



Journal of the Senate

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CALL TO ORDER

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

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

PRAYER

The following prayer was offered by Senator Garcia:

Deuteronomy 31:8 says: “Do not be afraid or discouraged, for the Lord is the one who goes before you. He will be with you; he will neither fail you nor forsake you.”

God of grace and God of glory, on your people pour your power. Grant us wisdom; grant us courage for the facing of this hour. Amen.

PLEDGE

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

ADOPTION OF RESOLUTIONS

On motion by Senator Deutch—

By Senators Deutch, Smith, Hill, Dockery, Haridopolos, Fasano, Gelber, Rich, Sobel, Aronberg, Baker, and Gaetz—

SR 66-A—A resolution expressing solidarity with Israel in its defense against terrorism in the Gaza Strip.

WHEREAS, the State of Israel is the greatest ally of the United States in the Middle East, and

WHEREAS, the Hamas terror organization’s charter calls for the destruction of the State of Israel, and

WHEREAS, Palestinian terrorists of the Islamic Jihad and Hamas in the Gaza Strip, sponsored and trained by Iran, have recently fired hundreds of rockets at civilian targets in southern Israel, ending a 6-month cease fire with Israel in declaration and in deed, and

WHEREAS, during the 6-month “state of calm,” Israel allowed the entrance of some 17,000 truckloads of humanitarian aid into the Gaza Strip, while Palestinian terrorists launched 538 rockets and mortars into Israel, and

WHEREAS, the latest terrorist attacks took place only days after the United Nations Security Council adopted resolution 1850, which unanimously declared support for the peace process between the Palestinians and Israelis, and

WHEREAS, since these latest terrorist attacks and the beginning of its military operation on December 27, 2008, Israel has allowed the entrance of hundreds of truckloads of humanitarian aid into the Gaza Strip in full coordination with donor Arab countries and international aid organizations, including the Red Cross, out of respect for human rights and lives and in an effort to minimize the hardship and suffering of the Palestinian population, and

WHEREAS, Israel’s military operations are an effort to defend its citizens as a moral duty against the unspeakable horrors of ongoing, indiscriminate terrorism and are aimed only at dismantling the terrorist infrastructure, and

WHEREAS, hundreds of innocent Israeli and Palestinian civilians have been tragically killed due to ongoing escalations of violence initiated by Palestinian terrorist organizations, NOW, THEREFORE,

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

That the Senate:

- (1) Stands in solidarity with Israel as it takes necessary steps to provide security to its people;
- (2) Remains committed to Israel’s right to self-defense and supports additional United States’ assistance to help Israel defend herself;
- (3) Condemns the end of the ceasefire by Hamas;
- (4) Condemns the firing of rockets into civilian areas by the Iran-sponsored terrorist groups of Hamas and the Islamic Jihad;
- (5) Urges all Arab states to declare their opposition to terrorism and attacks on civilians; and
- (6) Urges all parties in the region to pursue lasting peace in the Middle East.

—was introduced out of order and read by title. On motion by Senator Deutch, **SR 66-A** was read the second time in full and adopted.

SPECIAL ORDER CALENDAR

SB 2-A—A bill to be entitled An act making special appropriations; providing appropriations and reductions in appropriations for the 2008-2009 fiscal year, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

—was read the second time by title.

Senator Wilson moved the following amendment which failed:

Amendment 1 (996006)—

	DELETE	INSERT
EDUCATION, DEPARTMENT OF Public Schools, Division Of Program: State Grants/K-12 Program - FEPP 48250300		
42 In Section 02 On Page 008 Aid To Local Governments 050560 Grants And Aids - Florida Educational Finance Program IOEB		
1000 From General Revenue Fund CA 21,341,715 FSI1 21,341,715	-343,129,365	-321,787,650
State Board Of Education 48800000		
82 In Section 02 On Page 015 Special Categories 100147 Assessment And Evaluation IOEA		
1000 From General Revenue Fund CA -21,341,715 FSI1 -21,341,715	-737,761	-22,079,476

Senators Lawson, Rich, and Sobel offered the following amendment which was moved by Senator Lawson:

Amendment 2 (996007)—

	DELETE	INSERT
AGENCY FOR HEALTH CARE ADMINISTRATION Program: Health Care Services Medicaid Services To Individuals 68501400		
110 In Section 03 On Page 020 Special Categories 101582 Hospital Inpatient Services IOEE		
1000 From General Revenue Fund CA 8,871,144 FSI2 8,871,144	-8,871,144	0
111 Special Categories 101596 Hospital Outpatient Services IOEE		
1000 From General Revenue Fund CA 2,952,174 FSI2 2,952,174	-2,952,174	0
112 In Section 03 On Page 021 Special Categories 102673 Prepaid Health Plans IOEE		
1000 From General Revenue Fund CA 10,258,684 FSI2 10,258,684	-10,258,684	0
Medicaid Long Term Care 68501500		
In Section 03 On Page 022		
115 Special Categories 101649 Intermediate Care Facilities/Developmentally Disabled Community IOEE		

1000 From General Revenue Fund CA 985,858 FSI2 985,858	-985,858	0
117 Special Categories 109970 Capitated Nursing Home Diversion Waiver IOEE		
1000 From General Revenue Fund CA 872,648 FSI2 872,648	-872,648	0
AGENCY FOR PERSONS WITH DISABILITIES Program: Services To Persons With Disabilities Home And Community Services 67100100		
In Section 03 On Page 024		
128 Special Categories 101555 Home And Community Based Services Waiver IOEE		
1000 From General Revenue Fund CA 5,610,126 FSI2 5,610,126	-5,610,126	0
129 Special Categories 105440 Community Supported Living Waiver IOEE		
1000 From General Revenue Fund CA 515,567 FSI2 515,567	-515,567	0
CHILDREN AND FAMILY SERVICES, DEPARTMENT OF Services Program: Family Safety Program Child Protection And Permanency 60910304		
In Section 03 On Page 026		
153 Special Categories 108304 Grants And Aids - Community Based Care Funds For Providers Of Child Welfare Services IOEB		
1000 From General Revenue Fund CA 9,837,274 FSI2 9,837,274	-9,837,274	0
Program: Mental Health Program Adult Community Mental Health Services 60910502		
In Section 03 On Page 028		
165 Special Categories 100610 Grants And Aids - Community Mental Health Services IOEB		
1000 From General Revenue Fund CA 6,407,456 FSI1 6,407,456	-6,407,456	0
Children's Mental Health Services 60910503		
167 Special Categories 102780 Grants And Aids - Purchased Residential Treatment Services For Emotionally Disturbed Children And Youth IOEB		
1000 From General Revenue Fund CA 1,026,480 FSI2 1,026,480	-1,026,480	0
Program: Substance Abuse Program Child Substance Abuse Prevention, Evaluation And Treatment Services 60910602		
In Section 03 On Page 029		
177 Special Categories 100420 Grants And Aids - Children And Adolescent Substance Abuse Services IOEB		
1000 From General Revenue Fund CA 1,549,543 FSI2 1,549,543	-1,549,543	0
Adult Substance Abuse Prevention, Evaluation And Treatment Services 60910603		

178 Special Categories 100618
 Grants And Aids - Community Substance Abuse Services IOEB

1000 From General Revenue Fund -1,455,074 0
 CA 1,455,074 FSI2 1,455,074

ELDER AFFAIRS, DEPARTMENT OF
 Program: Services To Elders Program
 Home And Community Services 65100400

In Section 03 On Page 032

213 Special Categories 100096
 Grants And Aids - Alzheimer's Disease Projects/Services IOEB

1000 From General Revenue Fund -236,291 0
 CA 236,291 FSI1 236,291

214 Special Categories 100250
 Grants And Aids - Alzheimers Disease Respite Services IOEB

1000 From General Revenue Fund -280,658 0
 CA 280,658 FSI1 280,658

215 Special Categories 100547
 Grants And Aids - Community Care For The Elderly IOEB

1000 From General Revenue Fund -1,604,651 0
 CA 1,604,651 FSI1 1,604,651

HEALTH, DEPARTMENT OF
 Program: Community Public Health
 Family Health Outpatient And Nutrition Services 64200300

In Section 03 On Page 034

235 Aid To Local Governments 050329
 Contribution To County Health Units IOEB

1000 From General Revenue Fund -214,597 0
 CA 214,597 FSI1 214,597

Infectious Disease Control 64200400

243 Aid To Local Governments 050026
 Grants And Aids - Aids Patient Care IOEB

1000 From General Revenue Fund -509,333 0
 CA 509,333 FSI2 509,333

244 Aid To Local Governments 050207
 Grants And Aids - Statewide Acquired Immune Deficiency Syndrome (Aids) Networks IOEB

1000 From General Revenue Fund -445,057 0
 CA 445,057 FSI2 445,057

245 Aid To Local Governments 050329
 Contribution To County Health Units IOEB

1000 From General Revenue Fund -539,029 0
 CA 539,029 FSI1 539,029

Environmental Health Services 64200600

In Section 03 On Page 035

248 Aid To Local Governments 050329
 Contribution To County Health Units IOEB

1000 From General Revenue Fund -160,913 0
 CA 160,913 FSI1 160,913

County Health Departments Local Health

Needs 64200700

251 Aid To Local Governments 050329
 Contribution To County Health Units IOEB

1000 From General Revenue Fund -7,688,515 0
 CA 7,688,515 FSI1 7,688,515

Program: Children's Medical Services
 Children's Special Health Care 64300100

In Section 03 On Page 036

260 Special Categories 100497
 Grants And Aids - Children's Medical Services Network IOEB

1000 From General Revenue Fund -991,724 0
 CA 991,724 FSI1 991,724

261 Special Categories 100655
 Grants And Aids - Medical Services For Abused/Neglected Children IOEB

1000 From General Revenue Fund -474,930 0
 CA 474,930 FSI1 474,930

262 Special Categories 102936
 Poison Control Center IOEB

1000 From General Revenue Fund -124,306 0
 CA 124,306 FSI1 124,306

263 Special Categories 103629
 Grants And Aids - Developmental Evaluation And Intervention Services/Part C IOEB

1000 From General Revenue Fund -171,029 0
 CA 171,029 FSI1 171,029

POINT OF ORDER

Senator Alexander raised a point of order that **Amendment 2 (996007)** is not balanced as required because it does not identify the specific appropriations line item or the specific source of funding, either general revenue or trust fund, to fund the amendment. The amendment adds money to the bill without specifying the line item from which to restore the identified funding items, and is therefore out of order.

