



Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President Atwater at 9:00 a.m. A quorum present—38:

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

Excused: Senator Bullard

PRAYER

The following prayer was offered by Rev. David Throckmorton, First Baptist Church, Blountstown:

Our Father God, we pause for a few moments on this very busy and important day to affirm our faith. We recognize the freedom you give to us to believe as we choose. Most of us have chosen to believe in a power much greater than ourselves. We acknowledge the truth, "The Lord of hosts is with us, the God of Jacob is our refuge." Our need for you is reflected in the popular children's song that says it so well, "They are weak, but he is strong!" We are weak and you are strong. We affirm your power and presence this morning.

Our Father, in light of the importance of major decisions being made this day, we acknowledge the opportunity to receive wisdom from you. The quality of life is determined by decisions. Destiny for many people can be decided by one vote. As we acknowledge you, O God, we seek wisdom that will give insight and direction and truth.

In the midst of all that is good about our state and nation, there is a lot of confusion, hurt and disappointment. We confess that we have caused much of the havoc. Lord, would you unravel the chaos? Would you straighten the crooked roads of our existence? Would you give us hope and peace? Lord of hosts, we ask that you would wrap your loving arms around each one of us.

Lord, I am reminded of a scene in Shakespeare's Hamlet when the king went into the church to pray and greatly struggled. He finally said, "My prayers didn't reach the ceiling!" We are asking today that our prayers will reach beyond the ceiling; that you will hear us and respond to our desperate cry.

This is our prayer. In thy name, we pray. Amen.

PLEDGE

Senate Pages Edward Becht of Sarasota; Maxwell "Max" Giberson of Ocala; Colleen Heeney of Lake City; Andrew Sherman of Greenwood; and Christopher Smith, son of Senator Smith, of West Palm Beach, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Jack Jawitz of Bradenton, sponsored by Senator Bennett, as doctor of the day. Dr. Jawitz specializes in Dermatology.

ADOPTION OF RESOLUTIONS

On motion by Senator King—

By Senators Atwater, King, Pruitt, Lawson, Alexander, Altman, Aronberg, Baker, Bennett, Constantine, Crist, Dean, Detert, Deutch, Diaz de la Portilla, Dockery, Fasano, Gaetz, Garcia, Gardiner, Gelber, Haridopolos, Hill, Jones, Joyner, Justice, Lynn, Oelrich, Peaden, Rich, Richter, Siplin, Smith, Sobel, Storms, Villalobos, and Wise—

SR 2800—A resolution recognizing the outstanding public service and lifetime achievements of Mallory E. Horne and designating Room 37 in the Senate Office Building the "Mallory Horne Committee Room."

WHEREAS, Mallory E. Horne was born in Tavares, Florida, on April 17, 1925, and

WHEREAS, Mallory E. Horne graduated with distinction from Leon High School in Tallahassee and immediately enlisted in the United States Army Air Corps to fight in World War II, and

WHEREAS, Mallory E. Horne was rated the top flight school graduate in the nation and was chosen to attend the United States military's first-ever advanced aerial combat training, now known as "Top Gun," and

WHEREAS, after the war, Mallory E. Horne continued to serve in the United States Air Force and Air Force Reserve and was honorably discharged at the rank of captain, and

WHEREAS, Mallory E. Horne attended the University of Florida, where he served as chancellor of the Honor Corps and, in 1949, was elected President of the senior class, and

WHEREAS, Mallery E. Horne began the practice of law, opening his own firm in Tallahassee, and was elected statewide President of the Junior Bar of Florida, and

WHEREAS, while still in his twenties, Mallery E. Horne was elected to the Florida House of Representatives, where his leadership abilities were immediately recognized and he enjoyed a rapid rise to prominence, culminating with his election as Speaker of the House of Representatives, and

WHEREAS, upon leaving the House Of Representatives, Mallery E. Horne was elected to the Florida Senate, where, in 1973-1974, he served as Senate President, becoming the only person since Reconstruction to serve in both offices, and

WHEREAS, as a legislator, Mallery E. Horne was known for his spellbinding orations and his willingness to take principled, and sometimes unpopular, stands, and

WHEREAS, while Mallery E. Horne's entire legislative body of work is worthy of recognition, three of his greatest accomplishments are the implementation of fair legislative apportionment, the complete executive reorganization of all three branches of government, and his tireless efforts to retain Tallahassee as the state capital, and

WHEREAS, Mallery E. Horne served as member on the first Constitutional Advisory Commission, as general counsel to the Department of Agriculture and the Florida Senate, and as chairman of the Public Employee Relations Commission, and

WHEREAS, throughout his career as a high-profile lawyer, Mallery E. Horne has given generously of his time and energy in providing pro bono legal assistance to low-income individuals and supporting the work of volunteer legal services organizations, NOW, THEREFORE,

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

That the Senate recognizes and celebrates the unparalleled legislative service of Mallery E. Horne in the Florida House of Representatives and the Florida Senate and honors his commitment to public service.

BE IT FURTHER RESOLVED that in recognition of Mallery E. Horne's outstanding public service and lifetime achievements, the Senate designates Room 37 of the Senate Office Building, known as "Committee Room A" during his time of service in the Legislature, as the "Mallery Horne Committee Room."

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

—was introduced out of order and read by title. On motion by Senator King, **SR 2800** was read the second time in full and adopted.

REMARKS

By direction of the President, the following remarks were ordered spread upon the Journal:

Senator King: Thank you, Mr. President. I am deeply honored to have been asked to do this because in so many ways Mallery Horne served as a guidepost for me. We had a mutual friend when I first got elected and that was Barry Horenbein. Many of you know him. He was the conduit between the two of us. I knew Mallery before I got elected, and I knew some of the things that he was able to achieve. If you look at the record, and if you lived the record as some of us did, there was Mallery Horne in the House and there was Dempsey Barron in the Senate and there will never be two stronger people in each or any of the chambers. They were able to do things. Some people said they were able to move mountains. One of the things that he was able to do was he kept the capital here. It was a close vote. If he hadn't stepped in and done what he had done, we'd have been in Orlando where it's infinitely easier to get to and get out of. We'd be eating at a myriad of really good restaurants instead of the few that we have here, one of which he made famous, the Silver Slipper.

