose, and those portions of the affordable housing property which provide housing to natural persons or families classified as extremely-low income, very-low income, low-income, or moderate-income under s. 420.0004 individuals with incomes as defined in s. 420.0004(10) and (15) shall be exempt from ad valorem taxation to the extent authorized in s. 196.196. All property identified in this section shall comply with the criteria for determination of exempt status to be applied by property appraisers on an annual basis as defined in s. 196.195. The Legislature intends that any property owned by a limited liability company or limited partnership which is disregarded as an entity for federal income tax purposes pursuant to Treasury Regulation 301.7701-3(b)(1)(ii) shall be treated as owned by its sole member or sole general partner.*

(2) *If property owned by an organization granted an exemption under s. 196.196(5) is transferred for a purpose other than directly providing affordable housing to persons or families who meet the extremely-low-income, very-low-income, low-income, or moderate-income limits, as specified in s. 420.0004, or is not actually used to provide affordable housing within 5 years after the date the organization is initially granted the exemption, the property appraiser making the determination shall serve upon the organization that illegally or improperly received the exemption a notice of intent to record in the public records of the county where the property is located a notice of tax lien against any property owned by that organization in the county, and such property shall be identified in the notice of tax lien. The organization owning such property is subject to the taxes otherwise due and owing as a result of the failure to use the property to provide affordable housing plus 15 percent interest per annum and a penalty of 50 percent of the taxes owed. The tax lien, when filed, attaches to any property identified in the notice of tax lien owned by the organization that illegally or improperly received the exemption. If the organization no longer owns property in the county but owns property in any other county in the state, the property appraiser shall record in each other county a notice of tax lien identifying the property owned by such organization in the county which shall become a tax lien against the identified property. If an exemption is improperly granted as a result of a clerical mistake or an omission by the property appraiser, the organization improperly receiving the exemption may not be assessed penalty and interest. Prior to the filing of a tax lien, the*

organization that received the written notice of intent must be given 30 days to pay the taxes, penalties, and interest. The 5-year limitation specified in this subsection may be extended provided the holder of the exemption continues to take affirmative steps to develop the property for the purposes specified in s. 196.196(5).

Section 4. Paragraph (d) of subsection (2) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(d) The proceeds of the surtax authorized by this subsection and any accrued interest accrued thereto shall be expended by the school district, or within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct infrastructure; and to acquire land for public recreation, or conservation, or protection of natural resources; or and to finance the closure of county-owned or municipally owned solid waste landfills that have been or are already closed or are required to be closed close by order of the Department of Environmental Protection. Any use of the such proceeds or interest for purposes of landfill closure before prior to July 1, 1993, is ratified. Neither The proceeds nor any interest may not accrued thereto shall be used for the operational expenses of any infrastructure, except that a any county that has with a population of fewer less than 75,000 and that is required to close a landfill by order of the Department of Environmental Protection may use the proceeds or any interest accrued thereto for long-term maintenance costs associated with landfill closure. Counties, as defined in s. 125.011 s. 125.011(1), and charter counties may, in addition, use the proceeds or and any interest accrued thereto to retire or service indebtedness incurred for bonds issued before prior to July 1, 1987, for infrastructure purposes, and for bonds subsequently issued to refund such bonds. Any use of the such proceeds or interest for purposes of retiring or servicing indebtedness incurred for such refunding bonds before prior to July 1, 1999, is ratified.

1.2. For the purposes of this paragraph, the term “infrastructure” means:

a. Any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of 5 or more years and any related land acquisition, land improvement, design, and engineering costs related thereto.

b. A fire department vehicle, an emergency medical service vehicle, a sheriff's office vehicle, a police department vehicle, or any other vehicle, and the such equipment necessary to outfit the vehicle for its official use or equipment that has a life expectancy of at least 5 years.

c. Any expenditure for the construction, lease, or maintenance of, or provision of utilities or security for, facilities, as defined in s. 29.008.

d. Any fixed capital expenditure or fixed capital outlay associated with the improvement of private facilities that have a life expectancy of 5 or more years and that the owner agrees to make available for use on a temporary basis as needed by a local government as a public emergency shelter or a staging area for emergency response equipment during an emergency officially declared by the state or by the local government under s. 252.38. Such improvements under this sub-subparagraph are limited to those necessary to comply with current standards for public emergency evacuation shelters. The owner must shall enter into a written contract with the local government providing the improvement funding to make the such private facility available to the public for purposes of emergency shelter at no cost to the local government for a minimum period of 10 years after completion of the improvement, with

the provision that the such obligation will transfer to any subsequent owner until the end of the minimum period.

e. Any land acquisition expenditure for a residential housing project in which at least 30 percent of the units are affordable to individuals or families whose total annual household income does not exceed 120 percent of the area median income adjusted for household size, if the land is owned by a local government or by a special district that enters into a written agreement with the local government to provide such housing. The local government or special district may enter into a ground lease with a public or private person or entity for nominal or other consideration for the construction of the residential housing project on land acquired pursuant to this sub-subparagraph.

2.3. Notwithstanding any other provision of this subsection, a local government infrastructure discretionary sales surtax imposed or extended after July 1, 1998, the effective date of this act may allocate up to provide for an amount not to exceed 15 percent of the local option sales surtax proceeds to be allocated for deposit in to a trust fund within the county's accounts created for the purpose of funding economic development projects having of a general public purpose of improving targeted to improve local economies, including the funding of operational costs and incentives related to such economic development. The ballot statement must indicate the intention to make an allocation under the authority of this subparagraph.

Section 5. Present subsections (25) through (41) of section 420.503, Florida Statutes, are redesignated as subsections (26) through (42), respectively, and a new subsection (25) is added to that section, to read:

420.503 Definitions.—As used in this part, the term:

(25) “Moderate rehabilitation” means repair or restoration of a dwelling unit when the value of such repair or restoration is 40 percent or less of the value of the dwelling unit but not less than \$10,000.

Section 6. Paragraph (l) of subsection (6) of section 420.5087, Florida Statutes, is amended to read:

420.5087 State Apartment Incentive Loan Program.—There is hereby created the State Apartment Incentive Loan Program for the purpose of providing first, second, or other subordinated mortgage loans or loan guarantees to sponsors, including for-profit, nonprofit, and public entities, to provide housing affordable to very-low-income persons.

(6) On all state apartment incentive loans, except loans made to housing communities for the elderly to provide for lifesafety, building preservation, health, sanitation, or security-related repairs or improvements, the following provisions shall apply:

(l) The proceeds of all loans shall be used for new construction, moderate rehabilitation, or substantial rehabilitation that which creates or preserves affordable, safe, and sanitary housing units.

Section 7. Subsection (17) is added to section 420.5095, Florida Statutes, to read:

420.5095 Community Workforce Housing Innovation Pilot Program.—

(17) Funds appropriated by s. 33, chapter 2006-69, Laws of Florida, which were awarded but have been declined or returned, shall be made available for projects that otherwise comply with this section and are created to provide workforce housing for teachers and instructional personnel employed by the school district in the county in which the project is located.

(a) Projects shall be given priority for funding if:

1. The school district provides the property for the project pursuant to s. 1001.43;

2. The public-private partnership includes the school district and a national nonprofit organization to provide financial support, technical assistance, and training for community-based revitalization efforts; or

3. The project is located in a county in which a project selected for funding under this section did not go forward.

(b) *Projects shall be selected for funding by requests for proposals.*

And the title is amended as follows:

Between line(s) 2 and 3 insert: 193.018, F.S.; providing for the assessment of property receiving the low-income housing tax credit; defining the term "community land trust"; providing for the assessment of structural improvements, condominium parcels, and cooperative parcels on land owned by a community land trust and used to provide affordable housing; providing for the conveyance of structural improvements, condominium parcels, and cooperative parcels subject to certain conditions; specifying the criteria to be used in arriving at just valuation of a structural improvement, condominium parcel, or cooperative parcel; amending s.

Pursuant to Rule 4.19, **CS for CS for SB 482** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By Senator Justice—

**CS for SB 644**—A bill to be entitled An act relating to the My Safe Florida Home Program; amending s. 215.5586, F.S.; requiring that wind certification entities meet certain minimum criteria to qualify for selection by the Department of Financial Services; deleting a provision requiring hurricane mitigation inspectors participating in the program to meet the requirements for a criminal record check by a specified date; authorizing the department to require that improvements be made to all openings of a structure, including exterior doors and garage doors, as a condition of reimbursing a homeowner for a grant; authorizing the department to contract with third parties for contractor services and technology; amending s. 627.711, F.S.; requiring insurers to accept as valid certain uniform inspection forms; providing an effective date.

—was read the second time by title.

Senator Justice moved the following amendment which was adopted:

**Amendment 1 (621042)(with directory and title amendments)**—Between line(s) 124 and 125 insert:

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

And the directory clause is amended as follows:

Delete line(s) 20 and insert:

Section 1. Subsection (1), paragraphs (e) and (j) of subsection (2),

And the title is amended as follows:

On line(s) 12, after the semicolon (;) insert: deleting a provision authorizing the department to transfer certain funds to Volunteer Florida Foundation, Inc., for certain purposes; deleting a requirement that Volunteer Florida, Inc., undertake certain activities;

Senator Justice moved the following amendment:

**Amendment 2 (036444)(with title amendment)**—Delete lines 138-151 and insert:

Section 2. Subsection (2) of section 627.711, Florida Statutes, is amended to read:

627.711 Notice of premium discounts for hurricane loss mitigation; uniform mitigation verification inspection form.—

(2) By July 1, 2007, the Financial Services Commission shall develop by rule a uniform mitigation verification inspection form that shall be used by all insurers when *submitted by policy owners for the purpose of factoring discounts for wind insurance*. In developing the form, the commission shall seek input from insurance, construction, and building code

representatives. Further, the commission shall provide guidance as to the length of time the inspection results are valid. *An insurer shall accept as valid a uniform mitigation verification form certified by the Department of Financial Services or signed by:*

(a) *A hurricane mitigation inspector employed by an approved My Safe Florida Home wind certification entity;*

(b) *A building code inspector certified under s. 468.607;*

(c) *A general or residential contractor licensed under s. 489.111;*

(d) *A professional engineer licensed under s. 471.015 who has passed the appropriate equivalency test of the Building Code training program as required by s. 553.841; or*

(e) *A professional architect licensed under s. 481.213.*

And the title is amended as follows:

Delete lines 15 and 16 and insert: requiring insurers to accept as valid uniform mitigation verification forms certified by the department or signed by certain professionals; providing an effective date.

#### MOTION

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

Senator Justice moved the following amendment to **Amendment 2** which was adopted:

**Amendment 2A (912260)**—Delete line(s) 13 and insert: *by policyholders for the purpose of factoring discounts for wind*

**Amendment 2** as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 644** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By Senator Justice—

**CS for SB 886**—A bill to be entitled An act relating to toxic substances in children's products; providing definitions; prohibiting a person from using or applying a toxic substance in or on any toy or child care article in this state; prohibiting a person from manufacturing, selling, offering for sale, or distributing a toy or child care article that contains a toxic substance; providing an exception; providing civil fines for manufacturing, selling, offering for sale, or distributing a toy or child care article that contains a toxic substance; requiring that certain civil fines be waived under specified circumstances; providing that a knowing and intentional violation of the act is a felony of the third degree; providing criminal penalties; providing an effective date.

—was read the second time by title.

Senator Justice moved the following amendment which was adopted:

**Amendment 1 (572092)**—Delete lines 36-39 and insert:

(e) *"Toxic substance" means a substance that contains lead, or a coating on an item that contains lead, so that the lead content is more than 0.06 percent of the total weight. The term does not include glass or crystal decorative components, electrical components, or any component that is not accessible through normal and reasonably foreseeable use and abuse of a toy or article of child care. For purposes of this section, a component is "not accessible" if it cannot be touched with an articulated probe meant to simulate a child's finger both before and after use and abuse testing, such as drop, torque, tension, compression, and other applicable testing performed in a manner described in 16 C.F.R. part 1500.*

Pursuant to Rule 4.19, **CS for SB 886** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 928** was deferred.

On motion by Senator Dean, by two-thirds vote **HB 313** was withdrawn from the Committees on Criminal Justice; and Judiciary.

On motion by Senator Dean—

**HB 313**—A bill to be entitled An act relating to dating violence; providing a short title; amending s. 784.046, F.S.; revising provisions relating to dating violence incidents to provide requirements for investigations, notice to victims, and reporting similar to those for incidents of domestic violence and to apply certain immunity provisions thereto; prohibiting certain willful violations of conditions of pretrial release; providing penalties; amending s. 901.15, F.S.; providing for warrantless arrests of persons for dating violence; conforming provisions; providing an effective date.

—a companion measure, was substituted for **SB 1188** and read the second time by title.

Pursuant to Rule 4.19, **HB 313** was placed on the calendar of Bills on Third Reading.

By Senator Saunders—

**CS for SB 1304**—A bill to be entitled An act relating to fish and wildlife conservation; consolidating chapters 370 and 372, F.S., to create chapter 379, F.S., entitled “Fish and Wildlife Conservation”; creating part I of chapter 379, F.S., relating to general provisions; creating part II of chapter 379, F.S., relating to marine life; creating part III of chapter 379, F.S., relating to freshwater aquatic life; creating part IV of chapter 379, F.S., relating to wild animal life; creating part V of chapter 379, F.S., relating to law enforcement; creating part VI of chapter 379, F.S., relating to licenses for recreation activities; creating part VII of chapter 379, F.S., relating to nonrecreational licenses; creating part VIII of chapter 379, F.S., relating to penalties; renumbering, amending, creating, and repealing various statutory provisions to conform; renumbering and amending ss. 370.021, 370.06, 370.061, 370.063, 370.16, 370.22, 370.26, 370.028, 370.07, 370.08, 370.11, 370.1107, 370.1121, 370.135, 370.14, 370.143, 370.1535, 370.1603, 370.31, 370.73, 372.07, 372.071, 372.0715, 372.0025, 372.023, 372.0725, 372.16, 372.26, 372.551, 372.561, 372.562, 372.65, 372.57, 372.5704, 372.5705, 372.571, 372.5711, 372.5714, 372.5717, 372.5718, 372.574, 372.58, 372.581, 372.59, 372.651, 372.653, 372.66, 372.661, 372.662, 372.663, 372.664, 372.6645, 372.665, 372.6671, 372.6672, 372.6673, 372.6674, 372.6678, 372.671, 372.673, 372.70, 372.701, 372.7015, 372.7016, 372.76, 372.761, 372.83, 372.84, 372.86, 372.87, 372.88, 372.921, 372.922, 372.935, 372.988, 372.99, 372.9901, 372.99021, 372.99022, 372.9903, 372.9904, 372.9905, and 372.992, F.S.; correcting cross-references; conforming provisions to changes made by this act; renumbering and amending s. 370.12, F.S.; deleting an obsolete provision relating to certain annual use fees; correcting cross-references; renumbering and amending s. 370.13, F.S.; deleting an obsolete provision relating to stone crab trap tag fees; correcting cross-references; renumbering and amending s. 370.142, F.S.; deleting an obsolete provision relating to spiny lobster trap tag fees; correcting cross-references; renumbering and amending s. 370.151, F.S.; deleting legislative intent relating to shrimp beds; conforming provisions relating to shrimping license violations; renumbering and amending s. 372.5701, F.S.; deleting provisions requiring an annual legislative appropriation for specified activities and programs; correcting cross-references; creating s. 379.3711, F.S.; establishing an annual license fee for private game preserves and farms; providing for payment of such fees to the commission; requiring proceeds to be deposited in the State Game Trust Fund; creating 379.414, F.S.; providing additional civil penalties for violations of record requirements by saltwater products dealers; requiring fees collected for such violations are deposited in the Marine Resources Conservation Trust Fund; specifying the use of such funds; amending ss. 72.011, 97.05831, 125.01, 142.01, 161.053, 201.15, 212.06, 212.08, 213.053, 215.20, 290.004, 320.08058, 327.02, 327.41, 327.73, 328.66, 328.72, 328.76, 373.046, 403.41315, 403.813, 597.010, 777.04, 810.09, 921.0022, and 932.7055, F.S.; correcting cross-references to conform to changes made by this act; repealing s. 370.081, F.S., relating to illegal importation or possession of nonindigenous marine plants and animals to conform to changes made by this act; repealing s. 370.0821, F.S., relating to use of nets in St. Johns County to conform to changes made by this act; repealing s. 370.09, F.S., relating to industrial hazards and prohibited oil deposits discharge to conform to changes made by this act; repealing s. 370.1105, F.S., relating to saltwater finfish trap regulation to conform to changes made by this act; repealing ss. 370.15 and

370.154, F.S., relating to shrimp regulations to conform to changes made by this act; repealing s. 370.155, F.S., relating to shrimp fishing to conform to changes made by this act; repealing 372.001, F.S., relating to wildlife definitions to conform to changes made by this act; repealing s. 372.0225, F.S., relating to freshwater organisms to conform to changes made by this act; repealing s. 372.107, F.S., relating to the Fish and Wildlife Conservation Commission Federal Law Enforcement Trust Fund to conform to changes made by this act; repealing s. 372.27, F.S., relating to the prohibition of fishing in Silver Springs and Rainbow Springs to conform to changes made by this act; repealing s. 372.667, F.S., relating to the unlawful feeding or enticement of alligators or crocodiles to conform to changes made by this act; repealing s. 372.85, F.S., relating to the contamination of fresh waters to conform to changes made by this act; repealing s. 372.98, F.S., relating to the possession of nutria to conform to changes made by this act; repealing s. 372.981, F.S., relating to the regulation of importation of caiman to conform to changes made by this act; repealing s. 372.993, F.S., relating to land-based commercial and recreational fishing activities to conform to changes made by this act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1304** was placed on the calendar of Bills on Third Reading.

**CS for CS for SB 1430**—A bill to be entitled An act relating to public safety; amending s. 775.21, F.S.; revising provisions relating to reimbursement of specified costs by sexual predators; revising provisions relating to the residence of sexual predators; providing criminal penalties; creating s. 775.215, F.S.; specifying residency distance limitations for persons convicted of certain sexual offenses; preempting certain local ordinances and providing for repeal of such ordinances; amending s. 775.24, F.S.; revising provisions relating to the duty of the court to uphold certain laws; amending s. 794.065, F.S.; providing additional residency restrictions for certain offenders; providing penalties; creating s. 794.0701, F.S.; providing for enhanced penalties for loitering or prowling by persons convicted of certain sex offenses; providing definitions; providing an exemption; amending s. 947.1405, F.S.; providing additional conditional release restrictions for certain offenders; providing an exemption; amending s. 948.06, F.S.; revising provisions relating to probation or community control for sexual predators and sexual offenders; amending s. 948.30, F.S.; revising provisions relating to terms and conditions of probation or community control for certain sex offenses; providing additional restrictions for certain probationers or community controllees who committed sexual offenses against a minor younger than 16 years of age; providing an effective date.

—was read the second time by title.

On motion by Senator Aronberg, further consideration of **CS for CS for SB 1430** was deferred.

**CS for CS for SB 1440**—A bill to be entitled An act relating to the Corporate Income Tax Credit Scholarship Program; amending s. 220.187, F.S.; providing legislative findings; revising program purposes; providing that specified students who are currently or have been in foster care are eligible for participation in the program; providing that siblings of certain students are eligible for participation in the program; providing income criteria for continuation of scholarships for students in foster care; revising provisions authorizing the total amount of tax credits that may be granted and deleting the reservation of a portion thereof; revising authorized uses of scholarship funds and providing for premium payments to certain students who participate in statewide assessments; revising provisions relating to expenditure of contributions received during a fiscal year; removing parent responsibility for providing transportation to certain assessment sites; providing obligations of the Department of Education relating to scholarship student participation in statewide assessments; revising scholarship amounts and providing amount of premium payments; requiring State Board of Education rule for adjustment of scholarship awards; revising requirements relating to verification of student attendance for purposes of scholarship payment; providing for preservation of credits under certain circumstances; providing an effective date.

—was read the second time by title.

Amendments were considered and failed and amendments were considered and adopted to conform **CS for CS for SB 1440 to CS for CS for CS for HB 653**.

Pending further consideration of **CS for CS for SB 1440** as amended, on motion by Senator Gaetz, by two-thirds vote **CS for CS for CS for HB 653** was withdrawn from the Committees on Education Pre-K - 12; Finance and Tax; and Education Pre-K - 12 Appropriations.

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

**CS for CS for CS for HB 653**—A bill to be entitled An act relating to the Corporate Income Tax Credit Scholarship Program; amending s. 220.187, F.S.; providing legislative findings; revising program purposes; providing that siblings of certain students are eligible for participation in the program; revising provisions authorizing the total amount of tax credits that may be granted and deleting the reservation of a portion thereof; revising authorized uses of scholarship funds; revising provisions relating to expenditure of contributions received by a scholarship-funding organization during a state fiscal year; authorizing expenditure of contributions for specified administrative expenses by certain scholarship-funding organizations; providing for the annual return of specified eligible contributions to the State Treasury; correcting a cross-reference; revising scholarship amounts and providing for adjustments in future scholarship amounts; revising requirements relating to verification of student attendance for purposes of scholarship payment; providing for preservation of credits under certain circumstances; requiring the Office of Program Policy Analysis and Government Accountability to submit a report on funding for the scholarship program; specifying report requirements; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1440** as amended and read the second time by title.

#### MOTION

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

Senator Gaetz moved the following amendment which was adopted:

**Amendment 1 (973310)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Subsections (1) and (3), paragraph (b) of subsection (5), paragraphs (d), (i), and (m) of subsection (6), paragraph (e) of subsection (7), paragraph (c) of subsection (8), and subsection (11) of section 220.187, Florida Statutes, are amended, paragraphs (k) through (n) of subsection (9) are redesignated as paragraphs (m) through (p), respectively, new paragraphs (k) and (l) are added to that subsection, and a new subsection (14) is added to that section, to read:

220.187 Credits for contributions to nonprofit scholarship-funding organizations.—

(1) **FINDINGS AND PURPOSE.**—

(a) *The Legislature finds that:*

1. *It has the inherent power to determine subjects of taxation for general or particular public purposes.*

2. *Expanding educational opportunities and improving the quality of educational services within the state are valid public purposes that the Legislature may promote using its sovereign power to determine subjects of taxation and exemptions from taxation.*

3. *Ensuring that all parents, regardless of means, may exercise and enjoy their basic right to educate their children as they see fit is a valid public purpose that the Legislature may promote using its sovereign power to determine subjects of taxation and exemptions from taxation.*

4. *Expanding educational opportunities and the healthy competition they promote are critical to improving the quality of education in the state and to ensuring that all children receive the high-quality education to which they are entitled.*

(b) The purpose of this section is to:

1.(a) *Enable taxpayers to make Encourage private, voluntary contributions to nonprofit scholarship-funding organizations in order to promote the general welfare.*

2. *Provide taxpayers who wish to help parents with limited resources exercise their basic right to educate their children as they see fit with a means to do so.*

3.(b) *Promote the general welfare by expanding Expand educational opportunities for children of families that have limited financial resources.*

4.(e) *Enable children in this state to achieve a greater level of excellence in their education.*

5. *Improve the quality of education in this state, both by expanding educational opportunities for children and by creating incentives for schools to achieve excellence.*

(3) PROGRAM; SCHOLARSHIP ELIGIBILITY.—The Corporate Income Tax Credit Scholarship Program is established. A student is eligible for a corporate income tax credit scholarship if the student qualifies for free or reduced-price school lunches under the National School Lunch Act and:

(a) Was counted as a full-time equivalent student during the previous state fiscal year for purposes of state per-student funding;

(b) Received a scholarship from an eligible nonprofit scholarship-funding organization or from the State of Florida during the previous school year; or

(c) Is eligible to enter kindergarten or first grade; or

(d) *Is currently placed, or during the previous state fiscal year was placed, in foster care as defined in s. 39.01.*

Contingent upon available funds, a student may continue in the scholarship program as long as the student's household family income level does not exceed 200 percent of the federal poverty level. A sibling of a student who is continuing in the program and resides in the same household as the student shall also be eligible as a first-time corporate income tax credit scholarship recipient as long as the student's and sibling's household income level does not exceed 200 percent of the federal poverty level. Household income for purposes of a student who is currently in foster care as defined in s. 39.01 shall consist only of the income that may be considered in determining whether he or she qualifies for free or reduced-price school lunches under the National School Lunch Act.