The President referred the point of order and the amendment to Senator Villalobos, Chair of the Committee on Rules. Further consideration of **Amendment 2** was deferred.

Senators Gelber, Lawson, Wilson, and Bullard offered the following amendment which was moved by Senator Gelber and failed:

Amendment 3 (996008)—

DELETE INSERT

In Section 51 On Page 121

On page 121, immediately following Section 51, add a new Section:

SECTION XX. (1) Contingent upon legislation becoming law, relating to mandating "combined" reporting, requiring all corporations that are members of a newly defined "water's edge group" to file a tax return combining income from those entities and then apportioning the combined income to Florida based upon a statutory formula, additional general revenue generated as a result of this legislation shall be used to restore reductions in funding for education Pre-K-12 and higher education to the state during the 2008-2009 state fiscal year and going forward. For the 2008-2009 fiscal year, each affected agency is directed to submit budget amendments in accordance with the provisions of chapter 216, Florida Statutes, within 30 days of such legislation becoming law. The amendments shall be developed to increase the state's general revenue while preserving the total funding level anticipated

within this appropriations act. To the extent general revenue budget authority may be reduced, such budget authority must be placed in unbudgeted reserve.

The Senate resumed consideration of **Amendment 2**.

RULING ON POINT OF ORDER

On recommendation of Senator Villalobos, Chair of the Committee on Rules, President Atwater ruled the point well taken and **Amendment 2 (996007)** out of order.

On motion by Senator Alexander, by two-thirds vote **SB 2-A** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Mr. President	Diaz de la Portilla	Lynn
Alexander	Dockery	Oelrich
Altman	Fasano	Peaden
Baker	Gaetz	Pruitt
Bennett	Garcia	Richter
Constantine	Gardiner	Siplin
Crist	Haridopolos	Storms
Dean	Jones	Villalobos
Detert	King	Wise

Nays—13

Aronberg	Joyner	Smith
Bullard	Justice	Sobel
Deutch	Lawson	Wilson
Gelber	Rich	
Hill	Ring	

MOTION

On motion by Senator Alexander the House was requested to pass **SB 2-A**, as passed by the Senate, and in the event the House refuses, requested that a conference committee be appointed.

SB 4-A—A bill to be entitled An act implementing the 2008-2009 Special Appropriations Act; providing legislative intent; reenacting s. 215.32(2)(b), F.S., relating to the source and use of certain trust funds, in order to implement the transfer of moneys to the General Revenue Fund from trust funds as provided in the 2008-2009 Special Appropriations Act; amending s. 215.5601, F.S.; authorizing the transfer of funds from the Lawton Chiles Endowment Fund to the General Revenue Fund for the 2008-2009 fiscal year; providing legislative intent with respect to the repayment of moneys to the Lawton Chiles Endowment Fund; amending s. 259.105, F.S.; providing for the proceeds of certain bonds issued under the Florida Forever program to be deposited into the Florida Forever Trust Fund; providing for the distribution of funds to the Department of Environmental Protection, the Department of Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, and the Department of Community Affairs to be used for the acquisition of lands, capital project expenditures, and other purposes; requiring that certain approved or pending acquisitions, contracts, or other instruments be allowed to lapse; requiring the reassessment of certain acquisitions; amending ss. 420.0005 and 420.9079, F.S.; requiring that the Florida Housing Finance Corporation return to the State Treasury for the 2008-2009 fiscal year only certain unexpended funds held by the corporation; providing for the effect of a veto of one or more specific appropriations or proviso provisions to which implementing language refers; providing for severability; providing an effective date.

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

Yeas—27

Mr. President	Altman	Bennett
Alexander	Baker	Constantine

Crist	Garcia	Peaden
Dean	Gardiner	Pruitt
Detert	Haridopolos	Richter
Diaz de la Portilla	Jones	Siplin
Dockery	King	Storms
Fasano	Lynn	Villalobos
Gaetz	Oelrich	Wise

Nays—13

Aronberg	Joyner	Smith
Bullard	Justice	Sobel
Deutch	Lawson	Wilson
Gelber	Rich	
Hill	Ring	

MOTIONS

On motion by Senator Alexander the House was requested to pass **SB 4-A**, as passed by the Senate, and in the event the House refuses, requested that a conference committee be appointed.

On motion by Senator Alexander, the rules were waived and the staff of the Policy and Steering Committee on Ways and Means was instructed to make title amendments and technical changes to **SB 2-A** and **SB 4-A** as necessary.

CS for SB 8-A—A bill to be entitled An act relating to the Medicaid program; amending ss. 409.908 and 409.912, F.S.; revising the amount reimbursed to providers and pharmacies for drugs prescribed under the program; creating s. 409.9082, F.S.; providing definitions; requiring the Agency for Health Care Administration to calculate and assess a quality assessment on health care items or services provided by nursing facilities; requiring the agency to seek a waiver of broad-based and uniform provider assessment requirements of federal law; providing for the return of collected assessments under certain circumstances; requiring the agency to adopt rules; providing for the use of moneys in the Grants and Donations Trust Fund and specifying an order of priority; providing for nullification of the quality assessment under certain circumstances; authorizing the agency to impose certain penalties and fines; prohibiting the reversion of moneys in the fund relating to the quality assessment; providing an effective date.

—was read the second time by title.

The Policy and Steering Committee on Ways and Means offered the following amendment which was moved by Senator Peaden:

Amendment 1 (893502) (with title amendment)—Delete lines 60-64 and insert: lower of: average wholesale price (AWP) minus 16.4 percent, wholesaler acquisition cost (WAC) plus 4.75 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider; *however, the Medicaid maximum allowable fee for ingredient cost for pharmacy chains that have five or more stores in the state under common ownership shall be based on the lower of: average wholesale price (AWP) minus 18.4 percent, wholesaler acquisition cost (WAC) plus 2.75 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider.* Medicaid providers are required to dispense generic

Delete lines 189-192 and insert: (AWP) minus 16.4 percent, the wholesaler acquisition cost (WAC) plus 4.75 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider; *however, reimbursement for Medicaid prescribed drugs for pharmacy chains that have five or more stores in the state under common ownership shall be set at the lesser of: average wholesale price (AWP) minus 18.4 percent, wholesaler acquisition cost (WAC) plus 2.75 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider.*

And the title is amended as follows:

Delete line 4 and insert: reimbursed to certain pharmacy chains in the state for drugs

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

Amendment 1A (128044) (with title amendment)—Delete lines 5-16 and insert: on the lower of: average wholesale price (AWP) minus 18.4164 percent, wholesaler acquisition cost (WAC) plus 2.75475 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider. Medicaid providers are required to

Delete lines 20-29 and insert: (AWP) minus 18.4164 percent, the wholesaler acquisition cost (WAC) plus 2.75475 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider.

And the title is amended as follows:

Delete line 35 and insert: reimbursed to providers and pharmacies for drugs

Amendment 1 as amended was adopted.

On motion by Senator Peaden, by two-thirds vote **CS for SB 8-A** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

MOTION

On motion by Senator Alexander the House was requested to pass **CS for SB 8-A**, as passed by the Senate, and in the event the House refuses, requested that a conference committee be appointed.

MOTION

On motion by Senator Villalobos, the rules were waived and time of recess was extended until completion of the Special Order Calendar.

CS for SB 10-A—A bill to be entitled An act relating to biomedical research; amending ss. 215.5602 and 381.922, F.S.; revising the amount of annual appropriations to the Biomedical Research Trust Fund within the Department of Health; requiring that moneys transferred to the trust fund during the 2008-2009 fiscal year in excess of specified amounts be transferred to the General Revenue Fund by a specified date; providing an effective date.

—was read the second time by title. On motion by Senator Peaden, by two-thirds vote **CS for SB 10-A** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Baker	Crist
Alexander	Bennett	Dean
Altman	Bullard	Detert
Aronberg	Constantine	Deutch

Diaz de la Portilla	Joyner	Ring
Dockery	Justice	Siplin
Fasano	King	Smith
Gaetz	Lawson	Sobel
Garcia	Lynn	Storms
Gardiner	Oelrich	Villalobos
Gelber	Peaden	Wilson
Haridopolos	Pruitt	Wise
Hill	Rich	
Jones	Richter	

Nays—None

MOTION

On motion by Senator Alexander the House was requested to pass **CS for SB 10-A**, as passed by the Senate, and in the event the House refuses, requested that a conference committee be appointed.

SPECIAL GUESTS

Senator Rich introduced former Senator Ron Silver and his family who were present in the gallery.

CS for SB 12-A—A bill to be entitled An act relating to the state judicial system; amending s. 28.241, F.S.; requiring that a portion of filing fees in civil actions be deposited for use by the state courts system; amending s. 318.14, F.S.; eliminating a percentage reduction in penalties for noncriminal traffic infractions which is provided for attending a basic driver improvement course; providing for the distribution of a specified portion of penalty revenues; amending s. 318.15, F.S., to conform; amending s. 318.18, F.S.; increasing certain fines for speeding; creating an assessment to be paid for noncriminal moving and non-moving traffic infractions; amending s. 318.21, F.S.; providing for the distribution of funds from certain penalties imposed for traffic infractions; amending s. 775.083, F.S.; providing for the distribution of certain criminal and noncriminal fines; defining the terms “convicted” and “conviction” for purposes of liability for payment of criminal and non-criminal fines; amending s. 948.01, F.S.; providing that the imposition of probation in certain nonfelony cases is discretionary rather than mandatory; authorizing the court to impose a fine without placing a non-felon offender on probation; providing that certain revenues generated under the act may not be used to establish the budgets of clerks of the court; providing effective dates.

—was read the second time by title. On motion by Senator Crist, by two-thirds vote **CS for SB 12-A** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Lynn
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Pruitt
Baker	Gardiner	Rich
Bennett	Gelber	Richter
Bullard	Haridopolos	Ring
Constantine	Hill	Siplin
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Villalobos
Deutch	King	Wilson
Diaz de la Portilla	Lawson	Wise

Nays—1

Smith

MOTION

On motion by Senator Alexander the House was requested to pass **CS for SB 12-A**, as passed by the Senate, and in the event the House refuses, requested that a conference committee be appointed.