If you study Mallery's background, there isn't anything that he did that he didn't do with excellence. That was the part that inspired me the

most. His philosophy was always, "If you're going to do it, do it well," and, golly, did he do it well. If you read his biography, you'll see that he was "Top Gun" - best in class, first in the nation. Between the years 1963 and 1973, he became both Speaker of the House and President of the Senate. Now, that is virtually impossible and may never be done again. He is, after Reconstruction, the only elected official who has served as both Speaker and as President.

The part that is the most meaningful is that throughout his political life he never lost sight of the fact that he was here to serve. The things that we take for granted now were things that he fought for. When he was in his heyday, we were a poorly apportioned legislature, probably one of the worst. When he came in, he changed all that. We went from one of the worst apportioned legislative bodies to one of the best. The annals of time will treat him as it should, as one of the great leaders of Florida. He has fingerprints all over the legislation that we now call state statutes. His time here was short. If you look at it, ten years is not a whole lot of time. Many of us have doubled that, and yet accomplished half of what he was able to accomplish.

Some of the things that set him apart that were so inspiring to me - he was a gifted orator. He loved to get the microphone. He loved to get the microphone and he loved it when people were all against him. Where have you seen that before? He was able to turn the tide time after time after time. He made a comment when he left politics. He said, "I believe in focusing on law, because in law I only have one person that I have to enchant. In politics, I have 160 idiots." A smart move on his part. Some of the other things about Mallery that were meaningful to me - he was a man about town. He loved to party. There wasn't an adult beverage he didn't enjoy. There wasn't a time when he wasn't involved in what was going on in the city and I have done my best to follow in those footsteps.

Members, it is altogether fitting, and probably late if you stop to think about it, that we honor a man of this type of skill, this type of dedication, and this type of record. I would hope that you will join me in a round of applause for a man of all seasons, Mallery Horne.

Senator Lawson: I, too, am honored to be able to say a few words about my friend, Senator Mallery Horne. I first learned about Mallery in 1972, when I was at Florida State University and we played the University of California at Los Angeles for the national championship. When we came back, Mallery was one of those guys who was congratulating us on that accomplishment. It was a great feat.

I can tell you in this community, I'd like to say that I really identify with him, as Senator Jim King stated. Mallery fought so hard to keep the State Capital here. It was really a test debate and people in this community recognized the fact that if that happened, we would lose a large number of employees. But Senator, I fight today to keep the employees here in Tallahassee. So we do have a great deal in common. I think the most significant thing beside that fight is that long before I came to the Legislature, Mallery was known throughout this community, especially in African-American communities, as a person who really stood up for civil rights. He fought for those who were less fortunate and he opened many doors for many of us to have the opportunity to succeed.

When I decided to run for office in 1982, 27 years ago, Mallery Horne was one of the first people to give me a campaign contribution. I thought that was really great that I could get someone so significant in politics, who made such a difference in this community and throughout the State of Florida, to endorse me by giving a campaign contribution. More so than the campaign contribution, it is quite inspiring to know that you share this chamber with a person who is a living legend in politics throughout the state. He is joined here today, Mr. President, by many of his colleagues and family members.

SPECIAL GUESTS

Senator Lawson introduced the following guests who were present in the chamber: President Mallery E. Horne; his wife Lou; son Mallery Horne, Jr. and his wife Ann; stepson Don Watson; granddaughters Meghan and Anna; law partner Scott Maddox; President Philip D. "Phil" Lewis; President James A. "Jim" Scott; Senator Kenneth A. "Ken" Plante; Senator William Dean "Wig" Barrow; Senator C. Welborn Daniel; Speaker Donald L. Tucker; former Representative Julian Bennett; former Secretary of the Senate Joe Brown; former Senate Sergeant at Arms Wayne W. Todd, Jr.; former Representative and Florida Legislative Research Center and Museum Director Anne Mackenzie; former

Clerk of the House and Historic Capitol Curator John B. Phelps; Senator S. Curtis "Curt" Kiser; Senator Richard E. "Rick" Dantzler; and Florida Commissioner of Agriculture and Consumer Services Charles H. "Charlie" Bronson, Jr.

Former Senator William Dean "Wig" Barrow: President Atwater, fellow Senators, and my dear friends: Fuller Warren would say, my and Mallory's friend, you are my friends. We are gathered here today for a significant time. In these hallowed halls we are here to honor a fellow member of the Florida Senate. It is altogether fitting and proper that we should do this. The world will little note nor long remember what we say here, but the world can never forget what Mallory did when he was in the House and when he was in the Senate, and the wonderful legislation that he passed - all the way from writing the Rules for the Florida Senate to saving the capital, which he did. That was a wonderful thing.

I've known five people in my seventy-seven and a half years with whom God blessed a keen intellect and a lightening-flash mind. Mallory Horne is one of those people. I knew that there was something special about Mallory when I walked into his office and there behind his desk was a picture that many of you have seen. Nick Fallier, his lifetime friend, was in one plane and Mallory was in another. They were in the cadets. Mallory's left hand was extended and he was holding the wingtip of Nick's plane while the planes were flying. I thought that was pretty brilliant, or else foolish, I didn't know which. Horne, you can take your pick. With that comment, I'm going to address the rest of my remarks to my dear friend of almost half a century.