(5) AUTHORIZATION TO GRANT SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.—

(b) The total amount of tax credits and carryforward of tax credits which may be granted each state fiscal year under this section is:

1. *Through June 30, 2008, \$88 million.*

2. *Beginning July 1, 2008, and thereafter, \$118 million. At least 1 percent of the total statewide amount authorized for the tax credit shall be reserved for taxpayers who meet the definition of a small business provided in s. 288.703(1) at the time of application.*

(6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.—An eligible nonprofit scholarship-funding organization:

(d)1. Must provide scholarships, from eligible contributions, to eligible students for the cost of:

a.1. *Tuition and fees or textbook expenses for, or transportation to, an eligible private school. At least 75 percent of the scholarship funding must be used to pay tuition expenses; or*

b.2. *Transportation expenses to a Florida public school that is located outside the district in which the student resides or to a lab school as defined in s. 1002.32.*

2. *Beginning in the 2009-2010 state fiscal year, must provide a premium payment to a scholarship student who participates in the statewide*

assessments pursuant to s. 1008.22 and who attends an eligible private school that has at least 95-percent participation of eligible scholarship students in the statewide assessments. This premium payment shall be applied to transportation costs related to participation in the statewide assessments, statewide assessment preparation costs, and other school fees incurred by a student which are not otherwise covered under this paragraph.

(i) 1. May use up to 3 percent of eligible contributions received during the state fiscal year in which such contributions are collected for administrative expenses if the organization has operated under this section for at least 3 state fiscal years and did not have any negative financial findings in its most recent audit under paragraph (l). Such administrative expenses must be reasonable and necessary for the organization's management and distribution of eligible contributions under this section. No more than one-third of the funds authorized for administrative expenses under this subparagraph may be used for expenses related to the recruitment of contributions from corporate taxpayers.

2. Must expend for annual or partial-year scholarships an amount equal to or greater than 75 percent of the net eligible contributions remaining after administrative expenses during the state fiscal year in which such contributions are collected. No more than 25 percent of such net eligible contributions may be carried forward to the following state fiscal year. Any amounts carried forward shall be expended for ~~Must obligate, in the same fiscal year in which the contribution was received, 100 percent of the eligible contribution to provide~~ annual or partial-year scholarships; however, up to 25 percent of the total contribution may be carried forward for expenditure in the following state fiscal year. Net eligible contributions remaining on June 30 of each year which are in excess of the 25 percent that may be carried forward shall be returned to the State Treasury for deposit in the General Revenue Fund.

3. ~~A scholarship funding organization~~ Must, before granting a scholarship for an academic year, document each scholarship student's eligibility for that academic year. A scholarship-funding organization may not grant multiyear scholarships in one approval process. ~~No portion of eligible contributions may be used for administrative expenses. All interest accrued from contributions must be used for scholarships.~~

(m) Must prepare and submit quarterly reports to the Department of Education pursuant to paragraph (9)(o)~~(m)~~. In addition, an eligible nonprofit scholarship-funding organization must submit in a timely manner any information requested by the Department of Education relating to the scholarship program.

Any and all information and documentation provided to the Department of Education and the Auditor General relating to the identity of a taxpayer that provides an eligible contribution under this section shall remain confidential at all times in accordance with s. 213.053.

(7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—

(e) The parent shall ensure that the student participating in the scholarship program takes the norm-referenced assessment offered by the private school. The parent may also choose to have the student participate in the statewide assessments pursuant to s. 1008.22. *Except as provided in subsection (6)*, if the parent requests that the student participating in the scholarship program take statewide assessments pursuant to s. 1008.22, the parent is responsible for transporting the student to the assessment site designated by the school district.

(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible private school may be sectarian or nonsectarian and must:

(c) Be academically accountable to the parent for meeting the educational needs of the student by:

1. At a minimum, annually providing to the parent a written explanation of the student's progress.

2. Annually administering or making provision for students participating in the scholarship program to take one of the nationally norm-referenced tests identified by the Department of Education. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school must report a student's scores to the parent and to the independent research organization selected by the Department of Education as described in paragraph (9)(j).

3. Cooperating with the scholarship student whose parent chooses to have the student participate in the statewide assessments pursuant to s. 1008.22 ~~s. 1008.32~~. *Beginning in the 2009-2010 state fiscal year, in order to encourage participation, a scholarship student who participates in the statewide assessments is eligible for a premium payment pursuant to subparagraphs (6)(d)2. and (11)(a)2.*

The inability of a private school to meet the requirements of this subsection shall constitute a basis for the ineligibility of the private school to participate in the scholarship program as determined by the Department of Education.

(9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of Education shall:

(k) Provide participating schools with all preparation and instructional materials to prepare students for the statewide assessments pursuant to s. 1008.22.

(l) *Beginning in the 2009-2010 state fiscal year, determine if at least 95 percent of a private school's eligible scholarship students participate in the statewide assessments pursuant to s. 1008.22.*

(11) SCHOLARSHIP AND PREMIUM AMOUNT AND PAYMENT.—

(a)1. The amount of a scholarship provided to any student for any single school year by an eligible nonprofit scholarship-funding organization from eligible contributions shall be for total costs authorized under subparagraph (6)(d)1., not to exceed the following annual limits:

a.1. ~~Three thousand nine hundred fifty dollars~~ ~~Three thousand seven hundred fifty dollars~~ for a scholarship awarded to a student enrolled in an eligible private school for the 2008-2009 state fiscal year and each fiscal year thereafter.

b.2. Five hundred dollars for a scholarship awarded to a student enrolled in a Florida public school that is located outside the district in which the student resides or in a lab school as defined in s. 1002.32.

2. *Beginning in the 2009-2010 state fiscal year, the amount of an annual premium payment by an eligible nonprofit scholarship-funding organization from eligible contributions shall be \$200 for costs authorized under subparagraph (6)(d)2. provided to a student who takes the statewide assessments pursuant to s. 1008.22 if at least 95 percent of the private school's eligible scholarship students participate in the statewide assessments.*

(b) Payment of the scholarship and premium by the eligible nonprofit scholarship-funding organization shall be by individual warrant made payable to the student's parent. If the parent chooses that his or her child attend an eligible private school, the warrant must be delivered by the eligible nonprofit scholarship-funding organization to the private school of the parent's choice, and the parent shall restrictively endorse the warrant to the private school. An eligible nonprofit scholarship-funding organization shall ensure that the parent to whom the warrant is made restrictively endorsed the warrant to the private school for deposit into the account of the private school.

(c) An eligible nonprofit scholarship-funding organization shall obtain verification from the private school of a student's continued attendance at the school for ~~prior to~~ each period covered by a scholarship payment.

(d) Payment of the scholarship shall be made by the eligible nonprofit scholarship-funding organization no less frequently than on a quarterly basis.

(14) PRESERVATION OF CREDIT.—*If any provision or portion of subsection (5) or the application thereof to any person or circumstance is held unconstitutional by any court or is otherwise declared invalid, the unconstitutionality or invalidity shall not affect any credit earned under subsection (5) by any taxpayer with respect to any contribution paid to an eligible nonprofit scholarship-funding organization before the date of a determination of unconstitutionality or invalidity. Such credit shall be allowed at such time and in such a manner as if a determination of unconstitutionality or invalidity had not been made, provided that nothing in this subsection by itself or in combination with any other provision of law shall result in the allowance of any credit to any taxpayer in excess*

of one dollar of credit for each dollar paid to an eligible nonprofit scholarship-funding organization.

Section 2. *Corporate Income Tax Credit Scholarship Program funding.*—

(1) *By December 1, 2008, the Office of Program Policy Analysis and Government Accountability shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which:*

(a) *Reviews the advisability and net state fiscal impact of:*

1. *Increasing the maximum annual amount of credits for the corporate income tax permitted under s. 220.187, Florida Statutes, for the scholarship program.*

2. *Authorizing the use of credits for insurance premium taxes under chapter 624, Florida Statutes, as an additional source of funding for the scholarship program under s. 220.187, Florida Statutes.*

(b) *Provides recommendations, if warranted by the review under paragraph (a):*

1. *For methodologies to annually or otherwise increase the maximum annual amount of corporate income tax credits for scholarship funding.*

2. *To implement the use of insurance premium tax credits for scholarship funding.*

*Such recommendations may only include options that will annually produce a neutral or positive net fiscal impact on state revenue and expenditures.*

(2) *The Office of Program Policy Analysis and Government Accountability may request that the Revenue Estimating Conference and the Education Estimating Conference established under s. 216.134, Florida Statutes, evaluate its findings and recommendations under this section.*

Section 3. This act shall take effect June 30, 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 Corporate Income Tax Credit Scholarship Program; amending s. 220.187, F.S.; providing legislative findings; revising program purposes; providing that specified students who are currently or have been in foster care are eligible for participation in the program; providing that siblings of certain students are eligible for participation in the program; providing income criteria for continuation of scholarships for students in foster care; revising provisions authorizing the total amount of tax credits that may be granted and deleting the reservation of a portion thereof; revising authorized uses of scholarship funds and providing for premium payments to certain students who participate in statewide assessments; revising provisions relating to expenditure of contributions received by a scholarship-funding organization during a state fiscal year; authorizing expenditure of contributions for specified administrative expenses by certain scholarship-funding organizations; providing for the annual return of specified eligible contributions to the State Treasury; removing parent responsibility for providing transportation to certain assessment sites; providing obligations of the Department of Education relating to scholarship student participation in statewide assessments; revising scholarship amounts and providing amount of premium payments; revising requirements relating to verification of student attendance for purposes of scholarship payment; providing for preservation of credits under certain circumstances; requiring the Office of Program Policy Analysis and Government Accountability to submit a report on funding for the scholarship program to the Governor and the Legislature; specifying report requirements; authorizing the Office of Program Policy Analysis and Government Accountability to request the Revenue Estimating Conference and the Education Estimating Conference to evaluate its findings and recommendations; providing an effective date.

#### SENATOR LAWSON PRESIDING

#### THE PRESIDENT PRESIDING

On motion by Senator Gaetz, further consideration of **CS for CS for CS for HB 653** as amended was deferred.

## RECOGNITION OF SENATOR POSEY

### REMARKS

On motion by Senator King, the following remarks were ordered spread upon the Journal:

**President Pruitt:** Fearless, bold, brave, tenacious and determined are a series of words that have one thing in common: Senator Bill Posey. This is a man who literally and figuratively puts the “pedal to the metal” every single day.

This tribute is going to be a little different from the others because Senator Posey is not technically “termed out” of office. After being heavily recruited by citizens in his community, including outgoing Congressman Dave Weldon, Mr. Posey has decided to go to Washington. Let me tell you, the federal government will never be the same. He is going to shake things up in Washington D.C., challenging the status quo, asking the tough questions, and changing the way the federal government does business.

How do I know that? Because he has done it here in the Florida Legislature. It’s why the marquee bill for Senator Posey is the “State Agency Performance Report Act.” Passed in 1999 as House Bill 1, this legislation is a layer of accountability spread over every single agency in state government.

Since the day he arrived in Tallahassee, Senator Posey has been driven by the noble goal of ensuring that taxpayers get, as he says, “the biggest bang for THEIR buck.”

The history of this marquee bill, like the rest of our Senators’ bills that you will be hearing about this week, came as a result of Senator Posey’s expertise, interests, and personal experience.

During his tenure in the House, Representative Posey was looking for a way to fund improvements on a very dangerous narrow highway dubbed by the locals as “Bloody State Road 520.” By pressing, pushing, and prodding the Department of Transportation, he was able to collect information on the different types of toll collection stations, how much it costs to collect tolls at each one. Through his analysis he was able to create a solution within existing resources that saved enough money to widen and improve State Road 520.

Senator Posey believed every policymaker who wanted to should have access to the same level of information that he had to hunt for during his quest to four-lane State Road 520. So he developed a simple, one page summary sheet that highlighted the cost of activity level functions of each agency. These documents are available to all policymakers so that they can compare programs and activities costs.

Senator Posey not only changed Florida law, but he caught the attention of policymakers nationally. For his work on HB 1, he was chosen as the “Legislator of the Year” by the American Legislative Exchange Council. The national director called Posey’s bill, “the best piece of legislation that came out of any state capitol in over a decade.”

On a side note—it’s no secret that there were a lot of people in the Capitol who opposed Senator Posey’s efforts. For public safety reasons, their identities will not be revealed. A few years after HB 1 passed, there was a massive clean-up of chapter 186, F.S., and the unit cost language section was “accidentally lost” during the transfer. Senator Posey’s faithful and fearless legislative assistant Russ Cyphers didn’t tell Representative Posey until after arrangements had been made to return the language to the statute. I don’t usually recommend that professional staff keep information from Senators, but I have to say, that was one of Russ’ best moves.

Senator Posey, though you leave us to head up north, your influence will continue to benefit taxpayers all across our state. The only thing worse than losing Senator Posey is going to be missing out on seeing his lovely bride, Katie, who has always been by his side, providing a solid base and gentle balance. One thing is for sure, our loss will be Washington’s gain.

Godspeed, my friend.

**Senator Webster:** I love Bill Posey; that’s pretty much it. I love his wife, Katie, and their beautiful daughters, and their three grandchild-

dren. He has raised two great daughters and has some great grandchildren.

However, I do believe that he is a picture in himself when he's in a racing car. He's a picture of how he legislates. I have seen him race at New Smyrna Speedway and he's a sight to behold. There is that determination, Mr. President, you spoke of and a whole lot more. It's a picture not only of the way he lives life, but the way he does other things.

I was thinking about House Bill 1 and I thought about how Bill cuts through the smoke; there is right and there is wrong and that's it. There is no in-between. It's like here is all this smoke, cut through it; here's the deal, this is right, this is wrong. He doesn't do it one time; he does it every time. After we gained majority there was a big meeting in the Majority Office and a lot of people were there. Lobbyists and other people came in as a kind of celebration. Bill said, "Not one of these people were in this room two years ago when we were in the minority." Then he saw one of them who was one of the biggest offenders. Bill happened to bump into him a little hard—the guy fell on the ground. He says, "Oh man! I'm sorry!" and starts patting him on the back. I think he hit him five or six times on the back. The guy gets up and says, "I think I've been body-checked by Bill Posey." Racing, serving in the legislature, body-checking.

He was also the Chair of what we could consider a killer committee. As a matter of fact, Mr. President, you were on that five-member committee in the House, and so was Senator Lawson. There weren't many five-member committees in the House. They were a tough group. I remember one time, Representative Lippman, who had been in the majority, and was now in his first year in the minority. He was used to passing lots and lots of bills. But it got down to just a couple. He came in and said, "Mr. Speaker, this has got to go on the agenda. It just has to. I got it through three of four committees. I got it through Governmental Operations, I got it past Posey. It's got to be a good bill!" So whether it is racing or serving or legislating or body-checking or chairing a committee, Bill Posey did it right.

I can't tell you, Bill, how much I love you. You're one in a million and I'm going to do everything I possibly can in my power to see you get where you want to go in the United States Congress. Mr. President, I agree with you, he's just what they need.

**Senator Lawson:** I first met a young man who was very enthusiastic, who came to the committee that I was chairing and told me that he wanted to change the course of government, the way we do business. At first I didn't pay much attention to it but as time went on I found out that he was very serious, very conscientious, always on the move and willing to work hard.

I remember one time I was called into the Speaker's office and had to leave my committee so I left the committee to Senator Posey. I was questioned why I left it to a Republican. I said, "It's in good hands. He's great; he's going to do what's right." We did have a very tough committee. I can't think of any other individual that I worked with over the last dozen or so years who cares so much about government; cares so much about people; cares so much about the service that we render for people; and cares about the waste we have in government and wanting to make government more efficient and to make sure the people's tax dollars are spent well, than Bill Posey.

I hope, when Bill gets to Washington, that he doesn't serve on a Governmental Operations Committee because they would be in for some kind of awakening process. I can tell you that all of the stuff he has discussed over the years, made sense; accountability, budget, all those issues. I have been with him through all those years. He told me one day, "Al, we're going to go to the Senate." I didn't see where it was possible. He said it was possible. He said, "We need to go down to the Senate to bring some more life to the Senate because things in the House were always in an upheaval." Sure enough, we came to the Senate and were given a chance to serve on those insurance committees and also the Governmental Operations Committee, over and over. We never could leave each other. When the Republicans were in control of the House, they weren't supposed to make any Democratic members vice chairs, but because of my relationship with Senator Posey, he went to the leadership and said that I had to be vice chair. That says a lot about this man when you talk about bipartisanship; someone who is willing to stand up for you and someone who is working on behalf of the people and the taxpayers of the state. That exemplifies Senator Posey.

I will really miss him. He was always there. He is the only guy I know who will call me from out of town and tell me that he cannot be at a committee meeting the next day. Not necessarily worried about sending a letter asking to be excused but calling you personally from wherever he's located, whether it's Washington D.C. or South Florida, saying, "Do you need anything? I can't make the meeting because of other obligations."

Not one time in a committee, when you needed him to do what was right, did he turn you down. Senator Posey has always been a person where, if a member had terrible bills, bills that would get in trouble, he would make sure that the bills didn't go down in committee. He would work hard to see what he could possibly do for you, either temporarily pass the bill so you could work something out, or just change the whole scope of the bill. I think many of you will recognize that. He was determined to work with the members for the benefit of those members because he recognized the fact that they were trying to do something for their constituents back home.

I will thoroughly miss Senator Posey. He has been a good friend over the years and someone I could always go to. I wish him well in the future in his pursuits. Thank you.

**Senator Aronberg:** I've served with Senator Posey for six years. Senator Posey is exactly what the Senate is filled with—free thinking, thoughtful and passionate individuals. I don't think anyone is any more passionate than Senator Posey. He is also someone who puts policy over partisanship and I think Congress needs that. It is such a partisan institution and I'm glad that Senator Posey is going to be there. No matter what side of the issue I'm on, for or against him, he has always been a friend.

I want to relay this one story, which to me, tells why I think so highly of Senator Posey. Despite the fact that we've been on opposite sides of issues, he handed me a book when I disagreed with him. He said, "Read it; it's in this book." I found out the book was written by Bill Posey. It's one of those little paperback books, with 10-point font.

I was up for reelection in 2004. It looked like I could have a real race that year. Senator Posey called me up and said, "Aronberg, I can't get involved with races. I'm a Republican and you're a Democrat, but I've really enjoyed working with you. I've enjoyed having you on my committee and I want you to keep serving on my committee with me so I've written you a letter saying how much I've enjoyed working with you. Use it as you want. It's just a nice letter. Give me the address so I can send it to you." I said, "Bill, that is really, really nice of you. I am touched, just one problem, I wasn't on your committee." He said, "Oh well, I'll send it anyway." I guess I'm the only member of the Senate with a congratulatory letter for service on the Banking and Insurance Committee that never actually served on that committee.

Bill Posey, you're a great man, I've enjoyed working with you and you're just what Congress needs. Thank you.

**Senator Bullard:** I've served with Bill Posey eight years in the House and six years in the Senate. As a Representative and as a Senator, he had the driest humor and other times, very serious humor. You are the person who will tell it like it is and you didn't mind telling it like it was. For that reason I gained a great deal of respect for you because I would turn to you and ask you the question, "Is this safe for me to vote for?" He said, "I could tell you a lie, Larcenia, but no." I appreciate you for that fairness. I could go on and say many good things about you, but I especially want to recognize Katie. I was not just with you, I was also with Katie, as a spouse for two years. My, did we have a good time. So I want to recognize Katie for all the goodness that you gave to Senator Posey, because I'm sure that when spouses are working together, all things are good.

By direction of the President, Sergeant at Arms Severance escorted Katie Posey, Senator Posey's wife, to the floor of the chamber to join the Senator.

**Senator Posey:** It was sixteen years ago and I remember walking into the House Chamber on the opening day of session. Remember what the House Chamber used to look like on opening day? There were 120 desks and they were all covered with the most beautiful flower arrangements. It was splendor; if you've seen the Grand Canyon, the Pacific Northwest, the Alps, you know what I mean. In a picture book, they're just rocks but when you see the Alps, they take your breath away. That's

the way that chamber looked to me—it was splendor. All the activity buzzing around and I remember wondering “Wow, how did little ol’ Bill Posey from Rockledge get elected to this awesome place?”

Back in that day, as Senator Webster mentioned, we were in the minority. It seemed like everything they thought was wrong, I thought was right. It seemed that way for about four years. Then there was a changing of the guard. The reality is that I learned what true representative self-government was about. It was called the House of Representatives. It wasn’t called the House of Webster, King, Carlton or Posey. It was called the House of Representatives, and it was truly the House of Representatives. We had tall people, people that weren’t so tall; smart people, people that weren’t so smart; liberal people, conservative people; different colored people; honest people and people that weren’t so honest. That’s where I met Senator Webster, the most principled person I’ve ever met in my life. It truly was a compliment to the American experiment in representative self-government.

Then I came over to the Senate and many of the other House members came over here and enjoyed a much more pleasurable service. It’s been an unexpected highlight of my life. I feel like I need to spend the rest of my time thanking the people who have made this such a wonderful experience.

First of all, I think we have to thank the committee staffs that we have worked so closely with. Earlier today, Senator Atwater was thanking Brian Deffenbaugh and all he said about Brian covers just this year. He didn’t have a chance to go back into medical malpractice, workers’ compensation, viatical and personal injury protection (PIP). It was always a series of crises and we are so fortunate to have people like him and the other staff members who are there to make us look good. My first assignment when I got here was after the 2000 presidential election. They said I was going to have a really exciting assignment in the Senate. I figured, “Wow, Appropriations Chair as a freshman, that’s pretty good.” Then the assignments came out and it was Ethics and Elections. I found out the difference in the Senate, how much easier it was to work between the two parties over here. The election reform legislation we passed, signed off and developed by both parties, is being used for a model by most other states in this nation right now. It was a true testament to what a good bipartisan product could turn out to be and it surely was. I want to thank the Senate staff from the fourth floor to lower level for all they have done. They had an impact on every day of service that I’ve been here. It’s just a shame that we don’t have time to name each one of them individually. It’s a professional team unlike any that I’ve ever served with before in any other capacity in my private or professional life.

I want to thank my legislative staff. Russ Cyphers was the best man in my wedding in 1966. That’s how long I have known Russ. I’d take a bullet for him and he’d take a bullet for me. It’s been a pleasure to have him around. I got to know John MacIver when he volunteered to work on my Senate campaign and he did a great job. Unfortunately, in this process, I’m going to be losing John to law school. I won’t go into a lot of personal details about it because that would be indiscreet and you know how I am. He’s got a \$90,000 scholarship to Northwestern and he’s going to make a good attorney and a great judge some day. Patrick Gavin is back in the district holding down the fort. I’ve known Patrick since he was about four years old. He has been a good, loyal soldier for this state serving back in the district office. We have Jordan Howes, our OPS legislative aide, and Bobby Putnam, our intern this year; they are going to be outstanding. They have outstanding futures before them. Thank you all very much for your service with us this year.

Just in case there’s ever a need, I always have good back-up from my roommate, my good friend, my son, Senator Haridopolos. I have to thank the voters in this district and in the different counties that I’ve represented since I got elected—Orange, Brevard, Indian River and Seminole. All told, probably 600,000 different voters have had the opportunity to vote for me because my district has been moved around. They’ve given me an incredible opportunity to serve and I will always be grateful for that. If I had to come back next year and be with you in January, I don’t think that would be an awful thing either, folks.