CS for SB 14-A—A bill to be entitled An act relating to trust funds; creating the State Courts Independent Trust Fund within the state courts system; providing for the purpose of the trust fund; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the second time by title. On motion by Senator Crist, by two-thirds vote **CS for SB 14-A** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

MOTION

On motion by Senator Alexander the House was requested to pass **CS for SB 14-A**, as passed by the Senate, and in the event the House refuses, requested that a conference committee be appointed.

CS for SB 16-A—A bill to be entitled An act relating to trust funds; creating the State Attorneys Independent Trust Fund within the Justice Administrative Commission; providing for the purpose of the trust fund; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the second time by title. On motion by Senator Crist, by two-thirds vote **CS for SB 16-A** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

MOTION

On motion by Senator Alexander the House was requested to pass **CS for SB 16-A**, as passed by the Senate, and in the event the House refuses, requested that a conference committee be appointed.

CS for SB 18-A—A bill to be entitled An act relating to trust funds; creating the Public Defenders Independent Trust Fund within the Justice Administrative Commission; providing for the purpose of the trust fund; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the second time by title. On motion by Senator Crist, by two-thirds vote **CS for SB 18-A** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

MOTION

On motion by Senator Alexander the House was requested to pass **CS for SB 18-A**, as passed by the Senate, and in the event the House refuses, requested that a conference committee be appointed.

CS for SB 20-A—A bill to be entitled An act relating to the My Safe Florida Home Program; amending s. 215.5586, F.S.; deleting a requirement that the Department of Financial Services set aside a portion of program funds for the purpose of implementing certain hurricane mitigation measures; providing an effective date.

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

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

MOTION

On motion by Senator Alexander the House was requested to pass **CS for SB 20-A**, as passed by the Senate, and in the event the House refuses, requested that a conference committee be appointed.

CS for SB 22-A—A bill to be entitled An act relating to water resources development; amending s. 403.890, F.S.; revising the distribution of funds from the Water Protection and Sustainability Program Trust Fund; providing for future expiration of such provisions; providing for the reallocation of funds to conform to changes made by the act; providing an effective date.

—was read the second time by title. On motion by Senator Baker, by two-thirds vote **CS for SB 22-A** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

MOTION

On motion by Senator Alexander the House was requested to pass **CS for SB 22-A**, as passed by the Senate, and in the event the House refuses, requested that a conference committee be appointed.

CS for SB 24-A—A bill to be entitled An act relating to mitigation funding for transportation projects; amending s. 373.4137, F.S.; deleting provisions directing that certain funds of the Department of Transportation be used for invasive plant control, SWIM projects, or other water resource projects; providing an effective date.

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

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

MOTION

On motion by Senator Alexander the House was requested to pass **CS for SB 24-A**, as passed by the Senate, and in the event the House refuses, requested that a conference committee be appointed.

CS for SB 28-A—A bill to be entitled An act relating to the Insurance Capital Build-Up Incentive Program; amending s. 215.5595, F.S.; requiring that repayments made by property insurers of surplus notes issued under the program be deposited into the General Revenue Fund; providing an effective date.

—was read the second time by title. On motion by Senator Baker, by two-thirds vote **CS for SB 28-A** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

MOTION

On motion by Senator Alexander the House was requested to pass **CS for SB 28-A**, as passed by the Senate, and in the event the House refuses, requested that a conference committee be appointed.

CS for SB 40-A—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 318.18, F.S.; increasing the fine imposed for failing to pay a civil traffic penalty within the period specified; requiring that the additional revenue be deposited into the General Revenue Fund; prohibiting the use of a portion of that amount in establishing the budget of the clerk of the court; amending s. 320.06, F.S.; requiring that certain fees collected from motor vehicle registration and registration renewal be deposited into the Highway Safety Operating Trust Fund; amending s. 320.08, F.S.; authorizing the use of certain fees from motorcycle and moped registration for the general operations of the department; amending ss. 320.0805 and 320.08056, F.S.; requiring that certain fees for prestige and specialty license plates be deposited into the Highway Safety Operating Trust Fund; amending s. 322.025, F.S.; revising requirements for funding motorcycle driver improvement programs; amending s. 322.0255, F.S.; eliminating a requirement that the department reimburse organizations that provide motorcycle safety education courses; providing an effective date.

—was read the second time by title. On motion by Senator Fasano, by two-thirds vote **CS for SB 40-A** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Constantine	Fasano
Alexander	Crist	Gaetz
Altman	Dean	Garcia
Aronberg	Detert	Gardiner
Baker	Deutch	Gelber
Bennett	Diaz de la Portilla	Haridopolos
Bullard	Dockery	Hill

Jones	Peaden	Sobel
Joyner	Pruitt	Storms
Justice	Rich	Villalobos
King	Richter	Wilson
Lawson	Ring	Wise
Lynn	Siplin	
Oelrich	Smith	

Nays—None

MOTION

On motion by Senator Alexander the House was requested to pass **CS for SB 40-A**, as passed by the Senate, and in the event the House refuses, requested that a conference committee be appointed.

CS for SB 44-A—A bill to be entitled An act relating to governmental operations; requiring state agencies to review existing and proposed contracts for the purpose of reducing contract payments; authorizing agencies to renegotiate contracts; providing for future expiration of such provisions; establishing the policy of the state concerning limitations on travel by state employees for a specified period; providing for certain exceptions; requiring that agencies consider using electronic communications; requiring the Office of Program Policy Analysis and Governmental Accountability, in consultation with the Department of Management Services, to develop recommendations regarding the prudent issuance and use of state-owned wireless communications devices; requiring a report to the Legislature; requiring the Department of Management Services to compile a list of and review state-owned surplus real property of greater than a specified value; providing requirements for the review; requiring a report to the Legislature and the Executive Office of the Governor; requiring that the Chief Financial Officer consider methods to ensure that state agencies receive the maximum federal funds to which the state is entitled; requiring the Chief Financial Officer to make recommendations to the Office of Policy and Budget and the legislative appropriations committees; requiring each state agency to ensure the receipt of maximum federal funds to which the agency is entitled based on its current services; requiring the office to examine whether a private entity should be used to recover fraudulent Medicaid claims; requiring the office to examine the use of alternative placements for low-risk inmates; requiring reports to the Legislature by a specified date; providing an effective date.

—was read the second time by title. On motion by Senator Alexander, by two-thirds vote **CS for SB 44-A** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

MOTION

On motion by Senator Alexander the House was requested to pass **CS for SB 44-A**, as passed by the Senate, and in the event the House refuses, requested that a conference committee be appointed.

CS for CS for SB 6-A—A bill to be entitled An act relating to education funding; amending s. 218.503, F.S.; providing for a reduction in salary for certain school district employees when a state of financial emergency within the district continues beyond a specified period; amending s. 1001.395, F.S.; providing for district school members to reduce their salary rate on a voluntary basis; amending ss. 1001.42 and 1001.50, F.S.; prohibiting a district school board from entering into an employment contract that provides for payment of an amount greater than 1 year of an employee’s or superintendent’s annual salary for termination, buy-out, or other type of settlement; amending s. 1002.53, F.S., relating to the Voluntary Prekindergarten Education Program; conforming provisions to changes made by the act; amending s. 1002.61, F.S.; increasing the number of students authorized for a summer pre-kindergarten class; conforming cross-references; amending s. 1002.63, F.S.; eliminating certain eligibility requirements for delivering a pre-kindergarten program during the school year; amending s. 1002.71, F.S.; providing for separate base student allocations for school-year and summer prekindergarten programs; revising the formula for calculating and reporting full-time equivalent student enrollment; providing certain restrictions with respect to a child who reenrolls in a prekindergarten program; requiring that certain administrative procedures be automated; decreasing the amount that an early learning coalition may expend for administrative purposes; amending s. 1002.73, F.S.; revising duties of the Department of Education, to conform; amending s. 1006.40, F.S.; waiving, for the adoption cycle of the 2008-2009 academic year, the requirement that district school boards purchase instructional materials in core courses; creating s. 1011.051, F.S.; requiring that district school boards maintain an unreserved general fund balance sufficient to address contingencies; specifying procedures for the district to follow if the operating budget falls below specified percentages or projected general fund revenues; requiring that collective bargaining agreements make adequate provisions for maintaining the required general fund balances; providing that a collective bargaining agreement entered into after the effective date of the act which fails to comply with the act is void and unenforceable; requiring modification of collective bargaining agreements under circumstances involving financial urgency; amending s. 1011.71, F.S.; authorizing the purchase of certain enterprise resource software applications with proceeds of the district school tax; eliminating certain restrictions on the expenditure of revenues from the district school tax levy; providing for future expiration of such provisions; amending s. 1013.64, F.S., relating to funds for constructing educational plant space; conforming provisions; providing for awards for instructional personnel and school-based administrators under the Merit Award Program to be paid only to the extent funded in the 2009-2010 fiscal year; authorizing the Commissioner of Education to waive the equal-dollar reduction requirement for expenditures made during a specified time for property and casualty insurance and for the audit findings for a specified fiscal year related to the purchase of software, if the commissioner determines that a school district acted in good faith; incorporating by reference certain calculations of the Florida Education Finance Program for the 2008-2009 fiscal year; providing for contingent retroactive application of specified provisions of the act; providing an effective date.

—was read the second time by title.