Horne, "Eli," Mr. Speaker, Mr. President. You are Shakespearean in nature. I watched you for the six years that I was in the Florida Senate while you maneuvered and worked the floor of the Senate. I never saw anybody that could do the job that you did. Shakespeare said about you, "Oh, what tangled webs we weave, when first we practice to deceive." You unwound all of those entangled webs. You took away all of the seed. And you got your legislation passed. As you know and you will recall, in the "fell clutch of circumstance" we made five trips to the mountains together to hunt elk and bear, caribou and sheep. I learned then what I had suspected in 1968 when I walked into your office and saw the plane - that you were a man of courage and bravery. Shakespeare was right, "A coward dies a thousand deaths, a brave man dies but once." You are a brave man. I think, perhaps, Kipling said it better than I:

If you can keep your head when all about you
Are losing theirs and blaming it on you,
If you can trust yourself when all men doubt you,
But make allowance for their doubting too;
If you can wait and not be tired by waiting,
Or being lied about, don't deal in lies,
Or being hated, don't give way to hating,
And yet don't look too good, nor talk too wise:

If you can dream - and not make dreams your master;
If you can think - and not make thoughts your aim;
If you can meet with Triumph and Disaster
And treat those two impostors just the same;
If you can bear to hear the truth you've spoken
Twisted by knaves to make a trap for fools,
Or watch the things you gave your life to, broken,
And stoop and build'em up with worn-out tools:

If you can make one heap of all your winnings
And risk it on one turn of pitch-and-toss,
And lose, and start again at your beginnings
And never breathe a word about your loss;
If you can force your heart and nerve and sinew
To serve your turn long after they are gone,
And so hold on when there is nothing in you
Except the Will which says to them: 'Hold on!'

If you can talk with crowds and keep your virtue,
Or walk with Kings - nor lose the common touch,
If neither foes nor loving friends can hurt you,
If all men count with you, but none too much;
If you can fill the unforgiving minute
With sixty seconds' worth of distance run,
Yours is the Earth and everything that's in it,
And - which is more - you'll be a Man, my son!

Rudyard Kipling wrote that poem. You are, in my experience over the last half of a century, a mountain man of major proportions. As you know, I am a fellow Christian. I do a morning meditation every day. Never a day goes by that I don't thank God for the privilege and the honor, the high honor and privilege, of being your friend, and having you for a friend. God bless you. Amen.

Former House Speaker Don Tucker: When I was first elected to office in Tallahassee, Mallory Horne was elected to the Florida Senate. Before that time, my father served in the Senate, from the 5th Senatorial District when Mallory was first elected to the House. They served together and Mallory used to talk about how ornery he was, but they always got along. My dad was so proud of him that he actually had Mallory's law firm representing him. We go back a long way, Mallory and I. I was honored to be in the same delegation with him.

He was such an inspiration to us. He spoke so well, as former Senator Barrow did. You never quit being a Senator, right? Senator Barrow pointed out all these things and you are really lucky that Senator Barrow didn't point out any more. I know you can listen to him and you wonder how we ever got anything done in the Florida Senate when he got up to speak. I promise you, every now and then, one of the best things Mallory did was quiet him down.

Senator Horne is one of the reasons that I became Speaker of the House. I remember we were in a meeting one time out on Thomasville Road and Mallory said to me, "Don, why don't you run for the Senate because I don't think I'm going to run any more". So I started making plans to run and the next thing I know, he sends a message, "Don, don't tell so many people you are running because it kind of bothers my effectiveness over here if they think I'm not running for re-election". So I quieted down. The next thing I knew, they had picked him to be the President of the Senate so I knew that I had no choice in it. So that inspired me to try to seek a leadership position in the House. I won't carry on and tell all these stories because you have a lot of people here.

I just want to say one thing. I don't call him "Speaker;" I don't call him "Mr. President." I call him "My dear friend Mallory Horne" and it's been an honor to know him and to serve with him through the years. I hope that I will be with him many times in the future.

Former President Phil Lewis: Mallory, it's a pleasure and honor to be here. I won't even attempt to keep up with Senator Barrow, knowing he is the wizard of ease. He's one of the best orators I've ever heard. I remember when I came to the Senate. Some of you know the feeling. This is an awesome experience to come to the Florida Senate. Mallory made that easy for me. I'd sit up there and listen to them debate and I'd think, "This guy is the best one" or "That guy is the best one", and then Horne would get up there and kill them. I'm honored to be here.

Former President Jim Scott: It's an honor to be included in this. I think it's great that the Senate is doing this today. It's really a tribute. One of the reasons I ran for the Senate is that I was up here as a part-time attorney for the Broward legislators. When I didn't have something else to do, I'd come down here and watch the Senate. Mallory Horne was President of the Senate. Kenny Plante and all these others looked so cool. So I went home and started thinking about running. The guy I decided to run against was a twelve-year House member. He said, "We'll give you a House seat unopposed if you will not run against me in the Senate". I said, "Are you kidding? The House is a zoo". I wanted to be in the Senate.

Mallory's public service went on beyond. He is a great lawyer. When I first got here, he had a Senator that had some difficulties and they had a trial with the Judiciary Committee and I was on it. He was represented by Mallory Horne and we were there for days and weeks. One of the Senators was Lori Wilson who had been there and she leaned over to me and said, "You know that Mallory Horne is smooth. He's silver-tongued but he's not a devil".

Mallory also came back at a contentious time in the Senate. I had been designated to be President. We ran and we didn't get enough Republicans. Senator Gwen Margolis had the good sense to ask Mallory to come back here and be on the staff. I want to tell you something. At the time, the smooth, calm demeanor that he had reminded me of this refrain:

One ship sails East,
and another West,
By the self-same winds that blow,
'tis the set of the sails,
And not the gales,
That tells the way we go.

Like the winds of the sea
Are the waves of time,
As we journey along through life,
'tis the set of the soul,
That determines the goal,
And not the calm or the strife.

Mr. President, Mr. Speaker, Mallory, I just want you to know that we are all with you, through calm, strife, good times or bad. Walking or riding as we used to say in the Senate, we are with you and we are thinking of you.

Former Senator Rick Dantzler: Thank you Senator Lawson, thank you Mr. President and members of the Senate. It's a pleasure to be here today. I wasn't intending to speak, but I had a thought that may, perhaps, be relevant. First, a little background. I didn't serve with Senator Horne. I served in the House and the Senate for a number of years, but I never had the privilege of serving with him. I got to know him when I was serving in the Senate and Governor Chiles brought Senator Horne on board to help out with the tobacco legislation. I know you've heard a lot about that issue, if you didn't have any direct involvement with it. It's either the famous or the infamous tobacco legislation, depending on your perspective. That is when I first got to know Senator Horne.