I want to thank each and every one of you for being here and I mean that from the bottom of my heart. I have learned so much from each and every one of you since I’ve been here. When I was making notes, I knew I wouldn’t have time to go into a lot of detail, but I could tell a story of experiences that we’ve shared with each and every person in here. I just want you to know that I am honored to have served with you. I am proud

to have served with you. I am absolutely happy that you are here and I feel comfortable leaving state government knowing that so many of you will still be here to make sure the people of this state are served by the highest and the best possible public servants who really have hearts of servants.

Finally, I have to thank my family. You all know, like nobody outside this chamber knows, what it costs your families for you to serve. They pay a price whether it’s by your absence, by your diminished earning capacity, by the burden on your shoulders that makes it harder to smile when you walk in the door or when you are with your families. It is a heavy price that nobody who hasn’t walked in your shoes can possibly begin to comprehend. I thank you for that and I thank my family for that. My daughter, Pam, and my daughter, Cathi, and my grandchildren, Billy, Clarke and little Katie. It has cost them as well. Most of all, I want to thank my wonderful better half, my high school sweetheart and still the only single true love of my entire life, my wife, Katie Ingram Posey. Thank you darling. I love you. Thank you for the ride, it was good.

## SPECIAL PRESENTATION

On behalf of the Senate, President Pruitt presented a framed copy of CS for HB 1 (1999), the State Agency Performance Report Act, to Senator Posey.

## RECOGNITION OF SENATOR MARGOLIS

**President Pruitt:** Madam President. It has been an honor for all of us in this chamber to serve with you on your “second time around.” Like Senator Posey, you’re not leaving due to term limits; but in your typical, gracious way, you’re returning home to make way for another to take your place. After that meltdown in the House, there’s probably a good number of people who’d “move for you to reconsider.” Just kidding, Representative Gelber.

If we recounted all of your accomplishments, we would probably be able to fill every day of the entire last week of session. You presided over one of the most difficult budgets in Florida’s history. Your experience and help, by the way, have been of great value to us as we work through the latest budget challenges. You took on many complex and forward thinking issues, one of which is the marquee bill that we will present to you today.

The year was 1992. Gwen Margolis had just finished her first year as the first woman to serve as President of the Florida Senate. The previous year, she had sponsored a joint resolution to create the Florida Sunshine Act. But despite the strong support of the public, the measure failed to gain legislative approval.

Senators, not since I have been in the Senate has a presiding officer sponsored a piece of legislation. Yet, this bill was of such great personal importance to Senator Margolis, that she actually filed the Senate Joint Resolution during her term as President. In fact, when the bill came to the full Senate, she left her post at the rostrum to lead the fight on the floor—and what a fight it was.

As is customary in this process, the Senate and the House had very different approaches. *Florida Times Union* Senior Correspondent Randy Pendelton wrote in January 1992, “The Senate proposal goes further than the House’s, including a provision that would put most of the Sunshine Law for open meetings into the Constitution.”

Ultimately, the Senate Joint Resolution passed both chambers with only one single “No” vote. When it went to the ballot, the people of Florida gave it a strong seal of approval, passing the measure by an overwhelming 83 percent!

Senator Margolis, thank you for bringing sunshine to state government; not only in the form of open meetings and accessible records, but also in the sunshine of your presence—marked by wisdom, patience, and even-handed judgment. We thank you for your service, and wish you well as you write the next chapter in your already accomplished life history.

**Senator Diaz de la Portilla:** Gwen Margolis started her career in service to Florida in 1975. That was thirty-three years ago. To put it in perspective, that’s the same year that Saigon fell to the Viet Cong, effectively ending the Vietnam war; the same year that Saturday Night Live premiered its first episode, with John Belushi as the star, before

John Belushi was a star; and the same year that competing versions of the video cassette recorders were introduced in Japan. It was the year that Senator-to-be Mike Haridopolos was five years old, and writing the third chapter of his book.

From that moment on, for thirty-three years, Senator Margolis has been a tireless, relentless, and passionate advocate for all Floridians. Her passionate successes have been many. The President spoke of one. She was a pioneer in enacting Florida's Sunshine Law. She led countless fights on how to fund education in our state. She led the way in affordable housing for Florida's needy citizens. Any one of these accomplishments by themselves can define Gwen Margolis. In fact, it can define any politician's career. But in my mind and in my heart, her longlasting and never ending fight for women's rights will be her true lasting legacy.

She fought to enact equal access laws. She stood up for anti-discrimination legislation. Every step of the way, her ultimate goal was to level the playing field for all women of Florida. Even though I never quite clearly understood the legal and societal impediments that existed for women in this state, that never stopped her. In her eyes that glass ceiling would not stop her rise to the pinnacle of the Florida Senate. She was elected to the Senate in 1980. She became the first woman to chair the Senate Finance and Taxation Committee. She became the first woman to chair the Senate Appropriations Committee. In 1990, she broke right through that ceiling, defying all odds to become the first female President of the Florida Senate.

One of her first acts was to order the construction of a women's bathroom in the back of this chamber. Remarkably enough, there wasn't one, in 1990, Senators.

As President, she served during hard economic times in the Senate, in this state, specifically dealing with education budget difficulties. But difficult times can test people's will and tenacity and it sure did for Gwen Margolis. Those boys soon found out that when it came to pure grit, when it came to negotiating skills, and when it came to downright guts, they had met their match in Gwen Margolis.

In history's hindsight, her presidency has been considered one of the most successful ones in modern times. To this day, 16 years later, she continues to fight for the Equal Rights Amendment. I think every Senator in this chamber agrees that all people, regardless of race, gender, ethnicity or color, should be treated with respect and with dignity and should be equal in the eyes of the law. Senator, you can be assured that your passionate belief in equality of all Floridians will live on long after you leave this chamber. So at the end of the day, Gwen Margolis' greatest accomplishment is Gwen Margolis herself.

It is the example that you have set in your life and your successes. An example that says to every little girl in this state that no goal is unattainable, that no dream is too big, and that no obstacle is insurmountable. What a great role model you have been, Senator.

Finally, we all know that there will be another Senator from the 35th District sitting in that chair. But there will never ever be another Gwen Margolis. For this reason, this Friday will be a sad day for this state, this Senate and for me, personally. But a happy day and a new beginning for you, Senator as you seek to continue your public service in Miami-Dade County. The final chapter in your service to this state has not yet been written, and for that, Miami-Dade County should be grateful.

Godspeed to you, Senator, my friend, in your next adventure in life. Always know that here in Tallahassee, here in this Senate, you will be fondly remembered. You will always be loved and you will always be sorely missed. Your service to this state will never, ever be forgotten. I love you.

**Senator King:** I knew Senator Margolis when I was serving in the House, but I didn't know her well. After a few years over there and a few years over here, we developed some mutual friends in the Democratic Party, and also in the lobbying corps. It was coincidental that when my presidency began, Senator Margolis was elected too, back to the Senate. I will tell you that I had great trepidation because I remembered what Gwen was like when she was President of the Senate. I knew that she was going to come over here and she knew everything about being President, and I knew absolutely nothing. I was concerned about the fact that I was going to have to deal with somebody who had been in the post, looking over my shoulder all the time, second guessing my decisions, trying to guide my every move because she was so knowledgeable. The

first thing that happened, which I will always appreciate is, just prior to the time that we came up here to be sworn in, Gwen Margolis held a fundraiser for me in Miami.

You know, I don't think the Democratic party liked it very much, but she had a fundraiser for me and raised a ton of money. Now flip forward, we are serving in the Senate and I'm the President. I cannot tell you the number of times when I was in a box, as Presidents and presiding officers will attest happens frequently, that I didn't think I could ever get out of, and I needed votes, or I needed support, or I needed someone to offer something. Senator Margolis never, ever welched. She never, ever lost sight of the fact that when you are up there, you are up there over a whole Senate, not just your own party. Time after time, when I needed it, she would come up and say, "On this procedural vote, count me in. I know what you were trying to do. I agree with you, or even, I don't agree with you, but I'm going to give you the procedural vote to move forward or to stop what's happening," because she loves the Senate that much.

I don't know what I would have done without you, dear lady. I don't know what decisions I would have made that would have been even more stupid than the decisions I did make. I will tell you this, having you as my advisor and my friend will be something I will remember forever. I was one of your first contributors for your new post. I will always be there for you, and anytime you need me, just pick up the phone. Thank you, Gwen.

**Senator Rich:** I find it almost incredible that I am actually serving in the same chamber with you, Senator Margolis. I go back to the late 1970s or early '80s when I was an advocate coming to you, asking you to get things passed or to get money for programs like CHARLEE (Children Have All Rights Legal, Educational and Emotional) or Guardian Ad Litem. You were always there for me, for women, for children, for people who needed the most.

That's why it was so amazing when I came to the Senate and realized that I would have the opportunity to serve with you in this body. That has meant a great, great deal to me. I think we mentioned the legacy of the bills you have passed and those are all wonderful. So are the memories that many of us have here. But I think about the thousands upon thousands of women, in particular, for whom you have been the role model and mentor and that, my dear Gwen, is your finest legacy. Congratulations.

**Senator Margolis:** As I was listening to Senator Rich and all of you, I thought to myself, I don't know if I'm going to make it through this whole talk. I looked up there on that wall at those pictures, and you can see how many people I've served with and how many years I've actually been here. It's been a long time.

I started 34 years ago in the House. When I first started, we only had the old Capitol. My office was on top of Don Tucker's office and you had to go up the spiral staircase in the old Capitol to get to my office. It was full of bug droppings and all kinds of things. It was so far up in the attic I never knew there were lobbyists because nobody could come to see me. It's really kind of strange that I grew up to be the President of the Senate. I've come to this wonderful place; a place with camaraderie and friendship; a place like I've never seen before, where everybody is really accommodating, not backbiting, and wants to work out the best issues for the people of the State of Florida.

I thank you. I thank you, Senator King. I thank you, Senator Diaz de la Portilla, good friend; and Nan, thank you so much. Mr. President you've been wonderful to me. You've been fair and helpful and I appreciate it. My staff is great, Zack Kobrin and Cameron Sisser; and the whole staff of the Senate has been more than helpful. I have so many memories. I guess the biggest memory is leaving my children home and coming here. I have kids who say, "We really raised ourselves." Of course, they had a lot of help at home. When a woman comes here it's a different situation and, of course, I think they raised themselves very well. I'm very proud of them. I have seven grandchildren and look forward when I leave here to spend time with them again.

It has been an experience of a lifetime, something that I will never forget. I love you all. I respect you all and thank you.

**SPECIAL PRESENTATION**

On behalf of the Senate, President Pruitt presented a framed copy of CS for CS for HJR's 1727, 863 and 2035, [Senate Companion SJR 1288] (1992), the Access to Public Records and Meetings, to Senator Margolis.

**RECESS**

On motion by Senator King, the Senate recessed at 12:54 p.m. to reconvene at 2:00 p.m.

**AFTERNOON SESSION**

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

**SPECIAL ORDER CALENDAR, continued**

**SB 42**—A bill to be entitled An act for the relief of Rhonda A. Hughes by Escambia County; providing for a county appropriation to compensate Rhonda A. Hughes for injuries sustained as a result of the negligence of a county employee; providing a limitation on the payment of attorney's and lobbying fees and costs; providing an effective date.

—was read the second time by title. On motion by Senator Hill, by two-thirds vote **SB 42** was read the third time by title and failed to pass. The vote was:

Yeas—16

Mr. President	Fasano	Rich
Aronberg	Haridopolos	Ring
Bullard	Hill	Siplin
Dawson	Joyner	Wilson
Deutch	Justice	
Diaz de la Portilla	Margolis	

Nays—17

Alexander	Dean	Peaden
Atwater	Gaetz	Posey
Baker	Jones	Saunders
Bennett	King	Webster
Carlton	Lynn	Wise
Constantine	Oelrich	

Vote after roll call:

Nay—Crist, Dockery, Garcia, Storms

On motion by Senator Lawson, by two-thirds vote **CS for CS for HB 443** was withdrawn from the Committee on Health Regulation.

On motion by Senator Lawson—

**CS for CS for HB 443**—A bill to be entitled An act for the relief of Marissa Amora; providing an appropriation to compensate Marissa Amora, a minor, for injuries she sustained as a result of the negligence of employees of the Department of Children and Family Services; requiring a specified legislative budget request; providing a limitation on attorney's fees, lobbying fees, costs, and other similar expenses relating to the claim; providing an effective date.

—a companion measure, was substituted for **CS for SB 46** and read the second time by title. On motion by Senator Lawson, by two-thirds vote **CS for CS for HB 443** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—6

Alexander	Carlton	Oelrich
Bennett	King	Webster

Vote after roll call:

Yea—Garcia

On motion by Senator Diaz de la Portilla, by two-thirds vote **CS for HB 787** was withdrawn from the Special Master; and the Committee on Environmental Preservation and Conservation.

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

**CS for HB 787**—A bill to be entitled An act for the relief of Brian Daiagi by the South Florida Water Management District; authorizing and directing the South Florida Water Management District to compensate Brian Daiagi for personal injuries that he suffered due to the negligence of the South Florida Water Management District; providing a limitation on attorney's fees, lobbying fees, costs, and other similar expenses relating to the claim; providing an effective date.

—a companion measure, was substituted for **CS for SB 64** and by two-thirds vote read the second time by title. On motion by Senator Diaz de la Portilla, by two-thirds vote **CS for HB 787** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—22

Mr. President	Hill	Rich
Atwater	Jones	Ring
Bullard	Joyner	Saunders
Dawson	Justice	Siplin
Dean	Lawson	Villalobos
Deutch	Margolis	Wilson
Diaz de la Portilla	Peaden	
Haridopolos	Posey	

Nays—15

Alexander	Crist	Lynn
Baker	Dockery	Oelrich
Bennett	Fasano	Storms
Carlton	Gaetz	Webster
Constantine	King	Wise

**RECOGNITION OF SENATOR DAWSON**

On motion by Senator King, the following remarks were ordered spread upon the Journal:

**President Pruitt:** When a Senator serves for as many years as Mandy Dawson has, she becomes associated with certain issues or policy areas. Senator Mandy Dawson, since the day she arrived in the Legislature and continuing through to her last session as a state Senator, has been a champion for the health, welfare, and safety of children.

Inside an outer shell that has suffered a lot of physical pain, there resides Senator Dawson's compassionate heart. She has shown that compassion through the bills she has supported and filed over her 10 years in the Senate, from her work on Kidcare to her efforts to improve the foster care system.

But it is not only the bills she has filed.

She's very active on the community level: I know we all witnessed her heart of service for children, as we watched the photo slideshow on the first day of session.

Senators, the parting gift that we believe is a fitting piece of legislation to honor Senator Dawson is the "Unattended Child in Motor Vehicle Act," which passed in the 2007 legislative session.

In response to the rise in tragic deaths of infants and young children who were left in cars, Senator Dawson went to work to save lives. First, on the local level, working on a public awareness campaign; she then brought forth legislation, the bill that is now framed and before us today.

Senator Dawson, thank you for your service to the State of Florida. We hope this bill will be a reminder to you of the difference that you made in the lives of many Floridians.

**Senator Siplin:** I wanted to say a few words about the person I affectionately call "Sister girl." I never had a big sister, but Senator Dawson over the six years that I've been in the Senate has become my big sister. Often times we would ride home together to Orlando. We would be driving down I-10 or I-75 and she would say, "Gary, slow down. You're following too close" or "Move over." I would say, "You sound like my wife." She is always giving orders to protect what I consider her little brother.

The other thing I want to say about Mandy is that she does have compassion for the job that she has undertaken as the Senator for her district. I remember about four years ago, I had a blood clot in my left leg, from the bottom of my heel to the middle of my thigh. The blood clot broke off and went into my lungs. I was in the hospital for about two weeks. I was confined and could not continue to do my work as a Senator. As we look over this chamber, other Senators have also had their own health issues. Mandy has had her health issues, but she has fought through them. She has come to committee meetings when she probably wasn't feeling the greatest. She has come to Session when she had health issues, just to be here to continue to represent the people that she has fought so long for throughout her career.

As an example of the compassion that she has shown, Mandy gives away over 10,000 toys to her constituents every year. She feeds the elderly every year. She even has a foundation, the Mandy Dawson Foundation that gives at least \$50,000 in scholarships to needy kids in the inner city. In fact, during Hurricane Katrina, she teamed up with members of the Black Caucus and Senator Hill and took busloads of food. She went herself. There were some health issues that she had already which she could have exacerbated by going to New Orleans. That reflects her compassion for the little guy, the downtrodden and the weak. We know that a person is more blessed when they consider the weak and the poor. Their lives will be improved with it.

Friendship. Senator Dawson has always been a friend to me. I define a friend in very simple terms. A friend will bring soup when any friend is sick at 2 o'clock in the morning. A friend will help a person who is unemployed for several months to pay his or her mortgage. That's a friend. Senator Dawson is a single grandparent and a single mother. She hasn't had the employment or the entrepreneurship or the results that some of us have had in this august body. The thing that touched my wife, Victoria, my four boys and myself, was when they suspended my livelihood that I had been involved in for 20 years and could not work in the trade that I had been trained to do, my good friend, my "Sister girl," gave my wife two checks. That means a lot to me, Senator Dawson. Victoria wanted me to tell you that we love you, and we know that you have a good future ahead of you. God is going to bless you and your children and your children's children. I love you too, "Sister girl."

**Senator Crist:** Members, this is strictly impromptu. I wasn't expecting to do this, but I felt very strongly compelled. I know of all of you that are here in this chamber, there is a handful that I am close to. Mandy is one of those souls that I am very close to.

We came in at the same time in the early 90s in the House as two young, green freshmen. She was a member of the majority party and I was a member of the minority party. I had some pretty aggressive ideas in those days of overhauling our justice system. I wanted to rewrite our criminal codes and I wanted to pass laws that would reduce the crime rates in Florida. I wanted to pull juvenile justice out of the Department of Health and Rehabilitative Services. I had some pretty radical ideas. Mandy pulled me aside and said, "If you slow it down a little bit and try to build a little more consensus, you wouldn't be such a lightning rod." I tried to do that, but we still opposed each other on the floor for many years on issues.

It wasn't until about 12 years ago, we were both at a function that Al Lawson was hosting. It was the annual gala. I was there and Mandy was there. Neither of our dates danced. Both Mandy and I learned very quickly that we had something very strong in common and that is that we loved to dance. So we danced all night long and left our partners off to the side.

For the last 12 years, she has been my companion to functions when our significant others were not able to attend, thereby providing friendship and companionship. As a result of that, we've developed a friendship that reaches outside the legislative process. She is probably one of the least understood and, I believe, the least known members of this body. She has a heart that is absolutely beyond comparison. Her love for people, for children, for this process and even for all of us in here extends widely.

I learned a lot working with her in this process. I am very, very, very grateful to have you as a friend and I look forward to whatever it is that you move on to after this. I'm sure it will be working to help children and families. You can count on Victor to be there with you.

**Senator Bullard:** There are many Senators who are leaving with whom I came in. There are some people where I have to say something; it's in my heart and I have to say it.

We were in the same class in the House when I met Mandy. I think that was the largest class at that particular time. There were 47 of us. At first, I stood off because I didn't know her. But one day, she came to my office and said, "I would like to take you to lunch." She and I went over to Andrew's and we talked. The one thing she said to me that I will not ever forget is, "I want to try marriage. I want you to tell me what you think about it." I shared what I thought about it. She said, "Well, I'm going to try it, but I don't know if I can do that." The bottom line is that she did try. Today, I look at her and say "Mandy believes in health care and children. She believes in doing what is right." The people in her district love her. They speak of her in the highest regard.

I got to know Mandy when she would come to my office and we would pray. How many times has she come to my office and said, "Senator Bullard, I want you to pray with me?" Those were the times that I will cherish; the times at Andrew's; the times we talked about those situations regarding children and families; and those times we prayed together.

I say to you, continue to pray and it will make you stronger. Thank you.

**Senator Lawson:** I knew Senator Dawson when she was a legislative aide. I also knew Senator Dawson when she was in college. She was a very conscientious young lady who was destined to rise to great heights. As an aide in the House, she was very well recognized as someone who took good care of her Member, and as a person who would eventually probably come to this process.

I spent a lot of time with her. One of the things that most members don't know about Senator Dawson is that for a while, she travelled all around the country, going to seminars and meetings on health care, trying to come back and let people know what we need to do in the State of Florida. She was the lead person in the Black Caucus for health care. She was always a person you could count on for support, as Senator Siplin stated. I can't tell you how many times we have talked late at night about what she wanted to do for children and health care. Eventually, she really got involved in HIV/AIDS and how HIV/AIDS was destroying our community, and what we need to do to improve and educate people on this dreadful disease, on how we can give people a better quality of life.

Over the years she's been very supportive of me. I know that you care, Mr. President, for Mandy Dawson; all the things that you have been involved in. There's not too much that many of us would not do for Senator Dawson. We love her. I'm sure that as she retires from this legislative body, that she won't go away. She's going to continue her efforts in order to give people a better quality of life. I know of no other individual that cares so much, members, about all of you. I've hardly been in conversation with Senator Dawson when she was not mentioning some members in this body who have reached out to her when she has been ill; members in this body that she wanted to help.

I was visualizing the other day, Senator Dawson and Senator Crist dancing at the Gala. Senator Crist had an Afro at that time, but I can tell you that she was a lot better dancer than Senator Crist. I thought that it would be appropriate that I tell her, in the words, Mandy, of a great President, and I use this often: "People will little notice, nor long remember what you say here, but they will never forget what you did here." Congratulations.

**Senator Dawson:** I have to tell you I am so thankful to God, to my family, and to you guys, my family. The next person who gets my office (410 Senate Office Building) needs to put in a request first. It depends on who's the President that's coming in and I think that's Senator Atwater. So if you want that office, and it's one of the largest, now is a good time to start with Senator Atwater in getting that office. Senator Atwater can get all the faxes now.

I want to leave on a high note, because I've had so much fun here. I have to tell you, Senator Crist, the problem was that he and I were with younger people who left us. So we ended up together at several of the dances, from the Black Caucus dances to the President's dances. Eventually, he got a wife and I had to ask permission. But I had all of you and I had my work to do and that's what I think God intended for me to do in this journey of life.

Many of you are new and I don't know you very well; but I know you in my heart because I know that no one comes into this body without some sort of love or commitment and trust of the process. I'm still wondering if God has a sense of humor because I made it here.

I am happy to say that there are so many things that when God entrusted the citizens of the 29th District and those of the great State of Florida to me, I had a great concern for the issue of health care. I wasn't sure whether or not people heard or knew that there were differences which were significant and were quite costly to the State of Florida. Many of you, when I first got here in 1992, the year of change, supposedly, also found that we needed some change in the way that we dealt with women's health care. We've come a long way. We've done some really good things because we now talk about issues that we used to gloss over. Women are better off these days. We got the osteoporosis legislation and it took me a long time to get that. It took putting Senator Grant in the machine and having him realize that he had osteoporosis. That was a big feat for women. We have breast cancer checks. We've done great things for men in the way of health care, as well. We've made a dent and recognized that HIV/AIDS is a potential killer, and quite costly to the citizens of the State of Florida. And on that issue, I know we can do better.

I also want to take the opportunity to thank my staff, who are here with me today. Chandler Williamson came to me from the Urban League. Most of you know Chandler, he's "Mr. Hey There." He has put up with a lot. There's Alberta McCarthy, who came to me from the City of Delray Beach. At home is Elizabeth Honorat, who couldn't be here with us today and we also have Vontese Jones, who's my OPS person. We're starting them new and younger.