Senators Deutch, Wise, Siplin and Bullard offered the following amendment which was moved by Senator Deutch and adopted:

Amendment 1 (199194) (with title amendment)—Delete lines 76-90

And the title is amended as follows:

Delete lines 2-6 and insert: An act relating to education funding; amending s. 1001.395, F.S.;

Senator Lynn moved the following amendment which was adopted:

Amendment 2 (286394) (with title amendment)—Delete line 372 and insert: *certification of attendance for payment. In addition, actions shall be taken to reduce paperwork, eliminate the duplication of reports, and eliminate other duplicative activities. Beginning with the*

And the title is amended as follows:

Delete line 29 and insert: administrative procedures be automated; requiring that actions be taken to reduce paperwork, eliminate the du-

plication of reports, and eliminate other duplicative activities; decreasing the

Senators Deutch, Wise, Siplin, and Bullard offered the following amendment which was moved by Senator Deutch and adopted:

Amendment 3 (542652) (with title amendment)—Delete lines 419-465 and insert: *the current fiscal year below 3 percent of projected general fund revenues, the superintendent shall provide written notification to the district school board and the Commissioner of Education.*

(2) *If the unreserved general fund in the district's approved operating budget is projected to fall during the current fiscal year below 2 percent of projected general revenues, the superintendent shall provide written notification to the school district board and the Commissioner of Education. Within 14 days after receiving such notification, if the commissioner determines that the district does not have a plan that is reasonably anticipated to avoid a financial emergency as determined pursuant to 218.503, the commissioner shall appoint a financial emergency board that shall operate consistent with the requirements, powers, and duties specified in s. 218.503(3)(g).*

And the title is amended as follows:

Delete lines 41-49 and insert: *below a specified percentage of projected general fund revenues; amending s.*

Senator Gelber moved the following amendment:

Amendment 4 (969928) (with title amendment)—Between lines 580 and 581 insert:

Section 18. *Joint Legislative Sales and Use Tax Exemption Review Committee.*—

(1) *The Joint Legislative Sales and Use Tax Exemption Review Committee is created to conduct a comprehensive review of exemptions from the general state sales and use tax. The committee shall consist of nine senators appointed by the President of the Senate and nine representatives appointed by the Speaker of the House of Representatives. The committee shall hold its initial meeting by March 1, 2009, and meet at least once per month through January 2010. The committee shall be governed by joint rules adopted by the Legislature.*

(2) *The committee shall review all exemptions from the general state sales and use tax by February 1, 2010. For each exemption reviewed, the committee shall make findings of fact and recommend whether the exemption should be retained, modified, or repealed. Modification of an exemption may include taxation of a transaction at a rate lower than the general state sales and use tax rate. However, the committee make not make findings of fact and recommendations pertaining to exemptions for:*

1. *Items purchased for resale.*
2. *Intangible personal property.*
3. *Tangible personal property imported or produced for export.*
4. *Purchases of agricultural products for further processing for resale.*
5. *The sale or use of services, except exemptions for services otherwise taxable under chapter 212, Florida Statutes.*
6. *Food, prescription drugs, and medical supplies and equipment for human use or consumption.*
7. *Nonprofit corporations that are organized exclusively for charitable purposes.*
8. *Religious institutions.*
9. *Residential rent, electricity, and heating fuel.*

(3) *The committee shall evaluate exemptions based on criteria established by the committee. In developing the criteria, the committee shall consider the following principles of taxation:*

(a) *Equity.—The Florida tax system should treat individuals equitably. It should impose similar tax burdens on people in similar circumstances and should minimize regressivity.*

(b) *Compliance.—The Florida tax system should facilitate taxpayer compliance. It should be simple and easy to understand so as to minimize compliance costs and increase the visibility and awareness of the taxes being paid. Enforcement and collection of tax revenues should be done in a fair, consistent, professional, predictable, and cost-effective manner.*

(c) *Pro-competitiveness.—The Florida tax system should be responsive to interstate and international competition in order to encourage savings and investment in plants, equipment, people, and technology in Florida.*

(d) *Neutrality.—The Florida tax system should affect competitors uniformly. It should minimize government involvement in investment decisions, making any such involvement explicit, and should minimize pyramiding.*

(e) *Stability.—The Florida tax system should produce revenues in a stable and reliable manner that are sufficient to fund appropriate governmental functions and expenditures.*

(f) *Integration.—The Florida tax system should balance the need for integration of federal, state, and local taxation.*

(g) *Public purpose.—A tax exemption should have a public benefit that is sufficient to justify increasing the proportion of the cost of government borne by those not directly benefited by the exemption. The public benefit of an exemption also should be greater than the needs for property tax relief and education funding.*

(4) *The committee shall prepare a report of its findings and recommendations for each exemption reviewed. Each report for an exemption reviewed on or before April 15, 2009 must be submitted to the President of the Senate and the Speaker of the House of Representatives within 10 days after the committee completes its review of the exemption. Each report for the remaining exemptions shall be submitted to the President of the Senate and the Speaker of the House of Representatives by February 1, 2010. A report must include a copy of the bill necessary to implement a recommendation.*

(5) *The ranking member of each house of the Legislature serving on the committee shall file bills necessary to implement the recommendations of the committee. However, a ranking member is not required to file a bill to implement a recommendation that was not supported by the ranking member. Under those circumstances, a bill to implement a recommendation shall be filed by a member who supported the recommendation. Such bills shall be filed immediately after the committee submits a recommendation to the President of the Senate and the Speaker of the House of Representatives.*

(6) *A bill to implement a recommendation of the committee may address only the substance of one exemption, as narrowly as practical, and related conforming changes. Such bills are exempt from limits on the number of bills that may be filed by a member. A bill to implement a recommendation of the committee may not be referred to additional committees. A bill that is filed on or before April 15, 2009, must be submitted to a vote of the members of each house of the Legislature during the 2009 Regular Session. A bill that is filed for the 2010 Regular Session must be submitted to a vote of the members of each house of the Legislature during the 2010 Regular Session. A vote is not required if the companion legislation in the other house is defeated.*

(7) *The Revenue Estimating Impact Conference shall estimate the cumulative revenue impact of bills enacted pursuant to this section. The conference shall provide its estimate to the appropriations committees in each house for use in the determination of education funding and required local effort ad valorem taxes.*

(8) *This section expires on May 2, 2010.*

And the title is amended as follows:

Delete line 72 and insert: *creating the Joint Legislative Sales and Use Tax Exemption Review Committee; providing for membership; requiring meetings; providing that the committee shall be governed by joint rules of the Legislature; requiring the committee to review exemptions from the tax on sales, use, and other transactions; requiring the committee to make findings of fact and recommendations to retain, modify, or repeal exemptions; providing exceptions; requiring the committee to develop criteria to evaluate exemptions; requiring the committee to consider certain principles of taxation; requiring the committee*

to prepare a report of its findings and recommendations; requiring each house of the Legislature to vote on bills to implement recommendations to repeal or modify an exemption; requiring revenue impact data from the repeal or modification of exemptions to be provided to the appropriations committees of each house; providing for repeal; providing an effective date.

WHEREAS, the tax on sales, use, and other transactions is a broad-based tax that provides approximately 74 percent of the revenue of the state General Revenue Fund, and

WHEREAS, the tax on sales, use, and other transactions is a major revenue source for local governments, and

WHEREAS, some exemptions from the tax on sales, use, and other transactions provide significant noneconomic benefits to the state, and

WHEREAS, the burden of funding government generally should apply equally to similarly situated individuals, and

WHEREAS, exemptions from the tax on sales, use, and other transactions, while reducing the tax burden on some, increase the proportion of the cost of government borne by others, and

WHEREAS, the Legislature must ensure that the public benefit of an exemption from the tax on sales, use, and other transactions is sufficient to justify increasing the proportion of the cost of government borne by those not directly benefited, and

WHEREAS, the Legislature finds that exemptions that no longer provide a public benefit sufficient to justify increasing the proportion of the cost of government borne by those not directly benefited should be repealed or modified, and

WHEREAS, the Legislature must periodically review exemptions and the need for additional exemptions from the tax on sales use and other transactions to ensure good stewardship of taxpayer money, and

WHEREAS, those exemptions found to provide a sufficient public benefit should be retained by the Legislature, and

WHEREAS, revenues from the repeal or modification of sales tax exemptions should be used for the most pressing needs of the state, which currently include education funding and property tax relief, NOW, THEREFORE,

POINT OF ORDER

Senator Alexander raised a point of order that pursuant to Rule 7.1 **Amendment 4 (969928)** was not germane to the bill.

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

RULING ON POINT OF ORDER

On recommendation of Senator Villalobos, Chair of the Committee on Rules, President Atwater ruled the point well taken and **Amendment 4 (969928)** out of order.

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

Yeas—36

Mr. President	Detert	Jones
Alexander	Deutch	Justice
Altman	Diaz de la Portilla	King
Aronberg	Dockery	Lawson
Baker	Fasano	Lynn
Bennett	Gaetz	Oelrich
Bullard	Garcia	Peaden
Constantine	Gardiner	Pruitt
Crist	Haridopolos	Richter
Dean	Hill	Ring

Siplin	Storms	Wilson
Smith	Villalobos	Wise

Nays—4

Gelber	Joyner	Rich
Sobel		

MOTION

On motion by Senator Alexander the House was requested to pass **CS for CS for SB 6-A**, as passed by the Senate, and in the event the House refuses, requested that a conference committee be appointed.