After dealing with him on that issue and a number of other issues, I had the thought - and I remember thinking it distinctly, and I've often thought of it since - if I was in a true crisis, Mallory Horne is one of those that I would want standing next to me. He understands Florida as well as anyone. He understands the wisdom of the law, and the theory of the law, and the justice that's behind the law, as well as anyone I've known. He is learned in the State Constitution. He is a constitutional scholar. He is exactly the kind of person that I would want next to me in the face of a crisis. The thought I had, Mr. President, is that you might want to keep him around for the balance of the session. I've been on the outside looking in and it's been tough. It's easy to govern when there is a lot of money and it's hard to govern when there is not. I've been feeling for you. Senator Horne is exactly the kind of person that can help figure out those very difficult problems. I commend him to your service for the balance of the session. Thank you very much for the chance to be here today.

Former Senator Curt Kiser: Thank you Mr. President. I, too, was inspired by Senator Horne. In 1972, when I ran for the House, he was in the Senate. He was a legend. In fact, he was the only person who had served in those two positions - both Speaker of the House and Senate President. I got the chance to be serving in that same legislature. The only times I came into contact with him was when I was dealing with Senator Barron on several matters. On several occasions, Senator Horne would be right there meeting with Senator Barron at the same time. I was able to rub shoulders with him just a little bit during that first term.

The thing that always amazed me about the man is that this was a person that could stand up and take positions when virtually everyone else in the room would be against him. One of those situations was in 1964, when Senator Horne stepped out of his role as a major Democratic leader and led the effort in Florida for Barry Goldwater. Can you imagine today having somebody like that who could step aside from their powerful position in one of the parties and turn around and openly become a statewide leader for the opposing party's presidential candidate? That's what he did.

As a Republican coming in 1972, that was one of the first things I learned about him that really impressed me. This was a man of real courage and character. Like Senator Scott said, we were here with Senate President Margolis and there were some contentious times. Let's face it folks, it was a tight race for the presidency that year. The only way that it was broken was when several members of the Republican Party broke ranks and supported Senator Margolis. There were a lot of hard feelings about that. It wasn't an easy time to be presiding. She had the forethought to bring Senator Horne back on board. At that opportunity I got to work with him a great deal more.

Since that time, I have served with him for five or six years on the Legislative Research and Museum Committee that is responsible for all activities that we are trying to do over in the Old Capitol. He has been serving on that, making virtually all the meetings. His input is something that is very valuable. When he speaks at those meetings, everybody listens. He's a very valuable resource to people from all walks of life; people from all parts of the political spectrum. You just don't find that quality today in as large a number as you should.

Senator Horne, I take my hat off to you. You are always an inspiration; you are a fine, fine gentleman in the old southern tradition. Thank you.

Senator Peaden: I wasn't going to stand up here and say anything, but it's kind of hard to come out of West Florida and follow people like Mallory Horne and William Dean Barrow - their eloquence and what they have done in this state. I would not be here today were it not for Mallory Horne. By happenstance in 1979, when I was the youngest physician chairman of a county medical society, I went to Orlando and Mallory Horne was our keynote speaker. Mallory grabbed me by the neck and said, "You need to run for the legislature." I went home and told my then wife that I was going to run for the legislature. Her uncle had been in Congress since the 1930s. She said, "No, you're not running for the legislature." My life changed, and my wife changed. I went to law school and I got remarried. I ended up here.

One day my mother-in-law, Margaret Stores Green, asked me if I knew somebody named Mallory Horne. I said, "Yes, ma'am, I know Mallory Horne." She said, "Did you know Mallory's sister was my best friend when Mallory was growing up in DeFuniak Springs. We used to dress him up like a little baby doll. He was the prettiest thing over here about that time." Where we are from, Mr. President - I don't know if you know this or not - in West Florida they say, "When a baby boy's big enough to crawl and have a diaper on him, if he crawls east he's probably going to end up in Tallahassee." These two eloquent gentleman led me to Tallahassee.

What Mallory has done still stands today. Our delegation was fighting about the issue of consolidation in Escambia County in the last six months. We heard experts come and tell us what you do about consolidation and what the law is. I said, "I think I know a fellow from West Florida that wrote the law in 1964 when he was Speaker of the House. He knows more about Jacksonville and consolidation than anybody." I called Mallory. He speaks the truth - the gospel - and the statutes according to Florida. Mallory reversed what we were thinking in Pensacola. We straightened out what we were doing over there. Hopefully, if this issue comes to fruition, it'll be because of President Horne and what he has done. His mark on Florida will live a long time after we are all out of this legislature. Mallory, thank you for what you did for me, sir.

President Atwater: Members and guests, if I might say first to our returning members of this legislative body and process-you honor us today with your presence.

In just a few minutes we will be taking up our budget. The senators will be making some very difficult decisions. I want you to know your presence inspires us. Some of your pictures still hang on the wall; your names still ring in these hallways; and your works are still seen all over this beautiful state. You have left your mark in time and our future will be better for it. We thank you for your presence today.

Mr. President Horne, they are not here because of us or the budget before us. They are here because of their admiration for you; for what you stood for; for what you believed in; how you led your life; and gave yourself to the service of our state. We are all so much better for your presence and for the fact that your family around you allowed you to depart and make your contribution here. They stood by your side always.

Among the many wonderful things you have done, you climbed into one of the most beautiful and impressive fighter planes the country has ever seen, the B51 Mustang, and you served your country. You volunteered for it and you kept giving the rest of your life. It was a life of service to all of us.

Now we will place your picture, not only in this chamber, but on a specific room that was here when you served in this body. Anyone who hears it, as they enter this chamber, will be inspired by what you have given to this state as they hear the sound of your name called out when it

is said, "Today the meeting is in the Horne room." Thank you for everything you have offered to all of us.

On motion by Senator Rich—

By Senator Rich—

SR 2214—A resolution recognizing April 16, 2009, as "Cervical Cancer Awareness Day."