I want to also thank the Senate President. We came in a little bit behind each other, but we've had so many times together. For always listening, for always understanding, and for always having an open office, I thank him. When I first got over here, going to the President's office was like, "Ooh, you've done something bad." But it didn't necessarily mean that for this President. President Pruitt, you know this has not been one of my best years, but it's been a good year.

I do want to say to each and every one of you how very much you mean to me and how much I've learned and grown. I've learned even from you, Senator Posey. I've learned so much. Senator Posey and I have been together forever. He's Mr. Insurance, and I just don't fight him anymore. I've learned so much about compassion and differences. This is why I

appreciate this Senate and I couldn't wait to get here. Paula Dockery, you were with me over in the House and we wanted to get into this Senate. There's nothing like sneaking into the Senate when you are a House member and trying to sit in the golden chairs. But I knew that if I could become a part of this Senate, that ideas would be formed and policies would be conjoined and we would look more like the State of Florida. To all of you, I leave and ask that you would continue to do that. We have come such a long way since the 90s. We were in the majority party; now you're in the majority party. But I'm not sure sometimes when I look at the policy, of who's in the majority and whose ideas are the minority, and that makes me quite happy. That is why I wanted to serve in this Senate, because I knew that there would come a day that as Senators we would act and become the upper statesmen for the people of the State of Florida. You have shown me that; and that for me, has been a gift of love for the people of the State of Florida.

I want to leave by saying that my parents were simple people, Clifford and Altamese Harding of Daytona Beach. I grew up in Senator Lynn's neighborhood. My parents taught me to be honest with everything that I do. They also taught me that there is good in everyone. My three daughters taught me that no one has the power to define who you are. I have learned such great lessons. I have tried to stand and make my parents proud, and especially, my little girls who taught me the most important lesson in life. Now as I leave, I have a 5-year old who calls me "Mimi," and I have a month-old granddaughter as well.

So when I leave here, I'm still going to be doing good things for children, my own this time, for a little while. I pray that you continue the good work. Senator Bullard and I did have a nice conversation when she drove. On the way back, I noticed that she stopped at every corner, and I made a comment and said, "Wow, Senator Bullard, you don't drive like people from Miami. Where did you get your license from, 7-Eleven?" She said, "No, Sears." She was telling the truth. So, I'll leave that with you, you may not want to ride with Senator Bullard, she really did get her license from Sears a few years ago.

I want to leave with you the ability to continue to pray for the work that we must continue to do to make Florida great, on behalf of the people who trust us and lend us their vote and their confidence. With that, my Senators, I love, eternally, you all. Thank you, Mr. President.

## SPECIAL PRESENTATION

On behalf of the Senate, President Pruitt presented a framed copy of SB 2 (2007), the Unattended Child in Motor Vehicle Act, to Senator Dawson.

## RECOGNITION OF SENATOR SAUNDERS

**President Pruitt:** Senator Saunders is truly an unsung hero. Senators, I have never ever heard an unkind word, a complaint, or a demand from this man. Year after year, he quietly and gently goes about his work without a thought of taking credit for himself. Don't mistake that quiet demeanor for inaction—for Senator Saunders has been one of our most accomplished members of this Senate.

It wasn't hard to select a marquee bill for Senator Saunders—not because we didn't have a lot of choices, for there is not a single area of public policy where he has not made a contribution. It was easy to choose his marquee bill because it's a crowning jewel of public policy in our state: the "Everglades Restoration Investment Act."

Passed in 2000, this is one of those issues where the sponsor's background, experience, and passion created the perfect advocate for a big public policy idea. Senator Saunders is not only a lawyer, but he also holds a degree in physics and a specialized degree in coastal and ocean law. He has always had a strong commitment to the environment. Senators, he was green way before it was cool to be green.

Senator Saunders had the vision to send a strong message to Congress that Florida was ready, willing, and able to do our part in being a good steward of this national treasure.

The results couldn't be better. The State of Florida and our partners at the South Florida Water Management District have invested over \$2.3 billion to restore the Everglades. In our first phase, we acquired over 217,000 acres of land. 217,000 acres! In the next phase, Florida has begun constructing restoration projects: most notable is the restoration

of Picayune Strand—we have literally backfilled over three miles of canals and restored 13,000 acres of wetlands that now benefit the endangered Florida panther.

It just takes your breath away.

Senator Saunders, I hope that you are filled with a sense of satisfaction and accomplishment. Your contribution to this state will continue to be felt, not just today, not just tomorrow, but for generations to come.

**Senator Carlton:** Thank you, Mr. President. It's my privilege and honor to talk to you a little bit today about my friend, whom I call B. Saunders. Those of you that know the story behind B. Saunders, know that when we were all in the House, there were two Saunders. One was Dean Saunders, from I think, Polk County and the other one was Burt Saunders. So the vote board, instead of saying Saunders, said B. Saunders. So he became known as my friend, B. Saunders.

We came into the House together, and we moved from the House to the Senate together. So we have spent our entire legislative careers together. We sat next to one another on the floor. Most of you know, if you served in the House, that on the floor, in the House, as freshmen on the back row is a really interesting place to be. You really can't say anything, because you really don't know much to say. You learn a lot about one another, you talk to one another, you tell stories about one another and you watch the people around you. You also try to be helpful every once in a while. One particular time when Senator Saunders and I were being just a smidge too helpful comes to mind and I would like to share that with you.

We really wanted to make sure we followed all of the rules, because it was very important that we follow all the rules. We didn't want to get into any trouble. We thought that the most important thing you could do is make sure that if your neighbors were not around when it came time for an important vote that you press their button. Senator Saunders and I took that job very, very seriously. So, for one entire day in the House of Representatives, and interestingly enough, looking back on it, on a series of amendments to the budget, we spent an entire day punching the button of a colleague who sat next to us. This was back when there were about 200 amendments to the appropriations bill, so this went on and on. Well, towards the middle of the afternoon, we got a little visit from Leader Webster, and I think, Mr. President, it might have been you, as well. I can't really remember. They said, "We would like to know who has been punching so and so's button." I looked at Burt and he looked at me. I said, "I don't know. What do you mean, who has been punching so and so's button?" They said, "Well, you know you really are not supposed to do that if the person is not on the floor." So the both of us looked around us rather dumbfounded and we said, "Oh, okay. Well, we won't do that anymore." You will never ever see either one of us press somebody's button who is not anywhere in sight on the floor because of that story.

I'd like to tell you about the B. Saunders that you don't know. The B. Saunders that you don't know is the B. Saunders that I know the most. The B. Saunders that I know has an undying love and devotion for his family. He takes his kids to school every morning that he is home and they usually stop, at a McDonald's or somewhere along the way to have a healthy, nutritious breakfast. He spends a lot of time with his sons, and when you talk to him about his sons, he knows every single thing that they are doing. He is one of the most involved fathers that I think I have ever spoken to. He knows what they are doing, when they are doing it, what activities they are signed up for. He takes them to most of the activities and he is an incredible role model for all the fathers on this floor. Their needs and the welfare of his family have always come first in his life. He is also very actively involved in his temple, and you know when I got to the Legislature, I really didn't know there were Jewish Republicans. It was just sort of a phenomenon at that time. So he was not only green before green was cool, he was a Jewish Republican before I knew there were Jewish Republicans. He has an incredible wife who is a medical doctor, so you can imagine the complexities of his family life when he is here in Tallahassee and she is at home in a very busy medical practice, trying to raise two kids while B. is up here in Tallahassee. His two sons, twins, many of you have met. They have been Pages here on the floor. Matthew and Jonathan just completed their bar mitzvah. They are twins, so they did it at the same time.

He lost his father recently. For those of you that had a chance to learn a little bit about B.'s father, he was a wonderful person. The dedication

and love that B. had for his father was incredible. He called him every day. He visited with him and he really showed me what kind of person he was in the way he treated his father during his father's last years.

B. doesn't look adventurous, does he? He kind of looks rather conservative. You know, kind of inside the box. However, I will tell you, not many of us can say that we have climbed the summit of Mount Kilimanjaro as part of a major fundraising effort for a children's hospital in Southwest Florida. But he has. He is also, believe it or not, and I'm not sure when he has time to do this, a Boy Scout troop leader.

I'm going to tell you one story about that because I think this symbolizes the kind of person he is. He is a Boy Scout leader. His sons are in a Boy Scout troop and all of you who have done this kind of thing know it is very time consuming. They are just constantly going on trips and overnight camping trips. You know it takes a lot of time. But it is time that he gets to spend with his sons which I think is very special. They have a really good time together. You know, sometimes as parents, we like to brag to other parents about all the things we do for our kids and we spend a lot of time with them. I want to tell you a story about one of those Boy Scout camping experiences. I had expected him to tell me a little bit about what he had done with his sons and the particulars of the camping trip. He told me about a little boy in the troop who was sort of down in the mouth. The child had very little self-confidence. He was very nervous around the other kids. He was very shy and his self-esteem was quite low. On a Saturday morning, they were all going to get up and trek to the top of the mountain. The other kids and the other leaders were making comments about how this particular little boy probably should be in the back, because he was going to hold everybody up. Or maybe some of the parents could stay back at camp and maybe not let him come with them. So, Burt got together in his usual quiet, understanding way, and he talked to the other camp leaders. He said, "You know what? I think he needs to be in front. I think when we trek out of here in the morning and we start walking up the mountain, he needs to be in the front. I'll go up there and I'll walk in the front with him and I'm going to help him along the way and if he starts slowing down, I'm going to push him forward. I'm going to help him get going." The next time they had a Scout camping trip, Burt will tell you, the light in that little boy's eyes changed. All because Burt took some time with him, helped him, showed him how he could be a leader and how he could be successful, that changed that little boy's life. That's the kind of person that B. is. He doesn't do things for himself. He does things for others and he does it in a very quiet and a very understanding way.

Now balance that with the fact that Burt is an NRA enthusiast. Burt owns quite a few guns. He spends a lot of time at the gun range practicing. He doesn't just own, you know, common guns. He has AK 47's and, you know, we are talking serious firearms here. He goes on paintball wars with his sons and for their thirteenth birthday, I think he lost a paintball war game. But I think he had a good time playing it. He is a NASA enthusiast for those of you from the Space Coast. He also enjoys spending time with his family on the beach and kayaking.

Now if you ever get B. Saunders upset with you, and he really doesn't get upset very much; his way of telling you that that's the dumbest idea he's ever heard of, without saying it that way is, he rolls his eyes. So, if he's ever rolled his eyes at you like he's rolled his eyes at me over the years when I've given him a couple of great ideas that I thought were great ideas, he does one of these numbers with his eyes, that means that it's the dumbest idea he has ever heard of.

B. Saunders and I started a new tradition a few years back. We were both a few years younger, of course. That is walking the stairs in the Capitol. B. Saunders is an avid exerciser. He exercises quite a bit. We walk the stairs in the Capitol quite a bit. We've enjoyed doing that, we've had a lot of fun times and a lot of fun conversations while we were walking the stairs. We took our last flight up today. This morning, we met at 6:30 a.m. out in front of the Capitol and we took out last flight up the stairs. What I say to my friend B. Saunders, Senator from the 37th District, you know our memories of yesterday are going to last a lifetime. We're going to take the best, and we're going to forget the rest. Someday we're going to find that these were the best of times. I love you, my dear friend from the 37th District. I look forward to seeing what's next on your plate.

**Senator Bullard:** Those of you who do not know Senator Saunders, whom I have affectionately called "Burt," for six years, he has been my seat mate. When I arrived here in the Senate, I was just beginning to

walk again. I had just gone through some very serious therapy. I was without the ability to walk for almost a year. I was just recovering, but many people did not know that, but I shared it with him. He would give me little hints of encouragement. If I dropped something, I didn't ask this gentleman to get it; he just figured it out because he knew that I could not reach it.

Every morning, he would serve me orange juice. He would bring the orange juice to my desk, and for that, I appreciate him. I appreciate you so very much. For the day you and the Sergeant lifted my chair, pulling it out and pushing it in for me. I appreciate you for all of the little things that you did for me, that many people will never know. You treated me almost as if we were relatives, or brothers and sisters, in a bond for six years because you knew that I needed you. It didn't matter how big it was or how small it was, you helped me. You helped me stand today; you gave me advice on what I needed to do in terms of exercise. I took that advice.

I want to say "I'm going to miss you." Since this is your last week, I've been serving you orange juice every morning this week. So don't you dare go to the orange juice container because I will continue to bring you a cup of orange juice. I want to thank you abundantly for caring enough to never think anything was too small or too big to help me with in a time when I needed you. Thank you.

**Senator Dockery:** Senator Saunders, I have so enjoyed working with you both in the House and in the Senate. The comment was made earlier that you were green before it was cool. I'm not sure it still isn't cool but you and I are a few of those who do tend to go along the green ways. I have truly appreciated working with you and serving on your Environmental Protection Committee this year. This was the first time that I wasn't totally involved in the environmental issues and the way that you handled that committee and those issues was phenomenal.

I want to thank you for two things. Number one, for showing an independent side and not always voting the easy way, but voting the way that you thought was right, whether it was environmental or on any other front. Second of all, when we were in committee and there were controversial issues, it would have been easy to pass them on and let it be the next committee's problem. But you held them there; you gave everybody an opportunity to work things out; and if the bill still wasn't ready for prime time, it didn't leave that committee.

Your leadership is one that we all can learn a lot from. I wish you well in your future endeavors. You have shown tremendous, tremendous effectiveness both in the House and in the Senate. It has been my honor to get to know you and to work with you.

**Senator Rich:** I arrived in the Senate in 2004 and I had the very good fortune of serving on two committees which Senator Burt Saunders has chaired. The first two years was Health and Human Services Appropriations, and this year it was Environmental Preservation.

When I came over here, I think everybody who comes over here says, "Oh, I'm so glad to be over here." This is a much more collegial body and you are respected for your ideas and your experiences. I can say that there is nobody in this process who is a better example of that than you. I have four years to show for it. I thank you for all you have taught me in this process. I wish you the very best in your future endeavors. Thank you, Burt.

**Senator Saunders:** I was doing well until Senator Carlton mentioned my dad and that got me a little emotional. Senator Carlton, I certainly appreciate your comments. Everyone, I can't tell you how much I appreciate those fine comments. Mr. President, I want to thank you for giving me a chance to say a few words as I prepare to leave the Senate. I can tell you this last 10 years has gone by like a flash. There's a lot of truth to the old saying that "time flies when you are having fun." For me, this has been a great adventure and a lot of fun.

Mr. President, before I start, I want to thank you for all that you have done in terms of leading this Senate. The job you have done has been unbelievable and incredible. The professionalism and the decorum that you have brought to this Senate will have long-lasting and positive impacts on the entire legislative process. That will be for a long, long time. You truly have brought the Senate together.

I also want to thank you for giving me the opportunity to chair the Environmental Preservation and Conservation Committee for these last

two years. I was kind of pigeon-holed in Health for a long time and quite frankly, I was getting a little stale in that position. You gave me an opportunity to chair this committee, to work on some very great issues like Florida Forever, the Everglades, and energy. I can't thank you enough for that. I will tell you the staff of that committee is unbelievable under the leadership of Wayne Kiger. That staff has done an incredible job especially this year with some of the unexpected surprises that we had to deal with. They were never too tired to deal with those issues and to answer my questions and to help out. They did a great job.

As I was thinking about some of the things I would like to say today, I started to reminisce on some of the things that I will remember. The Florida Senate is really blessed to have membership with unquestionable character. As I look around the room, there is no question about your dedication to serving your constituents and serving the citizens of Florida and to make life better for all of our citizens. You have unquestionable character. I was thinking that what I'm really going to remember are the real characters that we have here in the Senate. And we do have some real characters. Senator Bullard, as she mentioned, has been my seat mate for the last six years. I will never forget hearing her sing "Happy Birthday, Mr. President." Her various roles in the skits I'll never forget; and most importantly, her positive attitude. She is always positive about everything. It's contagious and I appreciate that. Senator Wilson's hats and Senator Siplin's suits and ties; the most fabulous attire I've ever seen anywhere. I wish I could wear clothes like that and look good but I couldn't do it. What is most important is how passionate they are for their constituents. That's what I'll remember most.

Senator Geller, your single malt Scotch tastings—you have one tonight. Lox and bagels in the minority office every Wednesday. Wonderful stuff. Senator Aronberg, who is our Harvard lawyer, singing songs to Senator Geller at the press skits. Most importantly, digging for worms in the Panhandle. I'm sure that Senator Aronberg was wearing his \$250 shoes while he was doing that. Senator King, speaking of characters, you are the funniest human being I have ever known. I certainly hope, at some point, you write a book about the legislative process, especially after all applicable statutes of limitations have run out. My good friend, Senator Carlton, who is always smiling, who is always gracious, who is always in a great mood, but like Margaret Thatcher, is always in control. What a wonderful, wonderful leader you have been. These are a few of the characters that I will remember in the Senate; but all of you are characters in your own way and I will remember all of you.

I think the most important thing that I will remember as a member of the Senate is the good work that we have done for the citizens of Florida: improving public education, working on the environment, making sure that we have a clean environment for the future, protecting our children from pedophiles. These types of things are so important and I will always remember the opportunity to have worked on those. I can tell you that it's been the highest honor for me to serve in the Florida Senate. It's been an absolute pleasure to serve with each of you here.

There are a few people that I want to thank for helping me over the years in making sure that I would have a modicum of success. We've all said "No one can serve in this process without the love and support of their family." My wife has given me the opportunity to spend the last 14 years in the Legislature. My oldest son was 11 years old when I was elected. As was noted, my twin sons are 13 years old now but they were born about a month before I went into my first session. So they have sacrificed the most to help me accomplish what I've been able to accomplish. It is my hope to be able to make it up to them at the end of this session.

My chief legislative aide, Randi Rosete, has been with me since the very first day that I was elected to the Florida Senate. She continues to run the show with great enthusiasm, great intelligence and effectiveness. So Randi, I want to thank you for helping me accomplish certain things and letting me take all the credit for that which has been very important. I have Erica Atalla with me who is our student from F.S.U. She just graduated and has spent the last two years working in my office and she's done a great job. But I also have a great office staff down in Naples. Sandy Mummert and Kim Schlottman are true public servants. They keep my constituents very happy down there. I want to thank them for all that they have done.

Mr. President, you have started a very important tradition of bringing all of the Senate staff here to thank them. I want to thank our Senate staff. Without question, the Florida Senate is blessed with the most

effective, the best-trained and the most professional staff of any legislative body in the country. I have had the pleasure of working with a lot of them over the years. I want to thank them again for everything that they have done.

So members, I want to thank all of you for all of the memories. I want to thank you for your service to the citizens of Florida. As I look around, I know that the future of Florida is very bright in your capable hands. So God bless you and thank you for all of your assistance over the years. I'll look forward to seeing you in the future. Thank you, Mr. President.

**SPECIAL PRESENTATION**

On behalf of the Senate, President Pruitt presented a framed copy of CS for CS for HB 221 [Senate Companion CS for CS for SB 1694] (2000), the Everglades Restoration Investment Act, to Senator Saunders.

**SPECIAL ORDER CALENDAR, continued**

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

**CS for CS for CS for HB 653**—A bill to be entitled An act relating to the Corporate Income Tax Credit Scholarship Program; amending s. 220.187, F.S.; providing legislative findings; revising program purposes; providing that siblings of certain students are eligible for participation in the program; revising provisions authorizing the total amount of tax credits that may be granted and deleting the reservation of a portion thereof; revising authorized uses of scholarship funds; revising provisions relating to expenditure of contributions received by a scholarship-funding organization during a state fiscal year; authorizing expenditure of contributions for specified administrative expenses by certain scholarship-funding organizations; providing for the annual return of specified eligible contributions to the State Treasury; correcting a cross-reference; revising scholarship amounts and providing for adjustments in future scholarship amounts; revising requirements relating to verification of student attendance for purposes of scholarship payment; providing for preservation of credits under certain circumstances; requiring the Office of Program Policy Analysis and Government Accountability to submit a report on funding for the scholarship program; specifying report requirements; providing an effective date.

—which was previously considered and amended this day.

Pursuant to Rule 4.19, **CS for CS for CS for HB 653** as amended was placed on the calendar of Bills on Third Reading.

---

Consideration of **CS for SB 1490** was deferred.

---

By Senator Margolis—

**CS for SB 1502**—A bill to be entitled An act relating to property leased for public purposes; amending s. 125.031, F.S.; exempting counties operating under a home rule charter from a 30-year lease limitation under certain circumstances; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1502** was placed on the calendar of Bills on Third Reading.

---

By Senator Saunders—

**CS for SB 1552**—A bill to be entitled An act relating to Everglades restoration bonds; amending s. 215.619, F.S.; extending the period during which such bonds may be issued each fiscal year; providing an effective date.

—was read the second time by title.

**MOTION**

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

Senator Saunders moved the following amendment which was adopted:

**Amendment 1 (827118)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Subsection (1) of section 215.619, Florida Statutes, is amended to read:

215.619 Bonds for Everglades restoration.—

(1) The issuance of Everglades restoration bonds to finance or refinance the cost of acquisition and improvement of land, water areas, and related property interests and resources for the purpose of implementing the Comprehensive Everglades Restoration Plan under s. 373.470, the Lake Okeechobee Watershed Protection Plan under s. 373.4595, the Caloosahatchee River Watershed Protection Plan under s. 373.4595, and the St. Lucie River Watershed Protection Plan under s. 373.4595, and the Florida Keys Area of Critical State Concern protection program under ss. 380.05 and 380.0552 to restore and conserve natural systems through the implementation of water management projects, including wastewater management projects identified in the “Keys Wastewater Plan” dated November 2007 and submitted to the Florida House of Representatives on December 4, 2007, is authorized in accordance with s. 11(e), Art. VII of the State Constitution. Everglades restoration bonds, except refunding bonds, may be issued only in fiscal years 2002-2003 through 2019-2020 ~~2009-2010~~ and may not be issued in an amount exceeding \$100 million per fiscal year unless:

(a) The Department of Environmental Protection has requested additional amounts in order to achieve cost savings or accelerate the purchase of land; or

(b) *The Legislature authorizes an additional amount of bonds not to exceed \$50 million per fiscal year, for no more than 4 fiscal years, specifically for the purpose of funding the Florida Keys Area of Critical State Concern protection program.*

The duration of Everglades restoration bonds may not exceed 20 annual maturities, and those bonds must mature by December 31, 2040 ~~2030~~. Except for refunding bonds, a series of bonds may not be issued unless an amount equal to the debt service coming due in the year of issuance has been appropriated by the Legislature. *Beginning July 1, 2010, the Legislature shall analyze the ratio of the state’s debt to projected revenues prior to the authorization to issue any bonds under this section.*

Section 2. Subsections (2), (4), and (6) of section 373.470, Florida Statutes, are amended to read:

373.470 Everglades restoration.—

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

(a) “Caloosahatchee River Watershed Protection Plan” means the plan developed pursuant to s. 373.4595.

(b) “Comprehensive plan” means the recommended comprehensive plan contained within the “Final Integrated Feasibility Report and Programmatic Environmental Impact Statement, April 1999” and submitted to Congress on July 1, 1999.

(c) “Corps” means the United States Army Corps of Engineers.

(d) “District” means the South Florida Water Management District.

(e) “Keys Wastewater Plan” means the plan prepared by the Monroe County Engineering Division dated November 2007 and submitted to the Florida House of Representatives on December 4, 2007.

(f)(e) “Lake Okeechobee Watershed Protection Plan” means the plan developed pursuant to ss. 375.4595 and 373.451-373.459.

(g)(f) “Project” means the Central and Southern Florida Project authorized under the heading “CENTRAL AND SOUTHERN FLORIDA” in s. 203 of the Flood Control Act of 1948 (62 Stat. 1176), and any modification to the project authorized by law.