CS for SB 38-A—A bill to be entitled An act relating to economic development; creating s. 288.1081, F.S.; creating the Economic Gardening Business Loan Pilot Program within the Office of Tourism, Trade, and Economic Development; providing legislative findings and intent; providing eligibility criteria for the award of loans to certain businesses; providing application procedures; requiring loan agreements; providing terms of loans; providing for use of loan proceeds; providing criteria and application procedures for the selection of loan administrators; requiring a loan administrator to enter into a grant agreement; providing for the disbursement of certain funds from the Economic Development Trust Fund; requiring fees for the loan administrator; providing for the collection and deposit of loan payments; requiring the loan administrator to submit a report to the office; requiring the office to adopt rules; authorizing the use of emergency rulemaking procedures; requiring the office to submit a report to the Governor and Legislature; providing for reversion and carryforward of certain unexpended appropriations; prohibiting new loans after a specified date; providing for future repeal; creating s. 288.1082, F.S.; creating the Economic Gardening Technical Assistance Pilot Program within the office; requiring the office to contract for administration of the pilot program; requiring competitive procurement; requiring the provision of technical assistance to certain businesses; providing eligibility criteria for businesses to receive technical assistance; requiring the businesses to enter into agreements with the contracted entity administering the pilot program; requiring the businesses to report certain data; providing that the contracted entity is an economic development agency; providing for review of contracts; requiring the office to submit a report to the Governor and Legislature; authorizing the office to adopt rules; directing the Office of Program Policy Analysis and Government Accountability to submit a report to the Governor and Legislature; authorizing the expenditure of certain funds appropriated for the pilot program; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Lawson moved the following amendments which failed:

Amendment 1 (414132) (with title amendment)—Delete lines 51-344 and insert:

(1) *There is created within Enterprise Florida the Economic Gardening Business Loan Pilot Program. The purpose of the pilot program is to stimulate investment in Florida's economy by providing loans to expanding businesses in the state. As used in this section, the term "office" means Enterprise Florida.*

(2) *The Legislature finds that it is vital to the overall health and growth of the state's economy to promote favorable conditions for expanding Florida businesses that demonstrate the ability to grow. It is therefore the intent of the Legislature that resources be provided for the pilot program in order to respond to the current extraordinary economic challenges confronting the state.*

(3)(a) *To be eligible for a loan under the pilot program, an applicant must be a business eligible for assistance under the Economic Gardening Technical Assistance Pilot Program as provided in s. 288.1082(4)(a).*

(b) A loan applicant must submit a written application to the loan administrator in the format prescribed by the loan administrator. The application must include:

1. The applicant's federal employer identification number, unemployment account number, and sales or other tax registration number.
2. The street address of the applicant's principal place of business in this state.
3. A description of the type of economic activity, product, or research and development undertaken by the applicant, including the six-digit North American Industry Classification System code for each type of economic activity conducted by the applicant.
4. The applicant's annual revenue, number of employees, number of full-time equivalent employees, and other information necessary to verify the applicant's eligibility for the pilot program under s. 288.1082(4)(a).
5. The projected investment in the business, if any, which the applicant proposes in conjunction with the loan.
6. The total investment in the business from all sources, if any, which the applicant proposes in conjunction with the loan.
7. The number of net new full-time equivalent jobs that, as a result of the loan, the applicant proposes to create in this state as of December 31 of each year and the average annual wage of the proposed jobs.
8. The total number of full-time equivalent employees the applicant currently employs in this state.
9. The date that the applicant anticipates it needs the loan.
10. A detailed explanation of why the loan is needed to assist the applicant in expanding jobs in the state.
11. A statement that all of the applicant's corporate assets are pledged as collateral for the loan.
12. A statement that the applicant, upon receiving the loan, agrees not to seek additional long-term debt without prior approval of the loan administrator.
13. A statement that the loan is a joint obligation of the business and of each person who owns at least 20 percent of the business.
14. Any additional information requested by the office or the loan administrator.

(c) The loan administrator, after verifying the accuracy of a submitted application, shall award the loan to the applicant if the administrator determines that the applicant, as compared to other applicants submitting applications, is in the best position to use the loan to continue making a successful long-term business commitment to the state. The loan administrator also shall consider the following factors:

1. Incentives awarded to the applicant from local governments;
2. Waivers of taxes, impact fees, or other fees or charges by local governments; and
3. Other sources of investments or financing for the project that is the subject of the loan application.

(d) A borrower awarded a loan under this section and the loan administrator must enter into a loan agreement that provides for the borrower's repayment of the loan.

(4) The following terms apply to a loan received under the pilot program:

- (a) The maximum amount of the loan is \$250,000.
- (b) The proceeds of the loan may be used for working capital purchases, employee training, or salaries for newly created jobs in the state.
- (c) The security interest for the loan's collateral covering all of the borrower's corporate assets must be perfected by recording a lien under the Uniform Commercial Code.

(d) The period of the loan is 4 years.

(e) The interest rate of the loan is 2 percent. However, if the borrower does not create the projected number of jobs within the terms of the contract, the interest rate shall be increased for the remaining period of the loan to the prime rate published in the Wall Street Journal, as of the date specified in the loan agreement, plus 4 percent.

(f) For each month of the first 12 months of the loan, payment is due for interest only. Thereafter, payment for interest and principal is due each month until the loan is repaid in full. Interest and principal payments are based on the unpaid balance of the total loan amount.

(5)(a) The office may designate one or more qualified entities to serve as loan administrators for the pilot program. A loan administrator must:

1. Be a Florida corporation not for profit incorporated under chapter 617 which has its principal place of business in the state.
2. Have 5 years of verifiable experience of lending to businesses in this state.
3. Submit an application to the office on forms prescribed by the office. The application must include the loan administrator's business plan for its proposed lending activities under the pilot program, including, but not limited to, a description of its outreach efforts, underwriting, credit policies and procedures, credit decision processes, monitoring policies and procedures, and collection practices; the membership of its board of directors; and samples of its currently used loan documentation. The application must also include a detailed description and supporting documentation of the nature of the loan administrator's partnerships with local or regional economic and business development organizations.

(b) The office, upon selecting a loan administrator, shall enter into a grant agreement with the administrator to issue the available loans to eligible applicants. The grant agreement must specify the aggregate amount of the loans authorized for award by the loan administrator. The term of the grant agreement must be at least 4 years, except that the office may terminate the agreement earlier if the loan administrator fails to meet minimum performance standards set by the office. The grant agreement may be amended by mutual consent of both parties.

(c) The office shall disburse from the Economic Development Trust Fund to the loan administrator the appropriations provided for the pilot program. Disbursements to the loan administrator must not exceed the aggregate amount of the loans authorized in the grant agreement. The office may not disburse more than 50 percent of the aggregate amount of the loans authorized in the grant agreement until the office verifies the borrowers' use of the loan proceeds and the loan administrator's successful credit decisionmaking policies.

(d) A loan administrator is entitled to receive a loan origination fee, payable at closing, of 1 percent of each loan issued by the loan administrator and a monthly servicing fee of 0.625 percent of each payment made by the borrower. The loan administrator shall collect the monthly servicing fee from the payments made by the borrower, first charging the fee against interest payments and then charging the remainder of the fee against repayments of principal.

(e) A loan administrator, after collecting the servicing fee in accordance with paragraph (d), shall remit the borrower's collected interest and principal payments to the office on a quarterly basis. If the borrower defaults on the loan, the loan administrator shall initiate collection efforts to seek repayment of the loan. The loan administrator, upon collecting payments for a defaulted loan, shall remit the payments to the office but, to the extent authorized in the grant agreement, may deduct the costs of the administrator's collection efforts. The office shall deposit all funds received under this paragraph in the General Revenue Fund.

(f) A loan administrator shall submit quarterly reports to the office which include the information required in the grant agreement. A quarterly report must include, at a minimum, the number of full-time equivalent jobs created as a result of the loans, the amount of wages paid to employees in the newly created jobs, and the locations and types of economic activity undertaken by the borrowers.

(6) The office shall adopt rules under ss. 120.536(1) and 120.54 to administer this section. To the extent necessary to expedite implementa-

tion of the pilot program, the office may adopt initial emergency rules for the pilot program in accordance with s. 120.54(4).

(7) On June 30 and December 31 of each year, beginning in 2009, the office shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which describes in detail the use of the loan funds. The report must include, at a minimum, the number of businesses receiving loans, the number of full-time equivalent jobs created as a result of the loans, the amount of wages paid to employees in the newly created jobs, the locations and types of economic activity undertaken by the borrowers, the amounts of loan repayments made to date, and the default rate of borrowers.

(8) Unexpended balances of appropriations provided for the pilot program shall not revert to the fund from which the appropriation was made at the end of a fiscal year but shall be retained in the Economic Development Trust Fund and be carried forward for expenditure for the pilot program during the following fiscal year. A loan administrator may not award a new loan or enter into a loan agreement after June 30, 2011. Balances of appropriations provided for the pilot program which remain unexpended as of July 1, 2011, shall revert to the General Revenue Fund.

(9) This section is repealed July 1, 2016, unless reviewed and re-enacted by the Legislature before that date.

Section 2. Section 288.1082, Florida Statutes, is created to read:

288.1082 *Economic Gardening Technical Assistance Pilot Program—*

(1) There is created within Enterprise Florida the Economic Gardening Technical Assistance Pilot Program. The purpose of the pilot program is to stimulate investment in Florida's economy by providing technical assistance for expanding businesses in the state. As used in this section, the term "office" means Enterprise Florida.

(2) The office shall contract with one or more entities to administer the pilot program under this section. The office shall award each contract in accordance with the competitive bidding requirements in s. 287.057 to an entity that demonstrates the ability to implement the pilot program on a statewide basis and the capability to provide counseling services, access to technology and information, marketing services and advice, business management support, and other similar services. In selecting these entities, the office must consider whether the entities will qualify for matching funds for this purpose.

(3) A contracted entity administering the pilot program shall provide technical assistance for eligible businesses which includes, but is not limited to:

(a) Access to free or affordable information services and consulting services, including information on markets, customers, and competitors, such as business databases, geographic information systems, and search engine marketing.

(b) Information on how to obtain infrastructure, including basic physical infrastructure; quality-of-life infrastructure, such as parks and open spaces; and intellectual infrastructure that provides educational opportunities to help a business maintain its competitiveness.

(c) Business connections, including interaction and exchange among business owners and resource providers, such as trade associations, think tanks, academic institutions, business roundtables, peer-to-peer learning sessions, and mentoring programs.

(4)(a) To be eligible for assistance under the pilot program, a business must be a for-profit, privately held, investment-grade business that employs at least 10 persons but not more than 50 persons, has maintained its principal place of business in the state for at least the previous 2 years, generates at least \$1 million but not more than \$25 million in annual revenue, qualifies for the tax refund program for qualified target industry businesses under s. 288.106, and during 3 of the previous 5 years, has steadily increased its number of full-time equivalent employees in this state and steadily increased its gross revenues.

(b) A contracted entity administering the pilot program, in selecting the eligible businesses to receive assistance, shall choose businesses in more than one industry cluster and, to the maximum extent practicable, shall choose businesses that are geographically distributed throughout the state.

(5)(a) A business receiving assistance under the pilot program must enter into an agreement with the contracted entity administering the program to establish the business's commitment to participation in the pilot program. The agreement must require, at a minimum, that the business:

1. Attend a minimum number of meetings between the business and the contracted entity administering the pilot program.

2. Report job-creation data in the manner prescribed by the contracted entity administering the pilot program.

3. Provide financial data in the manner prescribed by the contracted entity administering the program.

(b) The office or the contracted entity administering the pilot program may prescribe additional reporting requirements in the agreement which are necessary to track the progress of the business and monitor the business's implementation of the assistance. The contracted entity shall report the information to the office on a quarterly basis.