WHEREAS, cervical cancer is the most common cancer diagnosed among women worldwide and is caused by certain types of human papillomavirus, and

WHEREAS, unlike many other forms of cancer, cervical cancer has a precursor that can be treated and can prevent progression of the disease, and

WHEREAS, since 1947, Papanicolaou testing, commonly known as "Pap screening," has significantly decreased the incidence and the mortality of cervical cancer by 70 percent, and

WHEREAS, the American Cancer Society recommends that annual cervical cancer screening begin at age 21 or within 3 years of sexual activity, and

WHEREAS, approximately half of the women who develop cervical cancer have never been screened and an additional 10 percent have not been screened in the last 5 years, and

WHEREAS, in 2008, the American Cancer Society estimated that 11,070 women would be diagnosed with cervical cancer, 3,460 with vulvar cancer, 2,210 with vaginal cancer; 1,250 men would be diagnosed with penile or genital cancer; and 3,050 women and 2,020 men would be diagnosed with anal cancer, which are all human papillomavirus related diseases, and

WHEREAS, cervical cancer is one of the most preventable cancers, NOW, THEREFORE,

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

That April 16, 2009, is recognized as "Cervical Cancer Awareness Day" in Florida and all women are urged to understand the risks associated with cervical cancer, to take preventive steps to minimize those risks, and to talk to their doctor about annual cervical cancer screening and compliance with the cervical cancer screening guidelines recommended by the American Cancer Society.

—was introduced out of order and read by title. On motion by Senator Rich, **SR 2214** was read the second time in full and adopted.

On motion by Senator Wise—

By Senator Wise—

SR 2736—A resolution recognizing Ted M. Hires, Sr., for his valuable contributions to the residents of the City of Jacksonville and the State of Florida as an advocate of victim's rights.

WHEREAS, Ted M. Hires, Sr., was born in Jesup, Georgia, where he grew to be both ambitious and hardworking, and

WHEREAS, nearly four decades ago, Ted M. Hires, Sr., moved to Jacksonville, where he became a successful businessman, working in a variety of positions for the corporate offices of Sonny's Real Pit Bar-B-Q and owning four Sonny's restaurants, and

WHEREAS, in July 1995, following a robbery at one of his Jacksonville restaurants, in which he and his employees were held at gunpoint, Ted M. Hires, Sr., founded the Justice Coalition, and

WHEREAS, with advocacy for innocent victims of violent crime as his prime objective and using his own funds, Ted M. Hires, Sr., built the Justice Coalition as an organization intent on helping to improve the criminal justice system's service to the community, and

WHEREAS, the Justice Coalition has made remarkable strides in bringing criminal justice to the forefront of public awareness and offering and participating in solutions to many problems that are inherent in the criminal justice system, and

WHEREAS, in 1996, Ted M. Hires, Sr., began publication of a monthly newspaper entitled the *Victims' Advocate* to inform the public about criminal justice issues and the toll that crime takes on its victims and their families, to draw attention to the need for change in the criminal laws and policies of this state, and to recognize and support efforts by members of the Jacksonville Sheriff's Office, the FBI, FDLE, other law enforcement agencies and concerned citizens to reduce crime and increase public safety, and

WHEREAS, never asking for any compensation for himself and refusing to seek government grants to support the work of the Justice Coalition, Ted M. Hires, Sr., was a shining example of how one person can make a significant difference in the lives of others, and

WHEREAS, the passing of Ted M. Hires, Sr., on December 17, 2008, leaves a void in the hearts of his family and friends and a community that is grateful for his many contributions, NOW, THEREFORE,

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

That Ted M. Hires, Sr., is recognized for his valuable contributions to the residents of the City of Jacksonville and the State of Florida and is remembered and honored for his service to his community and his advocacy of victim's rights.

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

—was introduced out of order and read by title. On motion by Senator Wise, **SR 2736** was read the second time in full and adopted.

On motion by Senator Wilson—

By Senator Wilson—

SR 72—A resolution recognizing Alpha Kappa Alpha Sorority, Inc.

WHEREAS, Alpha Kappa Alpha Sorority, Inc., was founded at Howard University in Washington, D.C., in 1908, and

WHEREAS, this Greek letter organization is the first sorority established by African American college women, and

WHEREAS, Alpha Kappa Alpha Sorority, Inc., was a century old January 2008, thereby earning the designation as "Centennial," and

WHEREAS, this sorority is an international organization that has approximately 250,000 members in more than 900 chapters extending across the United States, the Bahamas, Bermuda, Great Britain, Germany, Korea, and the Virgin Islands, and

WHEREAS, many of these chapters are located in communities and on college and university campuses in the State of Florida, and

WHEREAS, Alpha Kappa Alpha Sorority, Inc., is committed to community service and has made numerous contributions to the educational, civic, and social lives of Florida's residents, and

WHEREAS, Barbara McKinzie of Chicago, Illinois, is the Centennial International President of this great sisterhood and leads the 250,000 women of this organization in the current international program, "The SPIRIT of AKA," the acronym and concept for Sisterhood, Service, Partnership, Innovation, Respect, Involvement, and Technology, and

WHEREAS, Ella Springs Jones is the Centennial South Atlantic Regional Director of this great sisterhood and leads members of the sorority in Florida, Georgia, and South Carolina, and

WHEREAS, the largest chapter in Florida is Gamma Zeta Omega, located in Miami, and

WHEREAS, Senator Frederica S. Wilson, a past South Atlantic Regional Director, and former Senator Mandy Dawson are members of Alpha Kappa Alpha Sorority, and

WHEREAS, members of the Alpha Kappa Alpha Sorority in the State of Florida contribute thousands of volunteer hours implementing service programs in their respective communities, NOW, THEREFORE,

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

That the members of the Florida Senate recognize the commitment of members of Alpha Kappa Alpha Sorority, Inc., to community service and express special appreciation for their service in the State of Florida.

—was introduced out of order and read by title. On motion by Senator Wilson, **SR 72** was read the second time in full and adopted.

At the request of Senator Rich—

By Senator Rich—

SR 996—A resolution recognizing November 16-22, 2009, as “Spinal Cord Injury Awareness Week” in Florida.