(h)(g) “Project component” means any structural or operational change, resulting from the comprehensive plan, to the project as it existed and was operated as of January 1, 1999.

(i)(h) “Project implementation report” means the project implementation report as described in the “Final Integrated Feasibility Report and Programmatic Environmental Impact Statement, April 1999” and submitted to Congress on July 1, 1999.

(j)(i) “River Watershed Protection Plans” means the Caloosahatchee River Watershed Protection Plan and the St. Lucie River Watershed Protection Plan as defined in this subsection.

(k)(j) “St. Lucie River Watershed Protection Plan” means the plan developed pursuant to s. 373.4595.

(4) SAVE OUR EVERGLADES TRUST FUND; FUNDS AUTHORIZED FOR DEPOSIT.—The following funds may be deposited into the Save Our Everglades Trust Fund created by s. 373.472 to finance implementation of the comprehensive plan, the Lake Okeechobee Watershed Protection Plan, and the River Watershed Protection Plans, and the Keys Wastewater Plan:

(a) Funds described in subsection (5).

(b) Federal funds appropriated by Congress for implementation of the comprehensive plan, the Lake Okeechobee Watershed Protection Plan, or the River Watershed Protection Plans.

(c) Any additional funds appropriated by the Legislature for the purpose of implementing the comprehensive plan, the Lake Okeechobee Watershed Protection Plan, or the River Watershed Protection Plans, or the Keys Wastewater Plan.

(d) Gifts designated for implementation of the comprehensive plan, the Lake Okeechobee Watershed Protection Plan, or the River Watershed Protection Plans, or the Keys Wastewater Plan from individuals, corporations, or other entities.

(e) Funds made available pursuant to s. 201.15 for debt service for Everglades restoration bonds.

(6) DISTRIBUTIONS FROM SAVE OUR EVERGLADES TRUST FUND.—

(a) Except as provided in paragraphs (d) and (e) and for funds appropriated for debt service, the department shall distribute funds in the Save Our Everglades Trust Fund to the district in accordance with a legislative appropriation and s. 373.026(8)(b) and (c). Distribution of funds to the district from the Save Our Everglades Trust Fund shall be equally matched by the cumulative contributions from the district by fiscal year 2019-2020 by providing funding or credits toward project components. The dollar value of in-kind project design and construction work by the district in furtherance of the comprehensive plan and existing interest in public lands needed for a project component are credits towards the district’s contributions.

(b) The department shall distribute funds in the Save Our Everglades Trust Fund to the district in accordance with a legislative appropriation for debt service for Everglades restoration bonds.

(c) To the extent that funds are available, the department may reserve a minimum of \$10 million annually from the Save Our Everglades Trust Fund for the purpose of implementation of the River Watershed Protection Plans within the Northern Everglades as identified in s. 373.4595. Distribution of funds from the Save Our Everglades Trust Fund for the implementation of the River Watershed Protection Plans shall be in accordance with paragraph (a) and shall be equally matched by the district and Lee and Martin Counties by fiscal year 2019-2020 by providing funding or credits toward project components. The dollar value of in-kind project design and construction work by the district or the counties in furtherance of the River Watershed Protection Plans and existing interest in public lands needed for a project component are credits towards the district’s and counties’ contributions.

(d) Subject to a specific appropriation to the Department of Agriculture and Consumer Services for the purpose of implementing agricultural nonpoint source controls as identified in s. 373.4595 or the legislatively ratified Lake Okeechobee Watershed Protection Plan and the River Watershed Protection Plans, and upon written request by the Department of Agriculture and Consumer Services for the transfer, the department shall transfer an amount equal to such specific appropriation from the Save Our Everglades Trust Fund to the Department of

Agriculture and Consumer Services General Inspection Trust Fund. All interest earned on the investment of funds transferred from the Save Our Everglades Trust Fund to the General Inspection Trust Fund shall be credited to the Save Our Everglades Trust Fund by June 30 of each year.

(e) Subject to specific appropriation, the department shall use moneys from the Save Our Everglades Trust Fund to fund projects identified in the Keys Wastewater Plan. The department may establish requirements, through grant agreements or other contractual arrangements, to ensure the timely construction of projects and expenditure of appropriated funds by the local governments in Monroe County, including, but not limited to, project implementation deadlines, local matching requirements, fair and competitive procurement requirements, and financial tracking requirements.

Section 3. Subsections (1) and (4) of section 373.472, Florida Statutes, are amended to read:

373.472 Save Our Everglades Trust Fund.—

(1) There is created within the Department of Environmental Protection the Save Our Everglades Trust Fund. Funds in the trust fund shall be expended to implement the comprehensive plan defined in s. 373.470(2)(b); ~~373.470(2)(a)~~; the Lake Okeechobee Watershed Protection Plan defined in s. 373.4595(2); the Caloosahatchee River Watershed Protection Plan defined in s. 373.4595(2); ~~and~~ the St. Lucie River Watershed Protection Plan defined in s. 373.4595(2); ~~and the Florida Keys Area of Critical State Concern protection program under ss. 380.05 and 380.0552 to restore and conserve natural systems through the implementation of water management projects, including wastewater management projects identified in the “Keys Wastewater Plan” dated November 2007 and submitted to the Florida House of Representatives on December 4, 2007;~~ and to pay debt service for Everglades restoration bonds issued pursuant to s. 215.619. The trust fund shall serve as the repository for state, local, and federal project contributions in accordance with s. 373.470(4).

~~(4) Pursuant to the provisions of s. 19(f)(2), Art. III of the State Constitution, the Save Our Everglades Trust Fund shall, unless terminated sooner, terminate on July 1, 2004. Prior to its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2).~~

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 Everglades restoration bonds; amending s. 215.619, F.S.; authorizing the issuance of additional Everglades restoration bonds to implement the Florida Keys Area of Critical State Concern protection program; extending the period during which Everglades Restoration bonds may be issued; authorizing the issuance of an additional amount of bonds for a specified time period specifically to fund the Florida Keys Area of Critical State Concern protection program; requiring the Legislature to analyze the ratio of the state’s debt to projected revenues before authorizing issuance of certain bonds; amending s. 373.470, F.S.; defining the term “Keys Wastewater Plan”; authorizing funds deposited into the Save Our Everglades Trust Fund to be used to implement the Keys Wastewater Plan; amending s. 373.472, F.S.; authorizing the Department of Environmental Protection, subject to specific appropriation, to use moneys from the Save Our Everglades Trust Fund to fund projects identified in the Keys Wastewater Plan; deleting an obsolete provision terminating the Save Our Everglades Trust Fund; providing an effective date.

Pursuant to Rule 4.19, CS for SB 1552 as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for CS for CS for CS for SB 1670—A bill to be entitled An act relating to early learning; providing a short title; amending s. 402.316, F.S.; requiring the Department of Children and Family Services to adopt rules regarding screening standards and notice for certain child care personnel; amending s. 411.01, F.S.; revising conditions relating to the service of a children’s services council or juvenile welfare board chair or director as a member of an early learning coalition; authorizing the use of telecommunication methods in conducting early learning coalition

board meetings; amending and renumbering s. 402.27, F.S.; transferring requirements for the establishment of a statewide child care resource and referral network by the Department of Children and Family Services to the Agency for Workforce Innovation; providing for use of early learning coalitions as child care resource and referral agencies; requiring rulemaking; amending and renumbering s. 409.178, F.S.; transferring duties of the Department of Children and Family Services with respect to the Child Care Executive Partnership Program to the Agency for Workforce Innovation and early learning coalitions; requiring rulemaking; amending s. 435.04, F.S.; providing additional criminal offenses for screening child care personnel; amending s. 1001.10, F.S.; requiring the Department of Education to assist school districts, charter schools, the Florida School for the Deaf and the Blind, and certain private schools and providers in developing policies and procedures governing educator ethics and employment; requiring the department to provide authorized staff with access to or provide verification through certain employment-screening tools; amending ss. 1002.55, 1002.61, and 1002.63, F.S., relating to the Voluntary Prekindergarten Education Program; providing additional accreditation standards for private prekindergarten providers; providing requirements for assignment of substitute instructors; requiring owners of certain private schools and private prekindergarten providers to adopt ethical standards for all employees; prohibiting confidentiality agreements regarding terminated or dismissed employees which have the effect of concealing certain conduct; requiring such owners and providers to contact the previous employer of each instructional or administrative candidate for employment and notify the Department of Education of dates of employment of an educator; requiring rulemaking; conforming cross-references; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for CS for SB 1670** to **HB 879**.

Pending further consideration of **CS for CS for CS for CS for SB 1670** as amended, on motion by Senator Gaetz, by two-thirds vote **HB 879** was withdrawn from the Committees on Education Pre-K - 12; Children, Families, and Elder Affairs; Commerce; and Transportation and Economic Development Appropriations.

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

**HB 879**—A bill to be entitled An act relating to early learning; providing a short title; amending s. 411.01, F.S.; revising provisions relating to membership of early learning coalitions; authorizing use of telecommunication methods in conducting early learning coalition board meetings; amending and renumbering s. 402.27, F.S.; transferring requirements for the establishment of a statewide child care resource and referral network by the Department of Children and Family Services to the Agency for Workforce Innovation; providing for use of early learning coalitions as child care resource and referral agencies; requiring rulemaking; amending and renumbering s. 409.178, F.S.; transferring duties of the Department of Children and Family Services with respect to the Child Care Executive Partnership Program to the Agency for Workforce Innovation and early learning coalitions; requiring rulemaking; amending ss. 1002.55, 1002.61, and 1002.63, F.S., relating to the Voluntary Prekindergarten Education Program; providing additional accreditation standards for private prekindergarten providers; providing requirements for assignment of substitute instructors; requiring rulemaking; conforming cross-references; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for CS for SB 1670** as amended and read the second time by title.

Senator Gaetz moved the following amendment which was adopted:

**Amendment 1 (043312)**—On line(s) 453; on line(s) 549; and on line(s) 629, after “screened” insert: *before employment*

Pursuant to Rule 4.19, **HB 879** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1752** and **CS for CS for SB 1914** was deferred.

**CS for CS for SB 1962**—A bill to be entitled An act relating to the tax exemption for nonprofit cooperative hospital laundries; amending s. 212.08, F.S.; requiring a member of a nonprofit cooperative to immediately divest itself of participation in the cooperative if it loses its nonprofit status; providing that the provision of emergency services to a nonmember business does not invalidate the certificate of tax exemption; providing an effective date.

—was 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 (132694)(with title amendment)**—Delete line(s) 53 and insert:

Section 2. *Subsection (9) of section 212.031, Florida Statutes, is repealed. The exempt status of charges imposed under a contract entered into before July 1, 2008, terminates no later than January 1, 2011.*

Section 3. This Act shall Take effect July 1, 2008.

And the title is amended as follows:

Delete line(s) 2-9 and insert: An act relating to the tax exemptions; amending s. 212.08, F.S., relating to the tax exemption for nonprofit cooperative hospital laundries; requiring a member of a nonprofit cooperative to immediately divest itself of participation in the cooperative if it loses its nonprofit status; providing that the provision of emergency services to a nonmember business does not invalidate the certificate of tax exemption; repealing s. 212.031(9), F.S.; repealing the exemption from the tax on the use of real property which applies to charges for the rental, lease, sublease, or license for the use of a skybox, luxury box, or other box seats during a high school or college football game; providing that the exempt status of charges imposed under a contract entered into before a specified date will end after another specified date; providing an effective date.

#### MOTION

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

Senator Haridopolos moved the following amendment:

**Amendment 2 (930694)(with title amendment)**—Delete line(s) 53 and insert:

Section 2. *Subsection (15) of section 212.06, Florida Statutes, is repealed.*

Section 3. This act shall take effect July 1, 2008.

And the title is amended as follows:

Delete line(s) 2-9 and insert: An act relating to the tax exemptions; amending s. 212.08, F.S., relating to the tax exemption for nonprofit cooperative hospital laundries; requiring a member of a nonprofit cooperative to immediately divest itself of participation in the cooperative if it loses its nonprofit status; providing that the provision of emergency services to a nonmember business does not invalidate the certificate of tax exemption; repealing s. 212.06(15), F.S.; repealing the exemption from the tax on fill dirt; providing an effective date.

#### POINT OF ORDER

Senator Rich raised a point of order that pursuant to Rule 7.1 **Amendment 2 (930694)** contained language of a bill not reported favorably by all Senate committees and was therefore out of order.

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

On motion by Senator Rich, further consideration of **CS for CS for SB 1962** with pending **Amendment 2 (930694)** and pending point of order was deferred.

Consideration of **CS for CS for CS for SB 1978** was deferred.

By Senator Ring—

**CS for CS for CS for SB 2026**—A bill to be entitled An act relating to sexual offenders and predators; amending ss. 775.21, 943.0435, 944.607, and 985.4815, F.S.; requiring sexual offenders and predators to provide home telephone numbers and any cellular telephone numbers as part of the registration process; specifying that failure to provide such telephone numbers as required is a third-degree felony; requiring registrants to attest to the truthfulness of the information submitted during registration; providing criminal penalties for submission of false information during registration; amending s. 943.043; requiring the Department of Law Enforcement to notify the public through the Internet of information concerning sexual predators and sexual offenders, including any information regarding juveniles who are designated as a sexual predator or who meet the criteria of a sexual offender; specifying what sexual predator and sexual offender information and features must be available on the Internet; requiring the Department of Law Enforcement to develop a uniform system to verify predator and offender address information when address submitted cannot be plotted on a map; requiring the Department of Law Enforcement to determine the feasibility of certain Internet features; amending s. 944.606, F.S.; requiring that the Department of Law Enforcement be notified of the home telephone number and any cellular telephone number of a sexual offender released from incarceration; amending s. 985.481, F.S.; requiring that the Department of Law Enforcement be notified of the home telephone number and any cellular telephone number of a juvenile sexual offender released after serving a period of residential commitment; providing effective dates.

—was read the second time by title.

#### MOTION

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

Senator Villalobos moved the following amendment which was adopted:

**Amendment 1 (605918)(with title amendment)**—Delete line(s) 176-183 and insert:

(1) The department *shall* ~~may~~ notify the public through the Internet of any information regarding *adult* sexual predators and *adult* sexual offenders, *and of any information regarding a juvenile who is designated a sexual predator pursuant to s. 775.21 or who meets the criteria of a sexual offender pursuant to s. 943.0435(1)(a)1.d.*, which is not confidential and exempt from the public disclosure under s. 119.07(1) and s. 24(a), Art. I of the State Constitution. *As used in this section, the term “adult sexual predators and adult sexual offenders” means those persons designated as sexual predators or who meet the criteria as sexual offenders and whose designation as a sexual predator or meeting the criteria as a sexual offender is based on an offense or offenses committed after such persons attained the age of 18 years, or is based on an offense or offenses for which such persons were adjudicated as an adult, regardless of age.*

And the title is amended as follows:

Delete line(s) 13-17 and insert: notify the public of certain adult and juvenile sexual predator and sexual offender information through the Internet; providing a definition of the term “adult sexual predators and adult sexual offenders”; specifying what sexual predator and

Pursuant to Rule 4.19, **CS for CS for CS for SB 2026** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2094** and **CS for SB 2170** was deferred.

On motion by Senator Dean—

**CS for SB 2202**—A bill to be entitled An act relating to career service employees; amending s. 110.227, F.S.; revising requirements for disciplin-

ing an employee and provisions governing which employees are subject to certain personnel actions; specifying the requirements for achieving permanent status in the Career Service System; revising criteria for certain rules and procedures for the suspension, reduction in pay, transfer, layoff, demotion, and dismissal of career service employees; revising provisions relating to the applicability of layoff procedures; providing that the grievance process is available to all career service employees; increasing the amounts of time in which to submit grievances and respond to grievances; revising what written decisions of the agency are the final authority for all grievances at the Step Two level; authorizing certain Step Two grievances to be submitted to the Department of Management Services; revising notice requirements; providing for the removal and placement of certain career service employees serving a probationary period; authorizing certain employees to appeal to the Public Employees Relations Commission; increasing the amount of time in which the employee must file an appeal; revising procedures applicable to appeals filed with the commission; providing for mitigation in disciplinary actions; revising which actions must be reviewed without consideration of any other case or set of facts; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 2202** to **CS for CS for HB 887**.

Pending further consideration of **CS for SB 2202** as amended, on motion by Senator Dean, by two-thirds vote **CS for CS for HB 887** was withdrawn from the Committees on Governmental Operations; and Judiciary.

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

**CS for CS for HB 887**—A bill to be entitled An act relating to the Career Service System; amending s. 110.227, F.S.; revising criteria for certain rules and procedures for the suspension, reduction in pay, transfer, layoff, demotion, and dismissal of employees in the career service; increasing the amounts of time in which to submit grievances and respond to grievances; revising notice requirements; increasing the amount of time in which the employee must file an appeal to the Public Employees Relations Commission; revising procedures applicable to appeals filed with the commission; providing for the removal and placement of certain career service employees serving a probationary period; providing an effective date.

—a companion measure, was substituted for **CS for SB 2202** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 887** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise, by two-thirds vote **CS for HB 1313** was withdrawn from the Committees on Education Pre-K - 12; Higher Education; and Education Pre-K - 12 Appropriations.

On motion by Senator Wise—

**CS for HB 1313**—A bill to be entitled An act relating to students with disabilities; amending ss. 1002.33, 1002.39, 1003.01, 1003.21, and 1003.438, F.S., relating to charter schools, the John M. McKay Scholarships for Students with Disabilities Program, school attendance, and high school graduation requirements; revising the terminology used to identify students with certain disabilities; authorizing the State Board of Education to adopt rules for eligibility of certain children with disabilities for admission to special programs and related services; removing authority of district school boards to adopt such rules; amending ss. 1007.02, 1007.264, and 1007.265, F.S., relating to postsecondary education; revising the terminology used to identify students with intellectual, emotional, or behavioral disabilities; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2700** and read the second time by title.

Senator Wise moved the following amendment which was adopted:

**Amendment 1 (209868)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Paragraph (f) of subsection (10) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(10) ELIGIBLE STUDENTS.—

(f) Students with ~~disabilities handicapping conditions~~ and students served in English for Speakers of Other Languages programs shall have an equal opportunity of being selected for enrollment in a charter school.

Section 2. Subsection (1) of section 1002.39, Florida Statutes, is amended to read:

1002.39 The John M. McKay Scholarships for Students with Disabilities Program.—There is established a program that is separate and distinct from the Opportunity Scholarship Program and is named the John M. McKay Scholarships for Students with Disabilities Program.

(1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH DISABILITIES PROGRAM.—The John M. McKay Scholarships for Students with Disabilities Program is established to provide the option to attend a public school other than the one to which assigned, or to provide a scholarship to a private school of choice, for students with disabilities for whom an individual ~~educational education~~ plan has been written in accordance with rules of the State Board of Education. Students with disabilities include K-12 students who are documented as having ~~an intellectual disability a mental handicap, including trainable, profound, or educable; a speech impairment; a or language impairment; a hearing impairment, including deafness; a visual impairment, including blindness; a dual sensory impairment; an orthopedic a physical impairment; an other health impairment; a serious emotional disturbance, including an emotional or behavioral disability handicap; a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; a traumatic brain injury; a developmental delay; or autism spectrum disorder.~~

Section 3. Paragraph (a) of subsection (3) of section 1003.01, Florida Statutes, is amended to read:

1003.01 Definitions.—As used in this chapter, the term:

(3)(a) “Exceptional student” means any student who has been determined eligible for a special program in accordance with rules of the State Board of Education. The term includes students who are gifted and students with disabilities who *have an intellectual disability; autism spectrum disorder; a speech impairment; a language impairment; an orthopedic impairment; an other health impairment; traumatic brain injury; a visual impairment; an emotional or behavioral disability; or a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; students who are deaf or hard of hearing or dual sensory impaired; students who are hospitalized or homebound; children with developmental delays are mentally handicapped, speech and language impaired, deaf or hard of hearing, visually impaired, dual sensory impaired, physically impaired, emotionally handicapped, specific learning disabled, hospital and homebound, autistic, developmentally delayed children, ages birth through 5 years, or children, ages birth through 2 years, with established conditions that are identified in State Board of Education rules pursuant to s. 1003.21(1)(e).*

Section 4. Paragraph (e) of subsection (1) of section 1003.21, Florida Statutes, is amended to read:

1003.21 School attendance.—

(1)

(e) Consistent with rules adopted by the State Board of Education, children with disabilities who have attained the age of 3 years shall be eligible for admission to public special education programs and for related services ~~under rules adopted by the district school board. Exceptional Children with disabilities younger than 3 years of age who are deaf or hard of hearing; visually impaired; dual sensory impaired; orthopedically impaired; other health impaired; who have experienced traumatic brain injury; severely physically handicapped, trainable mentally handicapped, or profoundly handicapped, or who have autism spectrum disorder; established conditions, or who exhibit developmental delays or intellectual disabilities, below age 3 may be eligible for special programs and~~

~~may receive services in accordance with rules of the State Board of Education; or, if enrolled in other school readiness programs, they may be eligible for supplemental instruction. Rules for the identification of established conditions for children birth through 2 years of age and developmental delays for children birth through 5 years of age must be adopted by the State Board of Education.~~

Section 5. Section 1003.438, Florida Statutes, is amended to read:

1003.438 Special high school graduation requirements for certain exceptional students.—A student who has been ~~identified properly classified~~, in accordance with rules established by the State Board of Education, as *a student with disabilities who has an intellectual disability; an autism spectrum disorder; a language impairment; an orthopedic impairment; an other health impairment; a traumatic brain injury; an emotional or behavioral disability; a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; or students who are deaf or hard of hearing or dual sensory impaired “educable mentally handicapped,” “trainable mentally handicapped,” “hearing impaired,” “specific learning disabled,” “physically or language impaired,” or “emotionally handicapped”* shall not be required to meet all requirements of s. 1003.43 or s. 1003.428 and shall, upon meeting all applicable requirements prescribed by the district school board pursuant to s. 1008.25, be awarded a special diploma in a form prescribed by the commissioner; however, such special graduation requirements prescribed by the district school board must include minimum graduation requirements as prescribed by the commissioner. Any such student who meets all special requirements of the district school board ~~for exceptionality~~, but is unable to meet the appropriate special state minimum requirements, shall be awarded a special certificate of completion in a form prescribed by the commissioner. ~~A student who has been properly classified as “profoundly handicapped” and who meets the special requirements of the district school board for a special diploma in accordance with requirements for any exceptional student identified in this section shall be awarded a special diploma; however, such a student shall alternatively be eligible for a special certificate of completion, in a form prescribed by the commissioner, if all school requirements for students who are “profoundly handicapped” have been met.~~ However, this section does not limit or restrict the right of an exceptional student solely to a special diploma or special certificate of completion. Any such student shall, upon proper request, be afforded the opportunity to fully meet all requirements of s. 1003.43 or s. 1003.428 through the standard procedures established therein and thereby to qualify for a standard diploma upon graduation.

Section 6. Subsection (4) of section 1004.55, Florida Statutes, is amended to read:

1004.55 Regional autism centers.—

(4)(a) Each center shall provide:

~~(a)1-~~ A staff that has expertise in autism and autistic-like behaviors and in sensory impairments.

~~(b)2-~~ Individual and direct family assistance in the home, community, and school. A center’s assistance should not supplant other responsibilities of state and local agencies, and each school district is responsible for providing an appropriate education program for clients of a center who are school age.

~~(c)3-~~ Technical assistance and consultation services, including specific intervention and assistance for a client of the center, the client’s family, and the school district, and any other services that are appropriate.

~~(d)4-~~ Professional training programs that include developing, providing, and evaluating preservice and inservice training in state-of-the-art practices for personnel who work with the populations served by the centers and their families.

~~(e)5-~~ Public education programs to increase awareness of the public about autism, autistic-related disabilities of communication and behavior, dual sensory impairments, and sensory impairments with other handicapping conditions.