(6) A contracted entity administering the pilot program is authorized to promote the general business interests or industrial interests of the state.

(7) The office shall review the progress of a contracted entity administering the pilot program at least once each 6 months and shall determine whether the contracted entity is meeting its contractual obligations for administering the pilot program. The office may terminate and rebid a contract if the contracted entity does not meet its contractual obligations.

(8) On December 31 of each year, beginning in 2009, the office shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which describes in detail the progress of the pilot program. The report must include, at a minimum, the number of businesses receiving assistance, the number of full-time equivalent jobs created as a result of the assistance, if any, the amount of wages paid to employees in the newly created jobs, and the locations and types of economic activity undertaken by the businesses.

(9) The office may adopt rules under ss. 120.536(1) and 120.54 to administer this section.

Section 3. By December 31, 2012, 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 evaluates the Economic Gardening Technical Assistance Pilot Program in s. 288.1082, Florida Statutes, and the pilot program's effectiveness in expanding the targeted businesses.

Section 4. From the funds provided in a special appropriations act for the 2008-2009 fiscal year to Enterprise Florida for implementation of this act, Enterprise Florida may expend up to \$1.5 million for implementation of the Economic Gardening Technical Assistance Pilot Program created in s. 288.1082, Florida Statutes.

And the title is amended as follows:

Delete lines 4-40 and insert: Business Loan Pilot Program within Enterprise Florida; providing legislative findings and intent; providing eligibility criteria for the award of loans to certain businesses; providing application procedures; requiring loan agreements; providing terms of loans; providing for use of loan proceeds; providing criteria and application procedures for the selection of loan administrators; requiring a loan administrator to enter into a grant agreement; providing for the disbursement of certain funds from the Economic Development Trust Fund; requiring fees for the loan administrator; providing for the collection and deposit of loan payments; requiring the loan administrator to submit a report to Enterprise Florida; requiring Enterprise Florida to adopt rules; authorizing the use of emergency rulemaking procedures; requiring Enterprise Florida to submit a report to the Governor and Legislature; providing for reversion and carryforward of certain unexpended appropriations; prohibiting new loans after a specified date; providing for future repeal; creating s. 288.1082, F.S.; creating the Economic Gardening Technical Assistance Pilot Program within Enterprise Florida; requiring Enterprise Florida to contract for administration of the pilot program; requiring competitive procurement; requiring the provision of technical assistance to certain businesses;

providing eligibility criteria for businesses to receive technical assistance; requiring the businesses to enter into agreements with the contracted entity administering the pilot program; requiring the businesses to report certain data; providing that the contracted entity is an economic development agency; providing for review of contracts; requiring Enterprise Florida to submit a report to the Governor and Legislature; authorizing Enterprise Florida to adopt rules; directing the Office of Program Policy Analysis

Amendment 2 (922466) (with title amendment)—Delete lines 51-344 and insert:

(1) *There is created within the Florida Small Business Development Center Network the Economic Gardening Business Loan Pilot Program. The purpose of the pilot program is to stimulate investment in Florida's economy by providing loans to expanding businesses in the state. As used in this section, the term "office" means the Florida Small Business Development Center Network.*

(2) *The Legislature finds that it is vital to the overall health and growth of the state's economy to promote favorable conditions for expanding Florida businesses that demonstrate the ability to grow. It is therefore the intent of the Legislature that resources be provided for the pilot program in order to respond to the current extraordinary economic challenges confronting the state.*

(3)(a) *To be eligible for a loan under the pilot program, an applicant must be a business eligible for assistance under the Economic Gardening Technical Assistance Pilot Program as provided in s. 288.1082(4)(a).*

(b) *A loan applicant must submit a written application to the loan administrator in the format prescribed by the loan administrator. The application must include:*

1. *The applicant's federal employer identification number, unemployment account number, and sales or other tax registration number.*
2. *The street address of the applicant's principal place of business in this state.*
3. *A description of the type of economic activity, product, or research and development undertaken by the applicant, including the six-digit North American Industry Classification System code for each type of economic activity conducted by the applicant.*
4. *The applicant's annual revenue, number of employees, number of full-time equivalent employees, and other information necessary to verify the applicant's eligibility for the pilot program under s. 288.1082(4)(a).*
5. *The projected investment in the business, if any, which the applicant proposes in conjunction with the loan.*
6. *The total investment in the business from all sources, if any, which the applicant proposes in conjunction with the loan.*
7. *The number of net new full-time equivalent jobs that, as a result of the loan, the applicant proposes to create in this state as of December 31 of each year and the average annual wage of the proposed jobs.*
8. *The total number of full-time equivalent employees the applicant currently employs in this state.*
9. *The date that the applicant anticipates it needs the loan.*
10. *A detailed explanation of why the loan is needed to assist the applicant in expanding jobs in the state.*
11. *A statement that all of the applicant's corporate assets are pledged as collateral for the loan.*
12. *A statement that the applicant, upon receiving the loan, agrees not to seek additional long-term debt without prior approval of the loan administrator.*
13. *A statement that the loan is a joint obligation of the business and of each person who owns at least 20 percent of the business.*
14. *Any additional information requested by the office or the loan administrator.*

(c) *The loan administrator, after verifying the accuracy of a submitted application, shall award the loan to the applicant if the administrator determines that the applicant, as compared to other applicants submitting applications, is in the best position to use the loan to continue making a successful long-term business commitment to the state. The loan administrator also shall consider the following factors:*

1. *Incentives awarded to the applicant from local governments;*
2. *Waivers of taxes, impact fees, or other fees or charges by local governments; and*
3. *Other sources of investments or financing for the project that is the subject of the loan application.*

(d) *A borrower awarded a loan under this section and the loan administrator must enter into a loan agreement that provides for the borrower's repayment of the loan.*

(4) *The following terms apply to a loan received under the pilot program:*

- (a) *The maximum amount of the loan is \$250,000.*
- (b) *The proceeds of the loan may be used for working capital purchases, employee training, or salaries for newly created jobs in the state.*
- (c) *The security interest for the loan's collateral covering all of the borrower's corporate assets must be perfected by recording a lien under the Uniform Commercial Code.*
- (d) *The period of the loan is 4 years.*
- (e) *The interest rate of the loan is 2 percent. However, if the borrower does not create the projected number of jobs within the terms of the contract, the interest rate shall be increased for the remaining period of the loan to the prime rate published in the Wall Street Journal, as of the date specified in the loan agreement, plus 4 percent.*

(f) *For each month of the first 12 months of the loan, payment is due for interest only. Thereafter, payment for interest and principal is due each month until the loan is repaid in full. Interest and principal payments are based on the unpaid balance of the total loan amount.*

(5)(a) *The office may designate one or more qualified entities to serve as loan administrators for the pilot program. A loan administrator must:*

1. *Be a Florida corporation not for profit incorporated under chapter 617 which has its principal place of business in the state.*
2. *Have 5 years of verifiable experience of lending to businesses in this state.*
3. *Submit an application to the office on forms prescribed by the office. The application must include the loan administrator's business plan for its proposed lending activities under the pilot program, including, but not limited to, a description of its outreach efforts, underwriting, credit policies and procedures, credit decision processes, monitoring policies and procedures, and collection practices; the membership of its board of directors; and samples of its currently used loan documentation. The application must also include a detailed description and supporting documentation of the nature of the loan administrator's partnerships with local or regional economic and business development organizations.*

(b) *The office, upon selecting a loan administrator, shall enter into a grant agreement with the administrator to issue the available loans to eligible applicants. The grant agreement must specify the aggregate amount of the loans authorized for award by the loan administrator. The term of the grant agreement must be at least 4 years, except that the office may terminate the agreement earlier if the loan administrator fails to meet minimum performance standards set by the office. The grant agreement may be amended by mutual consent of both parties.*

(c) *The office shall disburse from the Economic Development Trust Fund to the loan administrator the appropriations provided for the pilot program. Disbursements to the loan administrator must not exceed the aggregate amount of the loans authorized in the grant agreement. The office may not disburse more than 50 percent of the aggregate amount of the loans authorized in the grant agreement until the office verifies the*

borrowers' use of the loan proceeds and the loan administrator's successful credit decisionmaking policies.

(d) A loan administrator is entitled to receive a loan origination fee, payable at closing, of 1 percent of each loan issued by the loan administrator and a monthly servicing fee of 0.625 percent of each payment made by the borrower. The loan administrator shall collect the monthly servicing fee from the payments made by the borrower, first charging the fee against interest payments and then charging the remainder of the fee against repayments of principal.

(e) A loan administrator, after collecting the servicing fee in accordance with paragraph (d), shall remit the borrower's collected interest and principal payments to the office on a quarterly basis. If the borrower defaults on the loan, the loan administrator shall initiate collection efforts to seek repayment of the loan. The loan administrator, upon collecting payments for a defaulted loan, shall remit the payments to the office but, to the extent authorized in the grant agreement, may deduct the costs of the administrator's collection efforts. The office shall deposit all funds received under this paragraph in the General Revenue Fund.

(f) A loan administrator shall submit quarterly reports to the office which include the information required in the grant agreement. A quarterly report must include, at a minimum, the number of full-time equivalent jobs created as a result of the loans, the amount of wages paid to employees in the newly created jobs, and the locations and types of economic activity undertaken by the borrowers.

(6) The office shall adopt rules under ss. 120.536(1) and 120.54 to administer this section. To the extent necessary to expedite implementation of the pilot program, the office may adopt initial emergency rules for the pilot program in accordance with s. 120.54(4).

(7) On June 30 and December 31 of each year, beginning in 2009, the office shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which describes in detail the use of the loan funds. The report must include, at a minimum, the number of businesses receiving loans, the number of full-time equivalent jobs created as a result of the loans, the amount of wages paid to employees in the newly created jobs, the locations and types of economic activity undertaken by the borrowers, the amounts of loan repayments made to date, and the default rate of borrowers.