WHEREAS, the central nervous system is made up of two parts, the brain and the spinal cord, and

WHEREAS, the spinal cord is considered the “information super-highway” of the body because it contains bundles of neurons that carry signals to and from the brain, controlling many bodily functions, and

WHEREAS, after a spinal cord injury occurs, damaged neurons can no longer emit signals to or from the brain, and the injured person suffers permanent sensory loss and muscle control, and

WHEREAS, currently there are approximately 250,000 to 400,000 individuals in the United States who have sustained a spinal cord injury, and

WHEREAS, it is estimated that the annual incidence of spinal cord injury in the United States, not including those who die at the scene of an accident, is approximately 11,000 new cases each year, and

WHEREAS, the most common age for spinal cord injuries is 19 years old, with 30 percent of all injuries occurring between the ages of 17 and 23, and 53 percent of all injuries occurring between the ages of 16 and 30, and

WHEREAS, more than 80 percent of spinal cord injuries occur in men and 20 percent occur in women, and

WHEREAS, the four leading causes of spinal cord injury for both men and women are auto accidents, falls, gunshot wounds, and recreational sporting activities, and

WHEREAS, the average annual cost of care for individuals who have a spinal cord injury ranges from \$250,000 to \$700,000 the first year after injury, with an estimated lifetime cost ranging between \$500,000 and \$3 million depending on the severity of injury, and

WHEREAS, in the past 15 years, scientists have made major breakthroughs in understanding how to encourage damaged neurons to regenerate and restore function and how to improve the quality of life for patients in areas such as infertility and pain management, and

WHEREAS, the Darrell Gwynn Foundation has worked to help fund research aimed at finding a cure for paralysis, as well as improving the overall quality of life for individuals with paralysis, and

WHEREAS, the Darrell Gwynn Foundation will spend the week of November 16-22 working with local governments and schools to educate Floridians about the causes and treatments for spinal cord injuries, as well as informing the public on how to prevent these injuries from taking place, NOW, THEREFORE,

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

That November 16-22, 2009, is recognized as “Spinal Cord Injury Awareness Week” in the State of Florida.

—**SR 996** was introduced, read and adopted by publication.

At the request of Senator Rich—

By Senator Rich—

SR 1068—A resolution recognizing August 2009 as “Spinal Muscular Atrophy Awareness Month.”

WHEREAS, Spinal Muscular Atrophy (SMA) is a relatively common “rare disorder,” affecting about one in 6,000 babies, and about one in 40 people are genetic carriers, and

WHEREAS, SMA is found mainly in newborns and children, affecting the spinal nerves and the voluntary muscles that are used for activities such as crawling, walking, head and neck control, and swallowing, and

WHEREAS, SMA affects muscles throughout the body, although the proximal muscles are often most severely affected, causing weakness in the legs and arms, and sometimes affecting feeding and swallowing, and

WHEREAS, SMA involves respiratory muscles, which can lead to an increased tendency for pneumonia and other lung problems, and

WHEREAS, SMA does not affect sensation and the ability to feel, intellectual activity is normal, and patients who have SMA are unusually bright and sociable, and

WHEREAS, SMA is an autosomal recessive genetic disease, which means that in order for a child to be affected by SMA, both parents must be carriers of the abnormal gene, both must pass this gene on to their child, and the likelihood of a child inheriting the disorder is one in four of those cases, and

WHEREAS, SMA crosses all racial, ethnic, and gender boundaries and, although it is primarily diagnosed in children, it can affect people of any age, and

WHEREAS, Families of SMA, a grassroots organization, is working to help raise awareness of the disease and funding for research, education, advocacy, and patient services, and

WHEREAS, individuals and organizations that bring greater awareness to health issues and assist people in their quest to overcome related obstacles are a great benefit to the health and welfare of all citizens, NOW, THEREFORE,

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

That August 2009 is recognized as “Spinal Muscular Atrophy Awareness Month.”

—**SR 1068** was introduced, read and adopted by publication.

At the request of Senator Detert—

By Senator Detert—

SR 1334—A resolution recognizing April 2009 as “Swimming Pool Safety Month.”

WHEREAS, the State of Florida has more than 1 million swimming pools, more than 37,000 of which are public facilities regulated by the Department of Health, and

WHEREAS, residential and commercial swimming pools and spas add to the enjoyment and quality of life and the health of the state’s residents and visitors, and

WHEREAS, swimming pools and spas are recreational facilities promoting the social gathering of families and friends in a large percentage of Florida residences, and

WHEREAS, Florida hotels and condominiums have thousands of swimming pools, spas, and wading pools used by even more visitors and guests, and

WHEREAS, the education of building code and health department officials, swimming pool designers and contractors, and pool owners is paramount to ensuring pool safety, and

WHEREAS, the Virginia Graeme Baker Pool and Spa Safety Act was signed into law by the President of the United States, providing mandatory safety measures for public pool facilities, incentive programs concerning residential pools, and overall outreach and education on swimming pool safety, and

WHEREAS, a national consensus safety standard, ANSI/APSP 7 Suction Entrapment Avoidance, was developed in accordance with the American National Standards Institute, and adopted by the Florida Building Commission, making the State of Florida a leader in preventing serious injury from entrapment, and

WHEREAS, chapter 515, Florida Statutes, provides for the Residential Swimming Pool Safety Act, which focuses on backyard pool safety and the prevention of drowning, and

WHEREAS, the Florida Swimming Pool Association and the Department of Health's Office of Injury Prevention continue to promote safety awareness to consumers, pool industry representatives, and government officials, and

WHEREAS, swimming pool and spa injuries and accidents can be prevented through the responsible behavior and preventative actions of swimmers, pool owners, and those responsible for the facilities, and

WHEREAS, mass media communications concerning swimming pool and spa safety during the peak period of use by consumers can create increased safety awareness and promote the installation and use of safety devices, NOW, THEREFORE,

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

That the Florida Senate recognizes April 2009 as "Swimming Pool Safety Month" and encourages support from the media and other organizations in advocating practices of pool safety and providing information to the public.