~~(b) Direct medical intervention or pharmaceutical intervention is prohibited in any center on or after July 1, 2008.~~

Section 7. Subsection (2) of section 1007.02, Florida Statutes, is amended to read:

1007.02 Access to postsecondary education and meaningful careers for students with disabilities; popular name; definition.—

(2) For the purposes of this act, the term “student with a disability” means any student who is documented as having *an intellectual disability* ~~mental retardation~~; a hearing impairment, including deafness; a speech or language impairment; a visual impairment, including blindness; *an emotional or behavioral disability* ~~a serious emotional disturbance, including an emotional handicap~~; an orthopedic or other health impairment; *an autism spectrum disorder*; a traumatic brain injury; or a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia.

Section 8. Section 1007.264, Florida Statutes, is amended to read:

1007.264 *Persons with disabilities* ~~Impaired and learning disabled persons~~; admission to postsecondary educational institutions; substitute requirements; rules.—

(1) Any student with a disability, as defined in s. 1007.02(2), except those students who have been documented as having *intellectual disabilities* ~~mental retardation~~, shall be eligible for reasonable substitution for any requirement for admission into a public postsecondary educational institution where documentation can be provided that the person’s failure to meet the admission requirement is related to the disability.

(2) The State Board of Education, in consultation with the Board of Governors, shall adopt rules to implement this section for community colleges and shall develop substitute admission requirements where appropriate.

(3) The Board of Governors, in consultation with the State Board of Education, shall adopt rules to implement this section for state universities and shall develop substitute admission requirements where appropriate.

Section 9. Section 1007.265, Florida Statutes, is amended to read:

1007.265 *Persons with disabilities* ~~Impaired and learning disabled persons~~; graduation, study program admission, and upper-division entry; substitute requirements; rules.—

(1) Any student with a disability, as defined in s. 1007.02(2), in a public postsecondary educational institution, except those students who have been documented as having *intellectual disabilities* ~~mental retardation~~, shall be eligible for reasonable substitution for any requirement for graduation, for admission into a program of study, or for entry into the upper division where documentation can be provided that the person’s failure to meet the requirement is related to the disability and where failure to meet the graduation requirement or program admission requirement does not constitute a fundamental alteration in the nature of the program.

(2) The State Board of Education, in consultation with the Board of Governors, shall adopt rules to implement this section for community colleges and shall develop substitute requirements where appropriate.

(3) The Board of Governors, in consultation with the State Board of Education, shall adopt rules to implement this section for state universities and shall develop substitute requirements where appropriate.

Section 10. 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 students with disabilities; amending ss. 1002.33, 1002.39, 1003.01, and 1003.438, F.S., relating to charter schools, the John M. McKay Scholarships for Students with Disabilities Program, definitions, and special high school graduation requirements; revising the terminology used to identify students with certain disabilities; amending s. 1003.21, F.S., relating to school attendance; revising the terminology used to identify students with certain disabilities; authorizing the State Board of Education to adopt rules relating to the eligibility of certain children with disabilities for admission to special programs and related services; removing the authority of district school

boards to adopt such rules; amending s. 1004.55, F.S.; deleting a provision that prohibits direct medical intervention or pharmaceutical intervention in a regional autism center; amending ss. 1007.02, 1007.264, and 1007.265, F.S., relating to postsecondary education; revising the terminology used to identify students with intellectual, emotional, or behavioral disabilities; providing an effective date.

Pursuant to Rule 4.19, **CS for HB 1313** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

**CS for SB 1752**—A bill to be entitled An act relating to virtual instruction programs; creating s. 1002.45, F.S.; authorizing a school district to offer courses by virtual instruction to students meeting certain conditions; providing a purpose; authorizing a school district to implement virtual instruction programs by approved district-operated programs or programs provided by contracted providers if approved by the Department of Education; authorizing a school district to participate in multi-district contractual arrangements; requiring the department to review and approve district-operated virtual programs on an annual basis; requiring contract providers to meet certain qualifications; requiring each virtual instruction program operated or contracted by a school district to meet certain requirements; prohibiting a school district from increasing its enrollment in a virtual education program in excess of the prior year’s enrollment unless the program achieves a certain performance grade under the school grading system; requiring students enrolled in a virtual instruction program to meet certain requirements to participate in such program; defining the term “full-time equivalent student”; providing that full-time equivalent students participating in a school district’s virtual instruction program be funded through the Florida Education Finance Program; requiring that a program provider participate in the statewide assessment program and education performance accountability system and meet a certain performance grade; requiring the State Board of Education to adopt rules; amending s. 1011.61, F.S.; revising the definition of “full-time equivalent” student to conform to changes made by the act; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1752** to **HB 7067**.

Pending further consideration of **CS for SB 1752** as amended, on motion by Senator Wise, by two-thirds vote **HB 7067** was withdrawn from the Committee on Education Pre-K - 12 Appropriations.

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

**HB 7067**—A bill to be entitled An act relating to virtual education; amending s. 1000.04, F.S.; providing that K-8 virtual schools are public K-12 schools; amending ss. 1002.20 and 1002.31, F.S.; providing that K-8 virtual schools are a public school choice option; amending s. 1002.415, F.S.; establishing the school district K-8 Virtual School Program; requiring school districts to offer a K-8 Virtual School Program beginning with the 2009-2010 school year; authorizing school districts to offer such program for the 2008-2009 school year; authorizing the provision of specified online instruction to students in grades 6 through 8 through a franchise agreement with the Florida Virtual School; specifying qualifications for and requiring Department of Education approval of contracted providers; requiring department approval for district programs; specifying requirements for a K-8 virtual school relating to employees, curriculum, equipment, and fees; requiring specified capacity and limiting future enrollment increases; providing student eligibility and enrollment requirements; requiring student compliance with specified attendance provisions; requiring students to take state assessment tests; providing funding through the Florida Education Finance Program for district K-8 Virtual School Programs; requiring K-8 virtual schools to participate in the state assessment program and education performance accountability system and receive school grades; requiring school improvement plans for schools that receive specified grades; requiring annual department review and reporting of student performance; specifying reasons for nonrenewal or termination of provider contracts; providing for continuation of existing K-8 virtual schools under contract with the department for specified students; providing requirements for the funding of such schools; requiring rulemaking; providing for application of section; amending s. 1003.01, F.S.; amending the definition of the term “core-curricula courses” to exclude Florida Virtual

School and K-8 Virtual School Program courses; amending s. 1011.61, F.S.; defining a K-8 virtual school full-time equivalent student; providing effective dates.

—a companion measure, was substituted for **CS for SB 1752** as amended and read the second time by title.

#### MOTION

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

Senator Wise moved the following amendment which was adopted:

**Amendment 1 (034724)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Subsection (1) of section 1000.04, Florida Statutes, is amended to read:

1000.04 Components for the delivery of public education within the Florida K-20 education system.—Florida's K-20 education system provides for the delivery of public education through publicly supported and controlled K-12 schools, community colleges, state universities and other postsecondary educational institutions, other educational institutions, and other educational services as provided or authorized by the Constitution and laws of the state.

(1) PUBLIC K-12 SCHOOLS.—The public K-12 schools include charter schools and consist of kindergarten classes; elementary, middle, and high school grades and special classes; *school district virtual instruction programs*; workforce education; career centers; adult, part-time, and evening schools, courses, or classes, as authorized by law to be operated under the control of district school boards; and lab schools operated under the control of state universities.

Section 2. Paragraph (a) of subsection (6) of section 1002.20, Florida Statutes, is amended to read:

1002.20 K-12 student and parent rights.—Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

#### (6) EDUCATIONAL CHOICE.—

(a) Public school choices.—Parents of public school students may seek whatever public school choice options that are applicable to their students and are available to students in their school districts. These options may include controlled open enrollment, lab schools, *school district virtual instruction programs*, charter schools, charter technical career centers, magnet schools, alternative schools, special programs, advanced placement, dual enrollment, International Baccalaureate, International General Certificate of Secondary Education (pre-AICE), Advanced International Certificate of Education, early admissions, credit by examination or demonstration of competency, the New World School of the Arts, the Florida School for the Deaf and the Blind, and the Florida Virtual School. These options may also include the public school choice options of the Opportunity Scholarship Program and the McKay Scholarships for Students with Disabilities Program.

Section 3. Subsections (2) and (8) of section 1002.31, Florida Statutes, are amended to read:

#### 1002.31 Public school parental choice.—

(2) Each district school board may offer controlled open enrollment within the public schools. The controlled open enrollment program shall be offered in addition to the existing choice programs such as *virtual instruction programs*, magnet schools, alternative schools, special programs, advanced placement, and dual enrollment.

(8) Each district school board shall annually report the number of students applying for and attending the various types of public schools of choice in the district, including schools such as *virtual instruction programs*, magnet schools, and public charter schools, according to rules adopted by the State Board of Education.

Section 4. Section 1002.45, Florida Statutes, is created to read:

#### 1002.45 School district virtual instruction programs.—

(1) PROGRAM.—Beginning with the 2008-2009 school year, each school district shall provide students the option of participating in virtual instruction if they wish to do so. An eligible student must be a full-time student in the school district based on the student's enrollment in virtual courses or a combination of virtual courses and standard district courses. The purpose of the program is to make academic instruction available to full-time school district students who use online and distance learning technology and who are not taught in the traditional classroom. Each school district may implement its program through approved district-operated programs or programs by contracted providers approved by the Department of Education under subsection (2). School districts may participate in multi-district contractual arrangements to provide such programs. A school district and a charter school may enter into a joint agreement for charter school students to participate in an approved district virtual instruction program or enter into a district contract with an approved virtual instruction provider.

(2) PROVIDER QUALIFICATIONS.—On or before March 1, 2009, and annually thereafter, the department shall review and approve district-operated virtual programs. To be approved by the department, a contract provider must annually document that it:

(a) Is nonsectarian in its programs, admission policies, employment practices, and operations;

(b) Complies with the antidiscrimination provisions of s. 1000.05;

(c) Locates an administrative office or offices in this state, requires its administrative staff to be state residents, and requires all instructional staff members to be Florida-certified teachers;

(d) Possesses prior, successful experience offering online courses to elementary, middle, or high school students;

(e) Is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools, the Middle States Association of Colleges and Schools, the North Central Association of Colleges and Schools, or the New England Association of Colleges and Schools; and

(f) Complies with all requirements under this section.

The Florida Virtual School established under s. 1002.37 and the K-8 Virtual School Program approved under s. 1002.415, which provided virtual instruction during 2007-2008, are not subject to the provider qualifications of this subsection. The department may approve other providers who meet the requirements of this subsection prior to August 1, 2008.

(3) SCHOOL DISTRICT VIRTUAL INSTRUCTION REQUIREMENTS.—Each virtual instruction program operated or contracted by a school district must:

(a) Require all instructional staff to be certified professional educators under chapter 1012.

(b) Conduct a background screening of all employees or contracted personnel, as required by s. 1012.32, using state and national criminal history records.

(c) Align virtual course curriculum and course content to the Sunshine State Standards under s. 1003.41.

(d) Offer instruction that is designed to enable a student to gain proficiency in each virtually delivered course of study.

(e) Provide each student enrolled in the program with all the necessary instructional materials.

(f) Provide, when appropriate, each household having a full-time student enrolled in the program with:

1. All the necessary equipment necessary for participants in the school district virtual instruction program, including, but not limited to, a computer, computer monitor, and printer; and

2. Access to or reimbursement for all Internet services necessary for online delivery of instruction.

(g) Not require tuition or student registration fees.

(4) **PROGRAM CAPACITY; ENROLLMENT.**—Beginning with the 2010-2011 school year, except for courses offered by the Florida Virtual School under s. 1002.37, a school district may not increase the enrollment for a virtual education program in excess of its prior school year enrollment unless the program is designated with a grade of “C,” making satisfactory progress, or better under the school grading system provided in s. 1008.34.

(5) **STUDENT ELIGIBILITY.**—Enrollment in a school district virtual instruction program is open to any student residing within the district’s attendance area if the student meets at least one of the following conditions:

(a) The student has spent the prior school year in attendance at a public school in this state and was enrolled and reported by a public school district for funding during the preceding October and February for purposes of the Florida Education Finance Program surveys; however, a student who is a dependent child of a member of the United States Armed Forces who was transferred within the last 12 months to this state from another state or from a foreign country pursuant to the parent’s permanent change of station orders is not required to have been enrolled and reported for funding during the preceding school year; or

(b) The student was enrolled during the prior school year in a school district virtual instruction program under this section or a K-8 Virtual School Program under s. 1002.415.

(6) **STUDENT PARTICIPATION REQUIREMENTS.**—Each student enrolled in a school district virtual instruction program must:

(a) Comply with the compulsory attendance requirements of s. 1003.21. Student attendance must be verified by the school district.

(b) Take state assessment tests within the school district where such student resides, which must provide the student with access to the district’s testing facilities.

(7) **FUNDING.**—

(a) For purposes of a district virtual instruction program, “full-time equivalent student” has the same meaning as provided in s.1011.61(1)(c)1.b.(III) or (IV).

(b) The school district shall report full-time equivalent students for the school district virtual instruction program to the department only in a manner prescribed by the department, and funding shall be provided through the Florida Education Finance Program.

(c) For 2008-2009, school district virtual instruction program courses provided for students in grades 9 through 12 are limited to the following: Department of Juvenile Justice programs, credit recovery, alternative schools, and drop-out prevention.

(8) **ASSESSMENT AND ACCOUNTABILITY.**—

(a) With the exception of the programs offered by the Florida Virtual School under s. 1002.37, each school district virtual instruction program must:

1. Participate in the statewide assessment program under s. 1008.22 and in the state’s education performance accountability system under s. 1008.31.

2. Receive a school grade as provided in s. 1008.34. A school district virtual instruction program shall be considered a school under s. 1008.34 for purposes of this section, regardless of the number of individual providers participating in the district’s program.

(b) A program that is designated with a grade of “D,” making less than satisfactory progress, or “F,” failing to make adequate progress, must file a school improvement plan with the department for consultation to determine the causes for low performance and to develop a plan for correction and improvement.

(c) The school district shall terminate its program or its provider’s contract for any program that is designated with the grade of “D,” making less than satisfactory progress, or “F,” failing to make adequate progress, for 2 years during any consecutive 4-year period.

(d) A school district virtual instruction program must have a sufficient number of students enrolled in each grade for a grade to be assigned to the program pursuant to s. 1008.34 and State Board of Education rule.

(e) If the district uses multiple providers, the district may choose to terminate the lowest performing providers.

(9) **EXCEPTIONS.**—A provider of digital or online content of curriculum that is used to supplement the instruction of students who are not enrolled in a virtual instruction program under this section is not required to meet the requirements of this section.

(10) **RULES.**—The State Board of Education shall adopt rules under ss. 120.536(1) and 120.54 to administer this section.

Section 5. Subsection (14) of section 1003.01, Florida Statutes, is amended to read:

1003.01 Definitions.—As used in this chapter, the term:

(14) “Core-curricula courses” means courses defined by the Department of Education as mathematics, language arts/reading, science, social studies, foreign language, English for Speakers of Other Languages, exceptional student education, and courses taught in traditional self-contained elementary school classrooms. The term is limited in meaning and used for the sole purpose of designating classes that are subject to the maximum class size requirements established in s. 1, Art. IX of the State Constitution. This term does not include courses offered under ss. 1002.37 and 1002.45.

Section 6. Paragraph (c) of subsection (1) of section 1011.61, Florida Statutes, is amended to read:

1011.61 Definitions.—Notwithstanding the provisions of s. 1000.21, the following terms are defined as follows for the purposes of the Florida Education Finance Program:

(1) A “full-time equivalent student” in each program of the district is defined in terms of full-time students and part-time students as follows:

(c)1. A “full-time equivalent student” is:

a. A full-time student in any one of the programs listed in s. 1011.62(1)(c); or

b. A combination of full-time or part-time students in any one of the programs listed in s. 1011.62(1)(c) which is the equivalent of one full-time student based on the following calculations:

(I) A full-time student, except a postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation, in a combination of programs listed in s. 1011.62(1)(c) shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours per school year for which he or she is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2. The difference between that fraction or sum of fractions and the maximum value as set forth in subsection (4) for each full-time student is presumed to be the balance of the student’s time not spent in such special education programs and shall be recorded as time in the appropriate basic program.

(II) A prekindergarten handicapped student shall meet the requirements specified for kindergarten students.

(III) A full-time equivalent student for students in grades K-8 in a school district virtual instruction program as provided in s. 1002.45 shall consist of a student who has successfully completed a basic program listed in s. 1011.62(1)(c)1.a. or b., and who is promoted to a higher grade level.

(IV) A full-time equivalent student for students in grades 9-12 in a school district virtual instruction program as provided in s. 1002.45 shall consist of six full credit completions in programs listed in s. 1011.62(1)(c)1. and 4. Credit completions can be a combination of either full credits or half credits.

(V)(HH) A Florida Virtual School full-time equivalent student shall consist of six full credit completions in the programs listed in s.

1011.62(1)(c)1. and 4. Credit completions can be a combination of either full credits or half credits.

2. A student in membership in a program scheduled for more or less than 180 school days is a fraction of a full-time equivalent membership equal to the number of instructional hours in membership divided by the appropriate number of hours set forth in subparagraph (a)1.; however, for the purposes of this subparagraph, membership in programs scheduled for more than 180 days is limited to students enrolled in juvenile justice education programs and the Florida Virtual School.

The department shall determine and implement an equitable method of equivalent funding for experimental schools and for schools operating under emergency conditions, which schools have been approved by the department to operate for less than the minimum school day.

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 virtual instruction programs; amending s. 1000.04, F.S.; revising provisions relating to public K-12 schools to include school district virtual instruction programs; amending ss. 1002.20 and 1002.31, F.S.; conforming provisions to changes made by the act; creating s. 1002.45, F.S.; requiring a school district to provide a student the option of participating in virtual instruction if certain requirements are met; providing a purpose; authorizing a school district to implement virtual instruction programs by approved district-operated programs or programs provided by contracted providers if approved by the Department of Education; authorizing a school district to participate in multi-district contractual arrangements; authorizing a school district and a charter school to enter into a joint agreement for charter school students to participate in an approved district virtual instruction program or a contract with an approved virtual instruction provider; requiring the department to review and approve district-operated virtual programs on an annual basis; requiring contract providers to meet certain qualifications; providing an exemption from such qualifications for the Florida Virtual School and the K-8 Virtual School Program; requiring each virtual instruction program operated or contracted by a school district to meet certain requirements; prohibiting a school district from increasing its enrollment in a virtual education program in excess of the prior year's enrollment unless the program achieves a certain performance grade under the school grading system; providing an exemption for such prohibition for the Florida Virtual School; requiring students enrolled in a virtual instruction program to meet certain requirements to participate in such program, except a dependent child of a member of the United States Armed Forces under certain circumstances; defining the term "full-time equivalent student"; providing that full-time equivalent students participating in a school district's virtual instruction program be funded through the Florida Education Finance Program; requiring that a program provider participate in the statewide assessment program and education performance accountability system and meet a certain performance grade; providing that certain providers are exempt from the act; requiring the State Board of Education to adopt rules; amending s. 1003.01, F.S.; revising the definition of "core-curricula courses"; amending s. 1011.61, F.S.; revising the definition of "full-time equivalent" student to conform to changes made by the act; providing an effective date.

Pursuant to Rule 4.19, **HB 7067** as amended was placed on the calendar of Bills on Third Reading.

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

**CS for CS for SB 1430**—A bill to be entitled An act relating to public safety; amending s. 775.21, F.S.; revising provisions relating to reimbursement of specified costs by sexual predators; revising provisions relating to the residence of sexual predators; providing criminal penalties; creating s. 775.215, F.S.; specifying residency distance limitations for persons convicted of certain sexual offenses; preempting certain local ordinances and providing for repeal of such ordinances; amending s. 775.24, F.S.; revising provisions relating to the duty of the court to uphold certain laws; amending s. 794.065, F.S.; providing additional residency restrictions for certain offenders; providing penalties; creating s. 794.0701, F.S.; providing for enhanced penalties for loitering or prowling by persons convicted of certain sex offenses; providing definitions;

providing an exemption; amending s. 947.1405, F.S.; providing additional conditional release restrictions for certain offenders; providing an exemption; amending s. 948.06, F.S.; revising provisions relating to probation or community control for sexual predators and sexual offenders; amending s. 948.30, F.S.; revising provisions relating to terms and conditions of probation or community control for certain sex offenses; providing additional restrictions for certain probationers or community controllees who committed sexual offenses against a minor younger than 16 years of age; providing an effective date.

—which was previously considered this day.