(8) Unexpended balances of appropriations provided for the pilot program shall not revert to the fund from which the appropriation was made at the end of a fiscal year but shall be retained in the Economic Development Trust Fund and be carried forward for expenditure for the pilot program during the following fiscal year. A loan administrator may not award a new loan or enter into a loan agreement after June 30, 2011. Balances of appropriations provided for the pilot program which remain unexpended as of July 1, 2011, shall revert to the General Revenue Fund.

(9) This section is repealed July 1, 2016, unless reviewed and re-enacted by the Legislature before that date.

Section 2. Section 288.1082, Florida Statutes, is created to read:

288.1082 *Economic Gardening Technical Assistance Pilot Program—*

(1) There is created within the Florida Small Business Development Center Network the Economic Gardening Technical Assistance Pilot Program. The purpose of the pilot program is to stimulate investment in Florida's economy by providing technical assistance for expanding businesses in the state. As used in this section, the term "office" means the Florida Small Business Development Center Network.

(2) The office shall contract with one or more entities to administer the pilot program under this section. The office shall award each contract in accordance with the competitive bidding requirements in s. 287.057 to an entity that demonstrates the ability to implement the pilot program on a statewide basis and the capability to provide counseling services, access to technology and information, marketing services and advice, business management support, and other similar services. In selecting these entities, the office must consider whether the entities will qualify for matching funds for this purpose.

(3) A contracted entity administering the pilot program shall provide technical assistance for eligible businesses which includes, but is not limited to:

(a) Access to free or affordable information services and consulting services, including information on markets, customers, and competitors, such as business databases, geographic information systems, and search engine marketing.

(b) Information on how to obtain infrastructure, including basic physical infrastructure; quality-of-life infrastructure, such as parks and open spaces; and intellectual infrastructure that provides educational opportunities to help a business maintain its competitiveness.

(c) Business connections, including interaction and exchange among business owners and resource providers, such as trade associations, think tanks, academic institutions, business roundtables, peer-to-peer learning sessions, and mentoring programs.

(4)(a) To be eligible for assistance under the pilot program, a business must be a for-profit, privately held, investment-grade business that employs at least 10 persons but not more than 50 persons, has maintained its principal place of business in the state for at least the previous 2 years, generates at least \$1 million but not more than \$25 million in annual revenue, qualifies for the tax refund program for qualified target industry businesses under s. 288.106, and during 3 of the previous 5 years, has steadily increased its number of full-time equivalent employees in this state and steadily increased its gross revenues.

(b) A contracted entity administering the pilot program, in selecting the eligible businesses to receive assistance, shall choose businesses in more than one industry cluster and, to the maximum extent practicable, shall choose businesses that are geographically distributed throughout the state.

(5)(a) A business receiving assistance under the pilot program must enter into an agreement with the contracted entity administering the program to establish the business's commitment to participation in the pilot program. The agreement must require, at a minimum, that the business:

1. Attend a minimum number of meetings between the business and the contracted entity administering the pilot program.
2. Report job-creation data in the manner prescribed by the contracted entity administering the pilot program.
3. Provide financial data in the manner prescribed by the contracted entity administering the program.

(b) The office or the contracted entity administering the pilot program may prescribe additional reporting requirements in the agreement which are necessary to track the progress of the business and monitor the business's implementation of the assistance. The contracted entity shall report the information to the office on a quarterly basis.

(6) A contracted entity administering the pilot program is authorized to promote the general business interests or industrial interests of the state.

(7) The office shall review the progress of a contracted entity administering the pilot program at least once each 6 months and shall determine whether the contracted entity is meeting its contractual obligations for administering the pilot program. The office may terminate and rebid a contract if the contracted entity does not meet its contractual obligations.

(8) On December 31 of each year, beginning in 2009, the office shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which describes in detail the progress of the pilot program. The report must include, at a minimum, the number of businesses receiving assistance, the number of full-time equivalent jobs created as a result of the assistance, if any, the amount of wages paid to employees in the newly created jobs, and the locations and types of economic activity undertaken by the businesses.

(9) The office may adopt rules under ss. 120.536(1) and 120.54 to administer this section.

Section 3. By December 31, 2012, 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 evaluates the Economic Gardening Technical

Assistance Pilot Program in s. 288.1082, Florida Statutes, and the pilot program's effectiveness in expanding the targeted businesses.

Section 4. From the funds provided in a special appropriations act for the 2008-2009 fiscal year to the Florida Small Business Development Center Network for implementation of this act, the network may expend up to \$1.5 million for implementation of the Economic Gardening Technical Assistance Pilot Program created in s. 288.1082, Florida Statutes.

And the title is amended as follows:

Delete lines 4-40 and insert: Business Loan Pilot Program within the Florida Small Business Development Center Network; providing legislative findings and intent; providing eligibility criteria for the award of loans to certain businesses; providing application procedures; requiring loan agreements; providing terms of loans; providing for use of loan proceeds; providing criteria and application procedures for the selection of loan administrators; requiring a loan administrator to enter into a grant agreement; providing for the disbursement of certain funds from the Economic Development Trust Fund; requiring fees for the loan administrator; providing for the collection and deposit of loan payments; requiring the loan administrator to submit a report to the Florida Small Business Development Center Network; requiring the network to adopt rules; authorizing the use of emergency rulemaking procedures; requiring the Florida Small Business Development Center Network to submit a report to the Governor and Legislature; providing for reversion and carryforward of certain unexpended appropriations; prohibiting new loans after a specified date; providing for future repeal; creating s. 288.1082, F.S.; creating the Economic Gardening Technical Assistance Pilot Program within the Florida Small Business Development Center Network; requiring the network to contract for administration of the pilot program; requiring competitive procurement; requiring the provision of technical assistance to certain businesses; providing eligibility criteria for businesses to receive technical assistance; requiring the businesses to enter into agreements with the contracted entity administering the pilot program; requiring the businesses to report certain data; providing that the contracted entity is an economic development agency; providing for review of contracts; requiring the Florida Small Business Development Center Network to submit a report to the Governor and Legislature; authorizing the Florida Small Business Development Center Network to adopt rules; directing the Office of Program Policy Analysis

On motion by Senator Fasano, by two-thirds vote CS for SB 38-A was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Diaz de la Portilla	Pruitt
Alexander	Fasano	Richter
Altman	Gaetz	Ring
Aronberg	Garcia	Siplin
Baker	Gardiner	Smith
Bennett	Haridopolos	Sobel
Bullard	Hill	Storms
Constantine	Jones	Villalobos
Crist	Joyner	Wilson
Dean	King	Wise
Detert	Lawson	
Deutch	Peaden	

Nays—5

Dockery	Justice	Rich
Gelber	Lynn	

Vote after roll call:

Yea—Oelrich

MOTION

On motion by Senator Alexander the House was requested to pass CS for SB 38-A, as passed by the Senate, and in the event the House refuses, requested that a conference committee be appointed.

On motion by Senator Alexander, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

On motion by Senator Alexander, by two-thirds vote HB 5113-A was withdrawn from the Policy and Steering Committee on Ways and Means.

MOTION

On motion by Senator Alexander, the rules were waived and by two-thirds vote HB 5113-A was placed on the Special Order Calendar and taken up instanter.

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

HB 5113-A—A bill to be entitled An act relating to the Water Management Lands Trust Fund; amending s. 373.59, F.S.; prohibiting the issuance of certain refunding bonds; revising, as of a specified fiscal year, distributions from the trust fund to certain water management districts to include distribution priorities and allocation of specified amounts of such distributions to the General Revenue Fund each fiscal year; providing an effective date.

—was read the second time by title.

Senator Alexander moved the following amendment which was adopted:

Amendment 1 (800784) (with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motion by Senator Alexander, by two-thirds vote HB 5113-A as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

MOTION

On motion by Senator Alexander, the Senate acceded to the request for the appointment of a conference committee on HB 5113-A.

On motion by Senator Alexander, by two-thirds vote HB 5115-A was withdrawn from the Policy and Steering Committee on Ways and Means.

MOTION

On motion by Senator Alexander, the rules were waived and by two-thirds vote **HB 5115-A** was placed on the Special Order Calendar and taken up instantner.

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

HB 5115-A—A bill to be entitled An act relating to distribution of the proceeds of the excise tax on documents; amending s. 201.15, F.S.; revising, as of a specified fiscal year, distribution of a portion of the proceeds of the excise tax on documents to the Land Acquisition Trust Fund to provide for debt service obligations funded through the trust fund with respect to bonds issued before a specified date, to allocate a specified amount to the General Revenue Fund each fiscal year, and to retain allocation of the remainder to the trust fund; providing an effective date.

—was read the second time by title.

Senator Alexander moved the following amendment which was adopted:

Amendment 1 (532386) (with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motion by Senator Alexander, by two-thirds vote **HB 5115-A** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Peaden
Alexander	Gaetz	Pruitt
Altman	Garcia	Rich
Aronberg	Gardiner	Richter
Baker	Gelber	Ring
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Oelrich	

Nays—None

MOTION

On motion by Senator Alexander, the Senate acceded to the request for the appointment of a conference committee on **HB 5115-A**.

CONFEREES APPOINTED

The President appointed the following conferees on **SB 2-A, SB 4-A, CS for SB 8-A, CS for SB 10-A, CS for SB 12-A, CS for SB 14-A, CS for SB 16-A, CS for SB 18-A, CS for SB 20-A, CS for SB 22-A, CS for SB 24-A, CS for SB 28-A, CS for SB 40-A, CS for SB 44-A, CS for CS for SB 6-A, CS for SB 38-A, HB 5113-A** and **HB 5115-A**: Senator Alexander, Chair; Senator Deutch, Vice Chair; Senators Altman and Pruitt, Members at Large; Committee on Criminal and Civil Justice Appropriations: Senator Crist, Chair; Senators Wilson, Jones, Joyner, and Villalobos; Committee on Education Pre-K - 12 Appropriations: Senator Wise, Chair; Senators Siplin, Bennett, Bullard, Detert, Garcia and Richter; Committee on General Government Appropriations: Senator Baker, Chair; Senators Lawson, Aronberg, Dean and Oelrich; Committee on Health and Human Services Appropriations: Senator Peaden, Chair; Senators Rich, Gaetz, Haridopolos and Sobel; Committee on Higher Education Appropriations: Senator Lynn, Chair; Senators Gelber, Constantine, Deutch and King; Committee on Transportation

and Economic Development Appropriations: Senator Fasano, Chair; Senators Hill, Diaz de la Portilla, Dockery, Gardiner, Smith and Storms.