—**SR 1334** was introduced, read and adopted by publication.

At the request of Senator Joyner—

By Senator Joyner—

SR 2774—A resolution recognizing October 2009 as "Breast Cancer Awareness Month" in Florida.

WHEREAS, breast cancer is second only to skin cancer as the most frequently diagnosed cancer in women, and

WHEREAS, Florida ranks second in the nation in the number of deaths related to breast cancer and fourth in the nation in the number of new breast cancer cases diagnosed each year, and

WHEREAS, breast cancer is the most common cancer among Hispanic woman and the second most common cause of cancer death in Caucasian, African American, Asian American, and Native American women living in the United States, and

WHEREAS, while all women are at risk for developing breast cancer, age is the most significant risk factor, with the majority of breast cancers occurring in women age 50 and older with that risk increasing until age 80, and

WHEREAS, the American Cancer Society estimates more than 11,850 new cases of invasive breast cancer were diagnosed in Florida in 2008, with more than 2,750 women dying as the result of the disease, and

WHEREAS, the American Cancer Society recommended guidelines of routine clinical exams and mammography screening beginning at 40 years of age are key to early detection of breast cancer, and

WHEREAS, the 5-year survival rate for breast cancer is 98 percent when diagnosed in its earliest stages as compared to a survival rate of 26.7 percent when detected in a later stage of metastases, and

WHEREAS, breast cancer awareness programs during Breast Cancer Awareness Month promote early breast cancer detection through public education and the promotion of regular screenings, NOW, THEREFORE,

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

That the Florida Senate recognizes October 2009 as "Breast Cancer Awareness Month" in Florida and urges all women to educate themselves on the risks associated with breast cancer, take preventive steps to minimize those risks, and undergo early detection screening procedures recommended by the American Cancer Society.

—**SR 2774** was introduced, read and adopted by publication.

BILLS ON THIRD READING

On motion by Senator Storms, by two-thirds vote **HB 741** was withdrawn from the Committees on Banking and Insurance; and Finance and Tax.

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

HB 741—A bill to be entitled An act relating to insurance premium financing; amending s. 627.902, F.S.; specifying nonapplication of certain provisions to certain discounts; specifying such discounts as not related to premium financing; providing an effective date.

—a companion measure, was substituted for **SB 1432** and by two-thirds vote read the second time by title.

On motion by Senator Storms, by two-thirds vote **HB 741** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

On motion by Senator Gaetz, by two-thirds vote **CS for HB 185** was withdrawn from the Committees on Health Regulation; Banking and Insurance; and Health and Human Services Appropriations.

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

CS for HB 185—A bill to be entitled An act relating to access to health care; amending s. 624.91, F.S.; expanding the membership of the board of directors of the Florida Healthy Kids Corporation; amending s. 636.035, F.S.; specifying certain provider arrangement contract prohibitions or restrictions; prohibiting prepaid limited health service organizations from specifying certain contract continuation or renewal conditions; providing for voiding of certain contracts; specifying absence of liability for certain criminal penalties; amending s. 641.315, F.S.; providing for application to health maintenance organizations of the prohibition against specifying certain contract continuation or renewal conditions; amending s. 766.1116, F.S.; revising time requirements for a

health care practitioner's waiver of license renewal fees and continuing education requirements; providing an effective date.

—a companion measure, was substituted for **CS for SB 702** and by two-thirds vote read the second time by title.

On motion by Senator Gaetz, by two-thirds vote **CS for HB 185** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Villalobos

Consideration of **SB 1124** was deferred.

On motion by Senator Dean, by two-thirds vote **HB 7001** was withdrawn from the Committees on Agriculture; Governmental Oversight and Accountability; and General Government Appropriations.

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

HB 7001—A bill to be entitled An act relating to a review of the Department of Citrus and Florida Citrus Commission under the Florida Government Accountability Act; reenacting ss. 20.29, 601.04, and 601.05, F.S., relating to the Department of Citrus and the Florida Citrus Commission; repealing s. 601.154, F.S., relating to the Citrus Stabilization Act; providing an effective date.

—a companion measure, was substituted for **SB 1210** and by two-thirds vote read the second time by title.

On motion by Senator Dean, by two-thirds vote **HB 7001** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Richter

CS for SB 742—A bill to be entitled An act relating to sinkhole losses; amending s. 627.706, F.S.; authorizing an insurer offering sinkhole coverage before or after a certain date to nonrenew the policies of policyholders maintaining sinkhole coverage in Pasco and Hernando Counties, at the option of the insurer, and provide an offer of coverage to such policyholders which includes catastrophic ground cover collapse and excludes sinkhole coverage; requiring that an insurer taking such action meet specified requirements; creating s. 627.7063, F.S.; defining the term "sinkhole loss prevention ordinance"; requiring the Financial Services Commission to adopt a building code effectiveness grading schedule by rule to evaluate the effectiveness of sinkhole loss prevention ordinances in reducing the number of sinkhole claims and the severity of sinkhole losses; requiring insurance discounts and surcharges based on the grade assigned to a sinkhole loss prevention ordinance; providing an effective date.

—as amended April 14 was read the third time by title.

On motion by Senator Fasano, **CS for SB 742** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SB 1030—A bill to be entitled An act relating to the use of lights on motor vehicles; amending s. 316.2397, F.S.; authorizing vehicles owned, operated, or leased by any county correctional agency to show or display blue lights when responding to emergencies; providing an effective date.

—was read the third time by title.

On motion by Senator Garcia, **SB 1030** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Consideration of **CS for SB 2188** was deferred.