## MOTION

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

Senator Aronberg moved the following amendments which were adopted:

**Amendment 1 (438568)(with title amendment)**—Delete line(s) 204-212.

And the title is amended as follows:

Delete line(s) 16 and insert: offenses; providing definitions;

**Amendment 2 (233228)**—Delete line(s) 145-161 and insert:

(2)(a)1. *Any person who has been convicted of a violation of s. 787.01, s. 787.02, s. 794.011, s. 800.04, s. 827.071, or s. 847.0145, or a violation of a similar law of another jurisdiction, committed on or after October 1, 2008, regardless of whether adjudication has been withheld, in which the victim of the offense was younger than 16 years of age, may not reside within 1,500 feet of any school, child care facility, park as defined in s. 794.0701, or playground. Any person who is subject to subparagraph (1)(a)1. and who establishes a new residence after October 1, 2008, is subject to the residency distance limitation set forth in this subparagraph.*

**Amendment 3 (457308)**—On line(s) 459; and on line(s) 616, delete "special" and insert: *standard*

**Amendment 4 (406926)**—Delete line(s) 588-596.

**Amendment 5 (663530)**—Delete line(s) 296-341 and insert:

2.a. If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, ~~child care facility day care center~~, park as defined in s. 794.0701, playground, designated public school bus stop, or other place where children regularly congregate. A releasee who is subject to this subparagraph may not relocate to a residence that is within 1,000 feet of a public school bus stop.

b. Beginning October 1, 2004, the commission or the department may not approve a residence that is located within 1,000 feet of a school, ~~child care facility day care center~~, park as defined in s. 794.0701, playground, designated school bus stop, or other place where children regularly congregate for any releasee who is subject to this subparagraph. On October 1, 2004, the department shall notify each affected school district of the location of the residence of a releasee 30 days prior to release and thereafter, if the releasee relocates to a new residence, shall notify any affected school district of the residence of the releasee within 30 days after relocation. If, on October 1, 2004, any public school bus stop is located within 1,000 feet of the existing residence of such releasee, the district school board shall relocate that school bus stop. Beginning October 1, 2004, a district school board may not establish or relocate a public school bus stop within 1,000 feet of the residence of a releasee who is subject to this subparagraph. The failure of the district school board to comply with this subparagraph shall not result in a violation of conditional release supervision.

c. *If the victim was under the age of 18, beginning October 1, 2008, neither the commission nor the department may approve a residence located within 1,000 feet of any designated school bus stop or within 1,500 feet of a school, child care facility, park as defined in s. 794.0701, playground, or other place where children regularly congregate for any releasee who is subject to this subparagraph. The distance in this subparagraph shall be measured in a straight line from the offender's place of residence to the nearest boundary line of any designated school*

*bus stop, school, child care facility, park as defined in s. 794.0701, playground, or other place where children regularly congregate. The distance may not be measured by a pedestrian route or automobile route.*

#### MOTION

On motion by Senator Diaz de la Portilla, the rules were waived to allow the following amendment to be considered:

Senator Diaz de la Portilla moved the following amendment which failed:

**Amendment 6 (206248)**—Delete line(s) 82-91 insert: *and repealed.—Except for Miami-Dade County, the adoption of residency distance limitations for persons convicted of sexual offenses, including, but not limited to, violations of s. 787.01, s. 787.02, s. 794.011, s. 800.04, s. 827.071, or s. 847.0145, regardless of whether adjudication has been withheld, is expressly preempted to the state. The provisions of ss. 794.065, 947.1405, and 948.30 which establish such residency distance limitations supersede the distance limitation included in any municipal or county ordinances other than in Miami-Dade County. Any such residency distance limitations adopted by a county or municipality, other than Miami-Dade County, before October 1, 2008, are repealed and abolished*

Pursuant to Rule 4.19, **CS for CS for SB 1430** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

**CS for CS for CS for SB 1978**—A bill to be entitled An act relating to the Department of Transportation; amending s. 20.23, F.S.; providing Senior Management Service status to the Executive Director of the Florida Transportation Commission; amending s. 125.42, F.S.; providing an exception to utility owners from the responsibility for relocating utilities along county roads and highways; amending s. 163.3177, F.S.; revising requirements for comprehensive plans; providing for airports, land adjacent to airports, and certain interlocal agreements relating thereto in certain elements of the plan; amending s. 163.3178, F.S.; providing that facilities determined by the Department of Community Affairs and the applicable general-purpose local government to be port-related industrial or commercial projects located within 3 miles of or in the port master plan area which rely upon the utilization of port and intermodal transportation facilities are not developments of regional impact under certain circumstances; amending s. 163.3180, F.S.; requiring the Department of Transportation to establish a transportation methodology to serve as the basis for sustainable development impact assessments; defining the terms “present value” and “backlogged transportation facility”; amending s. 163.3182, F.S., relating to transportation concurrency backlog authorities; providing legislative findings and declarations; expanding the power of authorities to borrow money to include issuing certain debt obligations; providing a maximum maturity date for certain debt incurred to finance or refinance certain transportation concurrency backlog projects; authorizing authorities to continue operations and administer certain trust funds for the period of the remaining outstanding debt; requiring local transportation concurrency backlog trust funds to continue to be funded for certain purposes; providing for increased ad valorem tax increment funding for such trust funds under certain circumstances; revising provisions for dissolution of an authority; providing legislative findings relating to investment of funds from the Lawton Chiles Endowment Fund in Florida infrastructure by the State Board of Administration; providing that such investment is the policy of the State Board of Administration; amending s. 215.44, F.S.; including infrastructure investments in annual reporting requirements of State Board of Administration; amending s. 215.47, F.S.; increasing the maximum allowable percent of any fund in alternative investments or infrastructure investments; defining infrastructure investments; amending s. 215.5601, F.S.; directing the State Board of Administration to lease Alligator Alley for up to 50 years from the Department of Transportation using funds from the Lawton Chiles Endowment; limiting the investment of funds to between 20 and 50 percent of the endowment’s assets; requiring a report to the Legislature; authorizing the board to contract with other government, public, and private entities to operate and maintain the toll facility; creating s. 334.305, F.S.; providing a finding of public need for leasing transportation facilities to expedite provision of additional facilities; providing that infrastructure investment agreements may not be impaired by state or local act; authorizing a lease

agreement of up to 50 years for Alligator Alley; authorizing the engagement of private consultants to develop the agreement; directing funds received by the department under such provisions to the State Transportation Trust Fund; providing requirements for the lease agreement; requiring adherence to state and federal laws and standards for the operation and maintenance of transportation facilities; requiring the regulation of toll increases; authorizing state action to remedy impairments to the lease agreement; requiring an independent cost-effectiveness analysis and traffic and revenue study; limiting the use of funds received under the act to transportation uses; requiring specifications for construction, engineering, maintenance, and law enforcement activities in lease agreements; allowing the department to submit to the Legislative Budget Commission a plan for advancing transportation projects using funds received from a lease; requiring remaining toll revenue to be used in accordance with the lease agreement and s. 338.26, F.S.; confirming the ability of the State Board of Administration to invest in government-owned infrastructure; providing legislative intent relating to road rage and aggressive careless driving; amending s. 316.003, F.S.; defining the term “road rage”; amending s. 316.083, F.S.; requiring an operator of a motor vehicle to yield the left lane when being overtaken on a multilane highway; providing exceptions; amending s. 316.1923, F.S.; revising the number of specified acts necessary to qualify as an aggressive careless driver; providing specified punishments for aggressive careless driving; specifying the allocation of moneys received from the increased fine imposed for aggressive careless driving; amending s. 318.19, F.S.; providing that a second or subsequent infraction as an aggressive careless driver requires attendance at a mandatory hearing; providing for the disposition of the increased penalties; requiring the Department of Highway Safety and Motor Vehicles to provide information about road rage and aggressive careless driving in driver’s license educational materials; reenacting s. 316.650(1)(a), F.S., relating to traffic citations, to incorporate the amendments made to s. 316.1923, F.S., in a reference thereto; 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. 316.193, 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. 316.302, 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 ss. 316.613 and 316.614, F.S.; revising the definition of “motor vehicle” for purposes of child restraint and safety belt usage requirements; 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. 320.03, F.S.; revising the amount of a nonrefundable fee that is charged on the initial and renewal registration for certain automobiles and trucks; 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. 336.41, F.S.; providing that a county, municipality, or special district may not own or operate an asphalt plant or a portable or stationary concrete batch plant having an independent mixer; amending s. 337.11, F.S.; establishing a goal for the procurement of design-build contracts; amending s. 337.18, F.S.; revising the recording requirements of payment and performance bonds; amending s. 337.185, F.S.; providing for maintenance contracts to be included in the types of claims settled by the State Arbitration Board; amending s. 337.403, F.S.; providing for the department or a local governmental entity to pay the costs of removing or relocating a utility that is interfering with the use of a road or rail corridor; amending s. 338.01, F.S.; requiring that newly installed electronic toll collection systems be interoperable with the department’s electronic toll collection system; amending s. 338.165, F.S.; providing that provisions requiring the continuation of tolls following the discharge of bond indebtedness does not apply to high-occupancy toll lanes or express lanes; creating s. 338.166, F.S.; authorizing the department to request that bonds be issued which are secured by toll revenues from high-occupancy toll or express lanes in a specified location; providing for

the department to continue to collect tolls after discharge of indebtedness; authorizing the use of excess toll revenues for improvements to the State Highway System; authorizing the implementation of variable rate tolls on high-occupancy toll lanes or express lanes; amending s. 338.2216, F.S.; directing the turnpike enterprise to develop new technologies and processes for the collection of tolls and usage fees; prohibiting the enterprise from entering into certain joint contracts for the sale of fuel and other goods; providing an exception; providing restrictions on contracts pertaining to service plazas; amending s. 338.223, F.S.; conforming a cross-reference; amending s. 338.231, F.S.; eliminating reference to uniform toll rates on the Florida Turnpike System; authorizing the department to fix by rule and collect the amounts needed to cover toll collection costs; directing the turnpike enterprise to increase tolls; amending s. 339.12, F.S.; clarifying a provision specifying a maximum total amount of project agreements for certain projects; authorizing the department to enter into certain agreements with counties having a specified maximum population; defining the term "project phase"; requiring that a project or project phase be a high priority of a governmental entity; providing for reimbursement for a project or project phase; specifying a maximum total amount for certain projects and project phases; requiring that such project be included in the local government's adopted comprehensive plan; authorizing the department to enter into long-term repayment agreements up to a specified maximum length; amending s. 339.135, F.S.; revising certain notice provisions that require the Department of Transportation to notify local governments regarding amendments to an adopted 5-year work program; amending s. 339.155, F.S.; revising provisions for development of the Florida Transportation Plan; amending s. 339.2816, F.S., relating to the small county road assistance program; providing for resumption of certain funding for the program; revising the criteria for counties eligible to participate in the program; amending ss. 339.2819 and 339.285, F.S.; conforming cross-references; amending s. 348.0003, F.S.; providing for financial disclosure for expressway, transportation, bridge, and toll authorities; amending s. 348.0004, F.S.; providing for certain expressway authorities to index toll rate increases; repealing part III of ch. 343 F.S.; abolishing the Tampa Bay Commuter Transit Authority; requiring the department to conduct a study of transportation alternatives for the Interstate 95 corridor; amending s. 409.908, F.S.; authorizing the Agency for Health Care Administration to continue to contract for Medicaid nonemergency transportation services in a specified agency service area with managed care plans under certain conditions; amending s. 427.011, F.S.; revising definitions; defining the term "purchasing agency"; 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 of the commission; deleting a requirement that the commission establish by rule acceptable ranges of trip costs; removing a provision for functioning and oversight of the quality assurance and management review program; 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 services for the transportation disadvantaged; providing requirements for the payment of rates; requiring an agency to negotiate with the commission before procuring transportation disadvantaged services; requiring an agency to 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 duties of community transportation coordinators; amending s. 427.0157, F.S.; revising duties of 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.; providing for construction and application of specified provisions to certain acts of a purchasing agency in lieu of the Medicaid agency; requiring that an agency identify the allocation of funds for transportation disadvantaged services in its legislative budget request; amending s. 479.01, F.S.; redefining the term "automatic changeable facing" as used in provisions governing outdoor advertising; amending s. 479.07, F.S.; revising the locations within which signs require permitting; providing requirements for the placement of permit tags; requiring the department to establish by rule a service fee and specifications for replacement tags; amending s. 479.08, F.S.; deleting a provision allowing a sign permittee to correct false information that was knowingly provided to the department; requiring the department to

include certain information in the notice of violation; amending s. 479.156, F.S.; modifying local government control of the regulation of wall murals adjacent to certain federal highways; amending s. 479.261, F.S.; revising requirements for the logo sign program of the interstate highway system; deleting provisions providing for permits to be awarded to the highest bidders; requiring the department to implement a rotation-based logo program; requiring the department to adopt rules that set reasonable rates based on certain factors for annual permit fees; requiring that such fees not exceed a certain amount for sign locations inside and outside an urban area; amending s. 212.0606, F.S.; providing for the imposition by countywide referendum of an additional surcharge on the lease or rental of a motor vehicle; providing the proceeds of the surcharge to be transferred to the Local Option Fuel Tax Trust Fund and used for the construction and maintenance of commuter rail service facilities; amending s. 341.301, F.S.; providing definitions relating to commuter rail service, rail corridors, and railroad operation for purposes of the rail program within the department; amending s. 341.302, F.S.; authorizing the department to purchase specified property for the purpose of implementing commuter rail service; authorizing the department to assume certain liability on a rail corridor; authorizing the department to indemnify and hold harmless a railroad company when the department acquires a rail corridor from the company; providing allocation of risk; providing a specific cap on the amount of the contractual duty for such indemnification; authorizing the department to purchase and provide insurance in relation to rail corridors; authorizing marketing and promotional expenses; extending provisions to other governmental entities providing commuter rail service on public right-of-way; amending s. 768.28, F.S.; expanding the list of entities considered agents of the state; providing for construction in relation to certain federal laws; authorizing the expenditure of public funds for certain alterations of Old Cutler Road in the Village of Palmetto Bay; requiring the official approval of the Department of State before any alterations may begin; providing an effective date.

—was read the second time by title.

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

**Amendment 1 (037438)**—Delete line(s) 3200-3205 and insert:

*(17) After the United States Congress appropriates at least \$340 million for the commuter rail service in what is commonly identified as the Central Florida Rail Corridor, the department is authorized to purchase the required right-of-way, improvements, and appurtenances of the A-Line rail corridor from CSX Transportation, Inc., for a maximum purchase price of \$450 million for the primary purpose of implementing such commuter rail service, and consisting of an approximately*

## POINT OF ORDER

Senator Villalobos raised a point of order that the bill had a revision in the Committee on Transportation and Economic Development Appropriations relating to sovereign immunity and that pursuant to Rule 4.7(2) the bill should be referred to the Committee on Judiciary.

The President referred the point of order to Senator King, Chair of the Committee on Rules.

On motion by Senator Baker, further consideration of **CS for CS for CS for SB 1978** with pending **Amendment 1 (037438)** and pending point of order was deferred.

On motion by Senator Diaz de la Portilla, by two-thirds vote **HB 7109** was withdrawn from the Committees on Commerce; and Governmental Operations.

On motion by Senator Diaz de la Portilla—

**HB 7109**—A bill to be entitled An act relating to small business regulatory relief; 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; creating s. 288.7001, F.S.; providing a short title; providing definitions; creating the Small Business Regulatory Advisory Council; providing for appointments, membership, and meetings; providing powers and duties of the council; providing administrative location for council; providing for periodic review of agency rules by the council with agency sunset review; providing

timelines for review; providing for the council to issue a report; creating s. 288.7002, F.S.; providing definitions; creating the Office of Small Business Advocate; providing for selection of the Florida 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.; including the Small Business Regulatory Advisory Council among groups that may be consulted for agency or committee review; amending s. 11.911, F.S.; providing for the inclusion of the report of the Small Business Regulatory Advisory Council in the Legislative Sunset Committee's recommendations; amending s. 11.919, F.S.; requiring agency assistance to the Small Business Regulatory Advisory Council; authorizing the council to access or request information and assistance; amending s. 120.54, F.S.; requiring an agency to prepare a statement of estimated regulatory costs; requiring agency notification to the Small Business Regulatory Advisory Council relating to proposed agency action affecting small business; requiring an agency to adopt regulatory alternatives offered by the council under certain circumstances; providing for rule filing extension when regulatory alternatives are offered by the council; providing for outside review of regulatory alternatives not adopted by an agency and for an agency response; amending s. 120.74, F.S.; requiring biennial rule review by each agency to consider the impact of rules on small business; requiring the economic impact of the rules to be included in a report to the Legislature; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 928** and read the second time by title.

Pursuant to Rule 4.19, **HB 7109** was placed on the calendar of Bills on Third Reading.

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

### BILLS ON THIRD READING, continued

**CS for SB 1954**—A bill to be entitled An act relating to developmental disabilities; amending s. 393.063, F.S.; revising definitions; revising the term “developmental disabilities institution” to be known as a “developmental disabilities center”; redefining the term “retardation”; amending s. 393.0655, F.S.; requiring certain persons to undergo background screening if they have been unemployed for more than 90 days; amending s. 393.0673, F.S.; providing additional grounds for denying, suspending, or revoking a license or imposing a fine against a provider serving clients of the Agency for Persons with Disabilities; amending s. 393.506, F.S.; expanding the types of medications that an unlicensed direct service provider may administer; amending ss. 287.155, 393.064, 393.0651, 393.066, 393.135, 393.22, 393.23, 402.181, 402.22, 435.03, F.S.; conforming provisions to changes made by the act; repealing s. 393.0657, F.S., relating to background screening; providing an effective date.

—was read the third time by title.

An amendment was considered and adopted to conform **CS for SB 1954** to **HB 7075**.

Pending further consideration of **CS for SB 1954** as amended, on motion by Senator Rich, by two-thirds vote **HB 7075** was withdrawn from the Committees on Children, Families, and Elder Affairs; Health Regulation; and Health and Human Services Appropriations.

On motion by Senator Rich by two-thirds vote—

**HB 7075**—A bill to be entitled An act relating to developmental disabilities; amending s. 393.063, F.S.; revising definitions applicable to ch. 393, F.S., relating to persons with developmental disabilities; amending ss. 287.155, 393.064, 393.0651, 393.066, 393.135, 393.22, 393.23, 402.181, 402.22, 408.036, and 435.03, F.S.; conforming terminology to changes made by the act; amending s. 393.0657, F.S.; revising an exemption from certain requirements for re-fingerprinting and rescreening; amending s. 393.0673, F.S.; providing circumstances under which the Agency for Persons with Disabilities may deny, revoke, or suspend a license or impose a fine; amending s. 393.506, F.S.; authorizing direct service providers to administer a certain medication to clients with developmental disabilities; amending s. 400.063, F.S.; conforming a cross-reference; amending s. 916.301, F.S.; clarifying provisions relating to

court appointment of certain qualified experts to evaluate a defendant's mental condition; amending s. 916.302, F.S.; authorizing the sheriff to transport a defendant determined incompetent to proceed due to retardation or autism to county jail under certain conditions pending a court appearance at a competency hearing held within a specified period of time; providing an effective date.

—a companion measure, was substituted for **CS for SB 1954** as amended and read the second time by title.

### MOTION

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

Senator Rich moved the following amendment which was adopted:

**Amendment 1 (612506)(with title amendment)**—Delete line(s) 390-412 and redesignate subsequent section.

And the title is amended as follows:

Delete line(s) 19-23 and insert: condition;

On motion by Senator Rich, by two-thirds vote **HB 7075** as amended was read the third time by title, 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

### MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Atwater, by two-thirds vote **CS for SB 694** was withdrawn from the Committee on Judiciary; and **SB 1554** was withdrawn from the Committee on General Government Appropriations.

On motion by Senator Dockery, by two-thirds vote **CS for SB 390** and **CS for SB 1086** were withdrawn from the Committee on Criminal and Civil Justice Appropriations; and **CS for SB 2484** was withdrawn from the Committee on Rules.

On motion by Senator Constantine, by two-thirds vote **SB 2524** was withdrawn from the Committee on Education Pre-K - 12.

### MOTIONS

On motion by Senator King, a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Wednesday, April 30.

On motion by Senator King, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Wednesday, April 30.

### MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator King, the rules were waived and the Special Order Calendar Group was granted permission to meet 15 minutes after announcement.

**REPORTS OF COMMITTEES**

Pursuant to Rule 4.17(2), the President Pro Tempore, the Majority Leader, and the Minority Leader submit the following bills to be placed on the Special Order Calendar for Tuesday, April 29, 2008: SB 42, CS for SB 46, CS for SB 64, SB 226, CS for SB 268, CS for SB 644, CS for SB 886, CS for CS for SB 928, SB 1188, CS for SB 1304, CS for CS for SB 1430, CS for SB 1502, CS for SB 1552, CS for CS for SB 1962, CS for CS for CS for SB 1978, CS for CS for CS for SB 2026, CS for SB 2202, CS for CS for SB 2714

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

**MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS**

The Governor advised that he had filed with the Secretary of State CS for SB 34 which he approved on April 29, 2008.

The following Executive Order was filed with the Secretary:

**EXECUTIVE ORDER NUMBER 08-70**

(Executive Order of Reinstatement)

WHEREAS, by Executive Order Number 06-68 Christy Fitzgerald was suspended from her position as County Commissioner for Clay County, Florida, effective March 23, 2006 based on an Indictment issued March 23, 2006 charging her with five counts of petit theft and committing official misconduct; and

WHEREAS, on April 14, 2008, a jury acquitted Christy Fitzgerald of the charges underlying her suspension;

NOW THEREFORE, I, CHARLIE CRIST, Governor of Florida, pursuant to Article IV, Section 7(a) of the Florida Constitution and the Laws of the State of Florida, issue this Executive Order:

1. Christy Fitzgerald is reinstated as Clay County Commissioner, effective immediately.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of the State of Florida to be affixed, at Tallahassee, the Capitol, this 21 day of April, 2008.

*Charlie Crist*  
 GOVERNOR



ATTEST:  
*Kurt S. Browning*  
 SECRETARY OF STATE

[Referred to the Committee on Ethics and Elections.]

**REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS**

The Honorable Ken Pruitt  
 President, The Florida Senate  
 April 29, 2008

Re: Suspension of:  
 CHRISTY FITZGERALD  
 Commissioner  
 Clay County, Florida

Dear Mr. President:

The Committee on Ethics and Elections submits this final report on the matter of the suspension of Christy Fitzgerald.

By Executive Order Number 06-68 filed with the Secretary of State, the Honorable Jeb Bush, Governor, suspended Christy Fitzgerald as Commissioner of Clay County, Florida. On April 21, 2008, The Honor-

able Charlie Crist by Executive Order Number 08-70, reinstated The Honorable Christy Fitzgerald to the aforesaid county office.

In view of the foregoing, that no further action by the Senate is authorized or required by the Florida Constitution. I advise and recommend that the Senate take no further action on the above-named suspension during the 2008 Regular Session of the Florida Legislature, and consider the matter closed.

Sincerely,  
*Lee Constantine*, Chair

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

**FIRST READING**

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 173, CS for HB 197, CS for HB 225, HB 461, HB 487, HB 507, CS for HB 791, HB 889, HB 933, CS for HB 935, CS for HB 973, HB 999, HB 1031, HB 1033, HB 1063, HB 1065, HB 1067, HB 1069, CS for HB 1071, HB 1073, HB 1077, CS for HB 1085, CS for HB 1087, HB 1089, HB 1145, HB 1211, CS for HB 1225, CS for HB 1231, HB 1263, CS for HB 1365, HB 1445, CS for HB 1515, CS for HB 1543, HB 1545, CS for HB 1547; has passed as amended CS for HB 547, CS for HB 559, CS for HB 643, HB 669, CS for HB 787, CS for CS for HB 887, CS for HB 1429, CS for CS for HB 1459; has passed by the required constitutional two-thirds vote of the members present HB 7033 and requests the concurrence of the Senate.

*William S. Pittman III*, Chief Clerk

By the Safety and Security Council; and Representative N. Thompson and others—

**CS for HB 173**—A bill to be entitled An act relating to controlled substances; amending s. 893.02, F.S.; defining the term “cultivating” for specified purposes; amending s. 893.1351, F.S.; prohibiting a person from owning or actually or constructively possessing a place, structure, trailer, or other described place with knowledge that the place will be used to manufacture, sell, or traffic in a controlled substance; providing that possession of a specified number or more of cannabis plants constitutes prima facie evidence of intent to sell or distribute; providing that a person with actual or constructive possession of a place, structure, trailer, or conveyance being used to manufacture a controlled substance for sale and distribution commits a felony of the first degree if a minor is present or resides in the place, structure, trailer, or conveyance; providing criminal penalties; amending s. 893.10, F.S.; providing that equipment used in the manufacture of controlled substances may be photographed or video recorded and the photograph or video recording used as evidence for later use at trial; providing for the destruction of the equipment; amending s. 921.0022, F.S.; ranking specified offenses in the offense severity ranking chart of the Criminal Punishment Code; amending ss. 465.016, 465.023, and 893.135, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Criminal Justice; and Judiciary.

By the Environment and Natural Resources Council; and Representative Kendrick—

**CS for HB 197**—A bill to be entitled An act relating to pest control; creating s. 570.345, F.S., the Pest Control Compact; providing for enactment of the compact; requiring the Commissioner of Agriculture to administer the compact; requiring that an application for assistance under the compact be made by the commissioner; providing for crediting of funds to appropriate accounts of a state treasury under certain circumstances; providing findings with respect to the need for all states to cooperate in pest-eradication and control programs; providing definitions; providing for the establishment of the Pest Control Insurance Fund for the purpose of financing pest-control operations under the compact; specifying sources of funds deposited into the Pest Control Insurance Fund and any conditions that may be placed on such funds;

providing for the Pest Control Insurance Fund to be administered by a Governing Board and Executive Committee; providing for the internal operations and management of the Governing Board; requiring an annual report to the Governor and Legislature of each state that is a party to the compact; providing for the administration of the compact and the Pest Control Insurance Fund; providing procedures for applying for an expenditure from the fund; providing for a determination with respect to expenditures from the fund and for the review thereof; authorizing the Governing Board to establish advisory and technical committees; providing for an application for assistance from the fund on behalf of a non-party state; providing requirements for the fund with respect to preparing budgets and maintaining financial assets; prohibiting a pledge of the assets of a state that is a party to the compact; providing for the compact to enter into force upon its enactment by five or more states; providing a procedure for a state to withdraw from the compact; providing for construction and severability; providing an effective date.