The action of the Senate was certified to the House.

MOMENT OF SILENCE

The President recognized Senator Lynn who asked the Senate to observe a moment of silence for actors John Travolta and his wife, Kelly Preston, in the recent loss of their son, Jett.

REPORTS OF COMMITTEES

Pursuant to the motion made on Monday, January 5, 2009, the following bills were submitted as the Special Order Calendar for Friday, January 9, 2009: **SB 2-A, SB 4-A, CS for SB 8-A, CS for SB 10-A, CS for SB 12-A, CS for SB 14-A, CS for SB 16-A, CS for SB 18-A, CS for SB 20-A, CS for SB 22-A, CS for SB 24-A, CS for SB 28-A, CS for SB 40-A, CS for SB 44-A, CS for CS for SB 6-A, CS for SB 38-A**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed **HB 5113-A** and **HB 5115-A** and that the Senate be asked to concur with the bills as passed by the House or agree to conference.

Robert L. "Bob" Ward, Clerk

By Natural Resources Appropriations Committee and Representative(s) Poppell—

HB 5113-A—A bill to be entitled An act relating to the Water Management Lands Trust Fund; amending s. 373.59, F.S.; prohibiting the issuance of certain refunding bonds; revising, as of a specified fiscal year, distributions from the trust fund to certain water management districts to include distribution priorities and allocation of specified amounts of such distributions to the General Revenue Fund each fiscal year; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

By Natural Resources Appropriations Committee and Representative(s) Poppell—

HB 5115-A—A bill to be entitled An act relating to distribution of the proceeds of the excise tax on documents; amending s. 201.15, F.S.; revising, as of a specified fiscal year, distribution of a portion of the proceeds of the excise tax on documents to the Land Acquisition Trust Fund to provide for debt service obligations funded through the trust fund with respect to bonds issued before a specified date, to allocate a specified amount to the General Revenue Fund each fiscal year, and to retain allocation of the remainder to the trust fund; providing an effective date.

—was referred to the Policy and Steering Committee on Ways and Means.

RETURNING MESSAGES ON SENATE BILLS

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed with amendment(s) **SB 2-A, SB 4-A, CS for CS for SB 6-A, CS for SB 8-A, CS for SB 10-A, CS for SB 12-A, CS for SB 20-A, CS for SB 22-A, CS for SB 24-A, CS for SB 28-A, CS for SB 38-A, CS for SB 40-A, and CS for SB 44-A**; and has passed as amended by the required constitutional three-fifths vote of the membership **CS for SB 14-A, CS for SB 16-**

A, and CS for SB 18-A, and requests the concurrence of the Senate, or failing such concurrence, the House agrees to the appointment of a conference committee.

CONFEREES APPOINTED

The Speaker has appointed the following Representatives to the Conference Committee: At Large: Rep. Galvano - Chair, Rep. Cannon, Rep. Llorente, Rep. Rivera, Rep. Cretul, Rep. Hasner, Rep. Bogdanoff, Rep. Lopez-Cantera, Rep. Randolph, Rep. Gibson, Rep. Brandenburg, Rep. Thurston; Full Appropriations Council on Education & Economic Development: Rep. Rivera - Chair, Rep. Coley, Rep. Saunders, Rep. Culp, Rep. Flores, Rep. Glorioso, Rep. Murzin, Rep. Proctor, Rep. Weatherford, Rep. Heller, Rep. Kiar, Rep. Bush; PreK-12 Appropriations Committee: Rep. Flores - Chair, Rep. Legg, Rep. Kiar, Rep. Bogdanoff, Rep. Fresen, Rep. Stargel, Rep. Bullard, Rep. Clarke-Reed; State & Community Colleges & Workforce Appropriations Committee: Rep. Weatherford - Chair, Rep. McKeel, Rep. Brisé, Rep. Horner, Rep. Kelly, Rep. Weinstein, Rep. G. Thompson; State Universities & Private Colleges Appropriations Committee: Rep. Proctor - Chair, Rep. Precourt, Rep. Heller, Rep. Burgin, Rep. O'Toole, Rep. Patterson, Rep. Reed, Rep. D. Taylor; Transportation & Economic Development Appropriations Committee: Rep. Glorioso - Chair, Rep. Evers, Rep. Rehwinkel Vasilinda, Rep. Carroll, Rep. Drake, Rep. Hukill, Rep. Ray, Rep. Schenck, Rep. Murzin, Rep. Gibson, Rep. Abruzzo, Rep. Steinberg; Full Appropriations Council on General Government & Health Care: Rep. Llorente - Chair, Rep. Frishe, Rep. Skidmore, Rep. Adams, Rep. Ambler, Rep. Domino, Rep. Hays, Rep. Homan, Rep. Patronis, Rep. Planas, Rep. Poppell, Rep. Robaina, Rep. Zapata, Rep. Brandenburg, Rep. Braynon, Rep. Rogers, Rep. Garcia, Rep. Rouson; Criminal & Civil Justice Appropriations Committee: Rep. Adams - Chair, Rep. N. Thompson, Rep. Rouson, Rep. Eisnaugle, Rep. Planas, Rep. Snyder, Rep. Soto, Rep. P. Taylor; Government Operations Appropriations Committee: Rep. Hays - Chair, Rep. Hooper, Rep. Braynon, Rep. Ford, Rep. McBurney, Rep. Nelson, Rep. A. Williams; Health Care Appropriations Committee: Rep. Ambler - Chair, Rep. Patronis, Rep. Brandenburg, Rep. Grimsley, Rep. Kreegel, Rep. Renuart, Rep. Jones; Healthy Seniors Appropriations Committee: Rep. Domino - Chair, Rep. Anderson, Rep. Jenne, Rep. Adkins, Rep. Hudson, Rep. Nehr, Rep. Pafford; Human Services Appropriations Committee: Rep. Zapata - Chair, Rep. Aubuchon, Rep. Thurston, Rep. Bovo, Rep. K. Robertson, Rep. Van Zant, Rep. Rader; Natural Resources Appropriations Committee: Rep. Poppell - Chair, Rep. T. Williams, Rep. Boyd, Rep. Crisafulli, Rep. Mayfield, Rep. Plakon, Rep. Bembry, Rep. Chestnut.

Robert L. "Bob" Ward, Clerk

RETURNING MESSAGES ON HOUSE BILLS

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the Speaker has appointed the following Representatives to the conference committee for HB 5113-A and HB 5115-A: At Large: Rep. Galvano - Chair, Rep. Cannon, Rep.

Llorente, Rep. Rivera, Rep. Cretul, Rep. Hasner, Rep. Bogdanoff, Rep. Lopez-Cantera, Rep. Randolph, Rep. Gibson, Rep. Brandenburg, Rep. Thurston; Full Appropriations Council on Education & Economic Development: Rep. Rivera - Chair, Rep. Coley, Rep. Saunders, Rep. Culp, Rep. Flores, Rep. Glorioso, Rep. Murzin, Rep. Proctor, Rep. Weatherford, Rep. Heller, Rep. Kiar, Rep. Bush; PreK-12 Appropriations Committee: Rep. Flores - Chair, Rep. Legg, Rep. Kiar, Rep. Bogdanoff, Rep. Fresen, Rep. Stargel, Rep. Bullard, Rep. Clarke-Reed; State & Community Colleges & Workforce Appropriations Committee: Rep. Weatherford - Chair, Rep. McKeel, Rep. Brisé, Rep. Horner, Rep. Kelly, Rep. Weinstein, Rep. G. Thompson; State Universities & Private Colleges Appropriations Committee: Rep. Proctor - Chair, Rep. Precourt, Rep. Heller, Rep. Burgin, Rep. O'Toole, Rep. Patterson, Rep. Reed, Rep. D. Taylor; Transportation & Economic Development Appropriations Committee: Rep. Glorioso - Chair, Rep. Evers, Rep. Rehwinkel Vasilinda, Rep. Carroll, Rep. Drake, Rep. Hukill, Rep. Ray, Rep. Schenck, Rep. Murzin, Rep. Gibson, Rep. Abruzzo, Rep. Steinberg; Full Appropriations Council on General Government & Health Care: Rep. Llorente - Chair, Rep. Frishe, Rep. Skidmore, Rep. Adams, Rep. Ambler, Rep. Domino, Rep. Hays, Rep. Homan, Rep. Patronis, Rep. Planas, Rep. Poppell, Rep. Robaina, Rep. Zapata, Rep. Brandenburg, Rep. Braynon, Rep. Rogers, Rep. Garcia, Rep. Rouson; Criminal & Civil Justice Appropriations Committee: Rep. Adams - Chair, Rep. N. Thompson, Rep. Rouson, Rep. Eisnaugle, Rep. Planas, Rep. Snyder, Rep. Soto, Rep. P. Taylor; Government Operations Appropriations Committee: Rep. Hays - Chair, Rep. Hooper, Rep. Braynon, Rep. Ford, Rep. McBurney, Rep. Nelson, Rep. A. Williams; Health Care Appropriations Committee: Rep. Ambler - Chair, Rep. Patronis, Rep. Brandenburg, Rep. Grimsley, Rep. Kreegel, Rep. Renuart, Rep. Jones; Healthy Seniors Appropriations Committee: Rep. Domino - Chair, Rep. Anderson, Rep. Jenne, Rep. Adkins, Rep. Hudson, Rep. Nehr, Rep. Pafford; Human Services Appropriations Committee: Rep. Zapata - Chair, Rep. Aubuchon, Rep. Thurston, Rep. Bovo, Rep. K. Robertson, Rep. Van Zant, Rep. Rader; Natural Resources Appropriations Committee: Rep. Poppell - Chair, Rep. T. Williams, Rep. Boyd, Rep. Crisafulli, Rep. Mayfield, Rep. Plakon, Rep. Bembry, Rep. Chestnut.

Robert L. "Bob" Ward, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journals of January 5 and 8 were corrected and approved.

CO-INTRODUCERS

Senators Aronberg—SR 66-A; Baker—SR 66-A; Gaetz—SR 66-A

RECESS

On motion by Senator Villalobos, the Senate recessed at 2:00 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene upon call of the President.