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

---

By the Safety and Security Council; and Representative Kiar and others—

**CS for HB 225**—A bill to be entitled An act relating to telephone caller identification; providing a short title; creating s. 817.487, F.S.; prohibiting entering or causing to be entered false information into a telephone caller identification system with the intent to deceive, defraud, or mislead; prohibiting placing a call knowing that false information was entered into the telephone caller identification system; providing definitions; providing exceptions; providing penalties; providing that a violation is an unlawful trade practice under specified provisions; providing for enhancement of penalties when a violation is committed during the commission of a criminal offense or when a violation facilitates a criminal offense; providing an effective date.

—was referred to the Committees on Commerce; and Criminal Justice.

---

By Representative Patronis and others—

**HB 461**—A bill to be entitled An act relating to health flex plans; amending s. 408.909, F.S.; revising eligibility for enrollment in a health flex plan; extending the expiration date of the health flex plan program; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Health and Human Services Appropriations.

---

By Representative Nehr and others—

**HB 487**—A bill to be entitled An act relating to Pasco County; repealing chapter 71-841, Laws of Florida, relating to the issuance of special alcoholic beverage licenses to restaurants accommodating at least 200 patrons and occupying more than 4,000 square feet of floor space; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

---

By Representative Bean—

**HB 507**—A bill to be entitled An act relating to Bradford County; providing career service status for certain employees of the Bradford County Sheriff's Office; providing definitions; providing for transition between administrations; providing for appeals procedures; providing for career service appeals boards; providing proceedings and provisions with respect to disciplinary suspension and dismissal; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

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

**CS for HB 791**—A bill to be entitled An act relating to the DeSoto County Hospital District; amending chapter 2004-450, Laws of Florida; providing the nature of the district; providing for sovereign immunity; providing additional powers of the district; revising provisions relating to the destruction of records; providing for treatment of prisoners or county officers admitted to any hospital operated or leased by the district; providing for personnel; providing contract requirements for lease of facilities to not-for-profit corporations; providing for self-insurance plans; deleting certain requirements for insurance policy contracts; providing for liens for collection of charges; providing applicability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

---

By Representative Ambler and others—

**HB 889**—A bill to be entitled An act relating to Hillsborough County; amending chapter 2004-414, Laws of Florida, relating to projects for which payment and performance bonds may be waived for the construction of a public building, for the prosecution and completion of a public work, or for repairs on a public building under certain circumstances; increasing the number of such projects on which a small business may successfully bid before becoming ineligible for certain additional bidding; extending the sunset date of chapter 2004-414, Laws of Florida; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

---

By Representative Domino—

**HB 933**—A bill to be entitled An act relating to the Indian Trail Improvement District, Palm Beach County; amending chapter 2002-330, Laws of Florida; expanding the territorial boundaries of the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

---

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

**CS for HB 935**—A bill to be entitled An act relating to the Marion County Hospital District; codifying, amending, reenacting, and repealing special laws relating to the district; providing a status statement; providing legislative intent; providing definitions; providing boundaries of the district; providing for a board of trustees of the district; providing for appointment of board members; providing powers and organization of the board; providing for a hospital or clinic in the district; providing for construction funds for such hospital or clinic; providing for a training school for nurses; providing that the board has the power of eminent domain; providing for the board to borrow money; providing for general obligation bonds; providing for taxation; providing for board approval of bonds; providing procedures for bond elections; providing for form and type of bonds; providing for resolution authorizing bonds; providing that the board may include more than one improvement or hospital purpose on a bond issue; providing for advertisement and publication; providing for refunding bonds; providing for legal investments; providing for revenue bonds; providing for payment of funds by warrant; providing for levy of ad valorem tax; providing for taxes to be authorized by resolution; providing for payment of expenses; providing for contractual authority; providing for publication of annual statement; providing that hospitals or clinics shall be established for the benefit of residents of the district; providing for rules and regulations regarding physicians; providing that the board may secure insurance; providing for construction; providing for record destruction; providing severability; repealing chapters 65-

1905, 69-1296, 70-802, 71-764, 71-765, 71-766, 71-767, and 75-437, Laws of Florida, to conform; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

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

**CS for HB 973**—A bill to be entitled An act relating to the South Indian River Water Control District, Palm Beach County; amending chapter 2001-313, Laws of Florida; providing for the dedication of certain nonpublic roads within the district to the public for district maintenance; providing requirements for such dedication; providing for prima facie evidence of district ownership of a road; exempting certain property of an electric utility; providing a method of claiming interest in affected property; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative Williams—

**HB 999**—A bill to be entitled An act relating to the Fort Myers Beach Fire Control District, Lee County; amending chapter 2000-422, Laws of Florida; amending the boundaries of the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative Williams—

**HB 1031**—A bill to be entitled An act relating to Lee County; amending chapter 74-522, Laws of Florida, as amended; revising the qualifications for employment or reemployment as a classified employee of the Lee County Sheriff's Office; providing definitions; revising and providing provisions relating to the funding of civil service board and retirement health insurance benefits; providing membership qualifications for participation in the Lee County Sheriff's Office group health insurance plan; specifying payment and premium provisions of the plan; specifying to whom benefits may be payable; providing participation requirements for certain terminated employees prior to their receiving a retirement benefit; requiring the office to be a secondary payor to certain coverage held from previous or subsequent employers; providing schedule requirements for employer premiums; providing the effect of Medicare eligibility; providing for methods of premium payments; providing a limitation on the selection of continued insurance benefits; providing the effect in instances of the death of an insured retiree; providing applicability to all classified and unclassified members of the office; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative Domino—

**HB 1033**—A bill to be entitled An act relating to the Police Pension Fund of the City of West Palm Beach, Palm Beach County; amending chapter 24981 (1947), Laws of Florida, as amended; revising the definition of "retirement"; providing applicability of certain investment policy guidelines; providing statutory limitations on investments in foreign investments; providing additional standards for the performance of duties by the Board of Trustees relating to investments; deleting provisions relating to investments and purchases of securities, uninvested cash, and minimum investment standards; providing for transfer to the fund of certain members' leave payments remaining after required contributions to health savings accounts; providing for reemployment after retirement by a public or private employer, reemployment after retirement

inside or outside the police department, reemployment of terminated vested persons, and reemployment of DROP participants; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative Seiler—

**HB 1063**—A bill to be entitled An act relating to Broward County; amending chapter 98-521, Laws of Florida; revising membership of the South Broward Utility Advisory Board to provide for appointment of members by the Town of Southwest Ranches rather than the Broward County Commission; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative Seiler—

**HB 1065**—A bill to be entitled An act relating to Broward County; repealing chapters 28946 (1953), 30626 (1955), 57-1196, 61-1964, 63-1169, and 63-1179, Laws of Florida, relating to plats and the platting of lands located in Broward County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative Seiler—

**HB 1067**—A bill to be entitled An act relating to Broward County; repealing chapter 61-1960, Laws of Florida, relating to tax assessor's authority to make, reproduce, or procure plats of lands that were previously subdivided for which no plat had been recorded; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative Seiler—

**HB 1069**—A bill to be entitled An act relating to Broward County; repealing chapter 74-442, Laws of Florida, relating to prohibiting the governing body of a municipality from annexing any property lying within Broward County unless such municipality has adopted a land use plan; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

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

**CS for HB 1071**—A bill to be entitled An act relating to the Cities of Lauderhill, Plantation, and Fort Lauderdale, Broward County; adjusting the corporate limits of the Cities of Lauderhill, Plantation, and Fort Lauderdale to include within, or exclude from, such corporate limits a specified parcel and portions of rights-of-way and to remedy the creation of an enclave; providing for transfer of public roads and rights-of-way; providing for certain powers over the annexed area; providing for continuation of contracts in effect prior to annexation; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative Seiler—

**HB 1073**—A bill to be entitled An act relating to the Hillsboro Inlet District, Broward County; amending chapter 99-433, Laws of Florida, as amended; revising language relating to appointment of members of the commission; revising the number of members of the district required for a quorum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

---

By Representative Reagan—

**HB 1077**—A bill to be entitled An act relating to the West Villages Improvement District, Sarasota County; amending chapter 2004-456, Laws of Florida, as amended; expanding the territorial boundaries of the district; providing for a referendum; providing an effective date.

—was referred to the Committee on Rules.

---

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

**CS for HB 1085**—A bill to be entitled An act relating to the Pinellas County Sheriff's Civil Service System; amending chapter 89-404, Laws of Florida, as amended; deleting intent relating to collective bargaining; limiting application; revising the definition of "personnel"; revising positions covered in the Classified and Unclassified Services; providing effect of participating in the Florida Retirement System's Senior Management Service Class; providing for Certified Executive Staff; providing additional causes for member suspension or dismissal; providing duties of the Civil Service Board regarding appeals; providing authority of the Division of Administrative Hearings under certain circumstances; revising provisions relating to the timeframe for filing a notice of appeal and for disposing of appeals and making findings of fact and stating a conclusion; removing a provision relating to certified personnel status as appointed officers; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

---

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

**CS for HB 1087**—A bill to be entitled An act relating to the City of Belleair Beach, Pinellas County; authorizing the City Council of the City of Belleair Beach to hold regular and special meetings outside the jurisdictional limits of the city as prescribed by ordinance, resolution, or interlocal agreement; encouraging the council to hold meetings in close proximity to the people it serves; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

---

By Representative Hooper—

**HB 1089**—A bill to be entitled An act relating to the City of Clearwater, Pinellas County; amending chapter 30658 (1955), Laws of Florida, as amended; updating terminology; revising the interval at which actuarial valuations of the city's fire pension fund shall be made; providing eligibility for election to the board of trustees of the fire pension fund; providing that board members may be appointed in certain circumstances; removing a requirement for payment of certain warrants; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

---

By Representative Poppell—

**HB 1145**—A bill to be entitled An act relating to the Canaveral Port District, Brevard County; amending chapter 2003-335, Laws of Florida; amending the powers and duties of the district; authorizing the district to establish a direct-support organization to receive, hold, invest, and administer property, make expenditures to or for the benefit of the district, and promote the development and expansion of the economic, historical, and cultural contributions of the maritime industry of the district; providing powers and duties of the organization; providing for membership of the board of directors of the organization; providing for the budget and financial audit of the organization; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

---

By Representative Taylor—

**HB 1211**—A bill to be entitled An act relating to the Shawano Water Control District, Palm Beach County; amending chapter 2002-382, Laws of Florida; expanding the territorial boundaries of the district; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

---

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

**CS for HB 1225**—A bill to be entitled An act relating to Hillsborough County; amending chapter 2001-299, Laws of Florida, relating to the Public Transportation Commission; providing for certain national criminal history background checks; authorizing the issuance of temporary public vehicle driver's licenses; providing for an exception to a public driver's license requirement; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

---

By the Government Efficiency and Accountability Council; and Representative R. Saunders and others—

**CS for HB 1231**—A bill to be entitled An act relating to the Key Largo Wastewater Treatment District, Monroe County; amending chapter 2002-337, Laws of Florida; providing that the district is not subject to local regulations governing discharge of effluent and is not obligated to obtain licenses, permits, or authorizations required by local regulating agencies; requiring the district to provide the county with a notice of development; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

---

By Representative Needelman—

**HB 1263**—A bill to be entitled An act relating to Brevard County; amending chapter 2000-451, Laws of Florida, as amended; extending the expiration date for the clam harvesting licensure program; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

---

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

**CS for HB 1365**—A bill to be entitled An act relating to Tindall Hammock Irrigation and Soil Conservation District, Broward County; amending chapter 98-523, Laws of Florida; providing for the addition of certain lands into the district; providing for the deletion of certain lands from the district; providing the board with the power to own, acquire, construct, operate, and improve water systems and sewer systems within and without the district; amending the amount for which advertisement for bids is required for the procurement by the district of contractual services and purchase of goods, supplies, and materials to comply with general law; providing additional requirements for the procurement of goods and services and contracts for improvements to district facilities; providing for the election of supervisors; redesignating the office of president of the board to chair of the board; creating the office of vice chair of the board; providing for a designation of who shall preside at meetings of the board; providing for the election of officers of the board; providing for the calling of special meetings of the board; providing the maximum allowable interest rate on loans, notes, bonds, assessments, and other obligations of the district; revising the district's bond criteria and provisions; providing that the meeting place of the district shall be in Broward County; deleting obsolete provisions; revising inconsistent provisions; revising provisions relating to controlling, regulating, and maintaining water systems and sewer systems within and without the district; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative Ausley—

**HB 1445**—A bill to be entitled An act relating to the City of Tallahassee, Leon County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue up to a specified number of temporary permits to a nonprofit civic organization to sell alcoholic beverages for consumption on the premises at outdoor events on public right-of-way in the downtown area of Tallahassee; providing that such events require a street-closure permit from the City of Tallahassee; providing that the permits authorized by the act are in addition to certain other authorized temporary permits; requiring the nonprofit civic organization to comply with certain statutory requirements in obtaining the permits authorized by the act; requiring the division to adopt rules; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

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

**CS for HB 1515**—A bill to be entitled An act relating to the City of Orlando Firefighter Pension Fund, Orange County; amending chapter 23444, Laws of Florida, 1945, as amended; providing definitions of "legal guardian" and "guardians of said issue"; clarifying the amount of certain disability pension; providing that surviving spouses and other beneficiaries are entitled to cost of living increases upon the death of eligible firefighters; approving ordinances enacted by the City of Orlando concerning the firefighter pension plan; providing that the act is contingent upon a collective bargaining agreement; providing retroactive effect; providing effective dates.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

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

**CS for HB 1543**—A bill to be entitled An act relating to the Jackson County Sheriff's Office; providing permanent status for certain employees of the Sheriff; specifying rights of employees; providing procedures

for appeal of disciplinary actions and complaints against employees; providing for transition between sheriffs; providing for the appointment of career service appeals boards to hear appeals and procedures with respect thereto; providing for complaints against employees; providing applicability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By Representative McKeel—

**HB 1545**—A bill to be entitled An act relating to the City of Lakeland, Polk County; amending the Charter of the City of Lakeland; providing for replacing all current members of the civil service board; increasing membership of the board; deleting an obsolete provision; providing that the civil service director shall be a city employee and supervised by the city manager; providing membership of the pension board; providing qualification of members; providing that the board may employ a retirement services director; providing duties of the retirement services director; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

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

**CS for HB 1547**—A bill to be entitled An act relating to the Wakulla County Sheriff's Office; providing permanent status for certain employees of the Sheriff; specifying rights of employees; providing procedures for appeal of disciplinary actions and complaints against employees; providing for transition between sheriffs; providing for the appointment of career service appeals boards to hear appeals and procedures with respect thereto; providing for complaints against employees; providing applicability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules.

By the Environment and Natural Resources Council; and Representative Kreegel—

**CS for HB 547**—A bill to be entitled An act relating to water pollution control; amending s. 403.067, F.S.; providing requirements for basin management action plans; allowing such plans to take into account the benefits of pollutant load reduction achieved by point or nonpoint sources, where appropriate; requiring that the Department of Environmental Protection adopt all or part of any such plan, or any amendment thereto, by secretarial order as provided by state law; providing that the provisions of the department's rule relating to the equitable abatement of pollutants into surface waters may not be applied to water bodies or water body segments for which a basin management plan that takes into account future or new expanded activities or discharges has been adopted; authorizing water quality protection programs to include the trading of water quality credits; authorizing the department to adopt rules related to the trading of water quality credits; requiring that such rulemaking include certain provisions; specifying that a water quality credit trading pilot project be limited to the Lower St. Johns River Basin as a pilot project; requiring that the department provide the Legislature with an annual report regarding the effectiveness of the pilot project; providing report requirements; providing that the department may authorize and establish specific requirements for water quality credit trading as part of the Lower St. Johns River Basin adopted basin management action plan; correcting cross-references to conform to changes made by the act; amending s. 403.088, F.S.; authorizing the department to revise a water pollution operation permit under certain circumstances; authorizing the department to issue, renew, or reissue such a permit if a water quality credit trade meets the requirements of 403.067, F.S.; requiring that revised permits be accompanied by an order estab-

lishing a schedule for achieving compliance with all permit conditions; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; and Community Affairs.

---

By the Safety and Security Council; and Representative Schenck and others—

**CS for HB 559**—A bill to be entitled An act relating to material harmful to minors; amending s. 847.001, F.S.; redefining the term “harmful to minors”; amending s. 847.011, F.S.; providing that it is a third-degree felony for any person to sell, distribute, transmit, advertise, or possess with the intent to sell, distribute, transmit, or advertise certain materials to minors; providing that ignorance of a minor’s age or the minor’s consent is not a defense in a prosecution for such a violation; providing penalties; amending s. 847.012, F.S.; prohibiting a person from knowingly using a minor in the production of certain materials, regardless of whether those materials are intended for distribution to minors or actually distributed to minors; providing a penalty; providing that ignorance of a minor’s age or the minor’s consent is not a defense in a prosecution for specified violations; amending s. 847.013, F.S.; providing that ignorance of a minor’s age or the minor’s consent is not a defense in a prosecution for specified violations; revising legislative intent concerning the enforcement of such laws with respect to minors; amending s. 847.0133, F.S.; revising terminology; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; establishing offense levels to conform to changes made by the act; providing an exemption to sections amended by this act for providers of communications services and providers of information services in certain circumstances; providing an effective date.

—was referred to the Committees on Criminal Justice; Commerce; and Judiciary.

---

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

**CS for HB 643**—A bill to be entitled An act relating to foreclosure fraud; creating s. 501.1377, F.S.; providing legislative findings and intent with respect to the need to protect homeowners who enter into agreements designed to save their homes from foreclosure; providing definitions; prohibiting a foreclosure-rescue consultant from engaging in certain acts or failing to perform contracted services; requiring that all agreements for foreclosure-related rescue services and foreclosure-rescue transactions be in writing; specifying information that must be in the written agreement; requiring that certain statements in the written agreement be in uppercase letters and of a specified size; providing that the homeowner has a right to cancel the agreement for a specified period and the right may not be waived; providing that the homeowner has a specified period during which to cure a default under certain circumstances; requiring equity purchasers to assume or discharge certain liens; requiring that an equity purchaser verify the homeowner’s ability to make payments under a repurchase agreement; providing price limitations for repurchase transactions; providing for a rebuttable presumption of certain transactions being unconscionable under certain circumstances; providing for limited application of the presumption; providing an exclusion; providing that a foreclosure-rescue transaction involving a lease option or other repurchase agreement creates a rebuttable presumption that the transaction is a loan transaction and the conveyance from the homeowner to the equity purchaser is a mortgage; providing limited application of the presumption; providing an exclusion; providing that a person who violates certain provisions commits an unfair and deceptive trade practice as defined in part II of ch. 501, F.S.; providing penalties; repealing s. 501.2078, F.S., relating to violations involving individual homeowners during the course of residential foreclosure proceedings; providing an effective date.

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

By Representative N. Thompson and others—

**HB 669**—A bill to be entitled An act relating to school safety; creating s. 1006.147, F.S.; providing a short title; prohibiting bullying and harassment of any student or employee of a public K-12 educational institution; providing definitions; requiring each school district to adopt a policy prohibiting such bullying and harassment; providing minimum requirements for the contents of the policy; requiring the Department of Education to develop a model policy; providing immunity; providing restrictions with respect to defense of an action and application of the section; requiring department approval of a school district’s policy and school district compliance with reporting procedures as prerequisites to receipt of safe schools funds; requiring a report on implementation; providing for construction; providing for severability; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Criminal Justice.

---

By the Environment and Natural Resources Council; and Representative Flores—

**CS for HB 787**—A bill to be entitled An act for the relief of Brian Daiagi by the South Florida Water Management District; authorizing and directing the South Florida Water Management District to compensate Brian Daiagi for personal injuries that he suffered due to the negligence of the South Florida Water Management District; providing a limitation on attorney’s fees, lobbying fees, costs, and other similar expenses relating to the claim; providing an effective date.

—was referred to the Special Master; and the Committee on Environmental Preservation and Conservation.

---

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

**CS for CS for HB 887**—A bill to be entitled An act relating to the Career Service System; amending s. 110.227, F.S.; revising criteria for certain rules and procedures for the suspension, reduction in pay, transfer, layoff, demotion, and dismissal of employees in the career service; increasing the amounts of time in which to submit grievances and respond to grievances; revising notice requirements; increasing the amount of time in which the employee must file an appeal to the Public Employees Relations Commission; revising procedures applicable to appeals filed with the commission; providing for the removal and placement of certain career service employees serving a probationary period; providing an effective date.

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

---

By the Healthcare Council; and Representative Gardiner—

**CS for HB 1429**—A bill to be entitled An act relating to mental health and substance abuse services; amending s. 394.9082, F.S.; providing legislative findings and intent; providing definitions; providing service delivery strategies; providing for data sharing agreements; establishing a process for the Department of Children and Family Services to contract with community-based managing entities; specifying criteria for contracts between the department and managing entities for the provision of behavioral health services; establishing goals for service delivery; creating community-based systems of care; authorizing the implementation of managing entities by the department; specifying responsibilities of managing entities; specifying roles and responsibilities of the department; specifying management information system requirements; providing for evaluations and reports; providing for a monitoring process; providing rulemaking authority; 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 Policy and Budget Council; Economic Expansion and Infrastructure Council; and Representative Lopez-Cantera—

**CS for CS for HB 1459**—A bill to be entitled An act relating to discretionary surtax on documents; amending s. 3, ch. 83-220, Laws of Florida, as amended; extending a future repeal date of provisions authorizing counties to levy a discretionary surtax on documents; amending s. 125.0167, F.S.; limiting the percentage of surtax revenues that may be used for administrative costs; specifying a minimum amount of surtax revenues to be used for housing for certain low-income and moderate-income families; requiring an affirmative vote of a local government governing body to rehabilitate certain governmentally owned housing; requiring certain remaining revenues to be used for down payment assistance; authorizing certain counties to create by ordinance a housing choice assistance voucher program; providing definitions; providing eligibility requirements for such vouchers; authorizing purchasing employers to file for allocations for such vouchers; limiting allocations; requiring distribution of allocations to employees in the form of such vouchers; prohibiting use of allocations for such vouchers if not awarded within a time certain after certain documentary stamps taxes are collected; amending s. 201.031, F.S.; expanding requirements for counties levying the discretionary surtax to include housing plan, affordable housing element, and annual reporting requirements; requiring the Auditor General to conduct a biennial operational audit of the discretionary surtax program operated by counties; requiring a report; providing an effective date.

—was referred to the Committees on Community Affairs; and Finance and Tax.

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

**HB 7033**—A bill to be entitled An act relating to public records; renumbering and amending s. 119.0711(1), F.S.; transferring provisions which provide a public records exemption for complaints and other records in the custody of any agency in the executive branch of state government which relate to a complaint of discrimination; expanding the exemption to provide for applicability to any agency rather than any agency in the executive branch of state government; amending s.

119.071, F.S.; reorganizing provisions; providing for review and repeal of the exemption; providing a statement of public necessity; amending s. 338.223, F.S.; conforming a cross-reference; providing an effective date.

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

---

### RETURNING MESSAGES—FINAL ACTION

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 192, CS for CS for SB 370, SB 432, CS for CS for SB 704, CS for CS for CS for SB 756, CS for SB 758, CS for SB 794, CS for CS for SB 854, CS for SB 966, CS for SB 1008, CS for CS for SB 1012, CS for CS for SB 1488, SB 2296, CS for SB 2438, CS for SB 2462, CS for SB 2582 and CS for CS for SB 2598; and adopted SM 1742.

*William S. Pittman III*, Chief Clerk

The bills contained in the foregoing messages were ordered enrolled.

### CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 28 was corrected and approved.

### CO-INTRODUCERS

Senators Baker—CS for CS for SB 282, CS for CS for SB 1296; Bul-lard—CS for SB 1552; Dockery—SB 1456; Gaetz—CS for SB 734; Lynn—CS for CS for SB 788, CS for SB 1954, CS for SB 2366

### RECESS

On motion by Senator King, the Senate recessed at 4:42 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Wednesday, April 30 or upon call of the President.