SPECIAL ORDER CALENDAR

SB 2600—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2009, and ending June 30, 2010, 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 Bennett moved the following amendment which was adopted:

Amendment 1 (997007)—

DELETED AND INSERTED SECTION 000, EDUCATION, DEPARTMENT OF COMMUNITY COLLEGES, DIVISION OF COMMUNITY COLLEGE PROGRAMS 48400600. SECTION 028, AID TO LOCAL GOVERNMENTS 050217, GRANTS AND AIDS - COMMUNITY COLLEGES PROGRAM FUND IOEB. 1000 FROM GENERAL REVENUE FUND 782,816,828 782,816,428 CA -400 FSI1 -400

Immediately following Specific Appropriation 114, DELETE:

Table with 2 columns: College Name and Amount. Manatee Community College 16,308,297; Polk Community College 14,205,643; Santa Fe Community College 26,736,182; Seminole Community College 26,873,677

and insert in lieu thereof:

Table with 2 columns: College Name and Amount. Manatee Community College 16,308,197; Polk Community College 14,205,543; Santa Fe Community College 26,736,082; Seminole Community College 26,873,577

IN SECTION 030, AID TO LOCAL GOVERNMENTS 050220, GRANTS AND AIDS - COMMUNITY COLLEGE BACCALAUREATE PROGRAMS IOEB. 1000 FROM GENERAL REVENUE FUND 8,424,410 8,424,810 CA 400 FSI1 400

At the end of the second paragraph, following Specific Appropriation 115, INSERT:

Table with 2 columns: College Name and Amount. Manatee Community College 100; Polk Community College 100; Santa Fe College 100; Seminole Community College 100

Senator Justice moved the following amendment which failed:

Amendment 2 (997008)—

DELETED AND INSERTED GOVERNOR, EXECUTIVE OFFICE OF THE PROGRAM: OFFICE OF TOURISM, TRADE AND ECONOMIC DEVELOPMENT ECONOMIC DEVELOPMENT PROGRAMS AND PROJECTS 31800600

IN SECTION 06 ON PAGE 298, SPECIAL CATEGORIES 100259, QUICK ACTION CLOSING FUND IOEA. 1000 FROM GENERAL REVENUE FUND 31,923,000 20,000,000 CA -11,923,000 FSI1NR -11,923,000. EDUCATION, DEPARTMENT OF PUBLIC SCHOOLS, DIVISION OF PROGRAM: STATE GRANTS/K-12 PROGRAM - NON FEFP 48250400. IN SECTION 02 ON PAGE 021, 82A GRANTS AND AIDS - PINELLAS COUNTY SCHOOLS xxxxxx, TEACHER RECRUIT, RETAIN, AND REWARD PILOT PROGRAM IOEB. 1000 FROM GENERAL REVENUE FUND 11,923,000 CA 11,923,000 FSI1NR 11,923,000

Following Specific Appropriation 82A, INSERT:

The funds in Specific Appropriation 82A are provided for the Pinellas County Schools Teacher Recruit, Retain, and Reward Pilot Program for the Pinellas County School District to use to recruit education graduates from Florida universities as well as provide for Pinellas County School District to adopt a retention and reward program for teachers who excel according to program criteria.

Amendment 3 (997009) was withdrawn.

Senator Gardiner moved the following amendment which was adopted:

Amendment 4 (997011)—

DELETED AND INSERTED TRANSPORTATION, DEPARTMENT OF TRANSPORTATION SYSTEMS DEVELOPMENT PROGRAM: TRANSPORTATION SYSTEMS DEVELOPMENT 55100100. IN SECTION 05 ON PAGE 243, 1999 FIXED CAPITAL OUTLAY 088774 PUBLIC TRANSIT DEVELOPMENT/GRANTS IOEK

DELETE the first paragraph of proviso immediately following Specific Appropriation 1999:

From the funds in Specific Appropriations 1999, 2005, and 2009, the department may complete an escrowed closing on the pending Central Florida Rail Corridor acquisition; provided however, the drawdown of such escrowed closing funds shall not occur unless and until final Federal Transit Administration full-funding grant agreement approval is obtained and a federal appropriation in the amount of at least \$178,000,000.00 is secured for the proposed Central Florida Rail Transit Project Initial Operating Segment; and further provided, however, that no such closing shall be authorized in the absence of the passage of Senate Bill 1212 or substantially similar substantive legislation authorizing the liability insurance purchase requirements and the state's indemnification obligations as set forth in the Central Florida Rail Corridor acquisition transactional documents dated February 4, 2008.

and insert in lieu thereof:

From the funds in Specific Appropriations 1999, 2005, and 2009, the department may complete an escrowed closing on the pending Central Florida Rail Corridor acquisition; provided however, the drawdown of such escrowed closing funds shall not occur unless and until final Federal Transit Administration full-funding grant agreement approval is obtained for 50 percent of the capital costs of the proposed Central Florida Rail Transit Project Initial Operating Segment; and further provided, however, that no such closing shall be authorized in the

absence of the passage of Senate Bill 1212 or substantially similar substantive legislation authorizing the liability insurance purchase requirements and the state's indemnification obligations as set forth in the Central Florida Rail Corridor acquisition transactional documents dated February 4, 2008.

Amendment 5 (997010) was withdrawn.

Substitute Amendment 5 (997012) was withdrawn.

Amendment 6 (997013) was withdrawn.

Amendment 7 (997014) was withdrawn.

On motions by Senator Alexander, by two-thirds vote **SB 2600** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SB 2602—A bill to be entitled An act implementing the 2009-2010 General Appropriations Act; providing legislative intent; authorizing the Department of Corrections to use certain appropriated funds to assist in defraying the costs incurred by a county or a municipality to open or operate certain facilities; limiting the amount of such assistance; providing for the expiration of the authority to provide the assistance; amending s. 216.262, F.S.; delaying the expiration of provisions directing the Department of Corrections to seek a budget amendment for additional positions and appropriations if the inmate population exceeds a certain estimate under certain circumstances; providing for the expiration of the authority to seek a budget amendment; authorizing the Department of Legal Affairs to spend certain appropriated funds on programs that were funded by the department from specific appropriations in general appropriations acts in prior years; providing for the expiration of the authority to spend those appropriations; creating s. 945.6041, F.S.; defining terms; limiting the compensation of health care providers that do not have contracts to provide inmate medical services with the Department of Corrections or private correctional facilities; limiting compensation to entities that provide emergency medical transportation services for inmates if those entities do not have a contract with the department or certain private correctional facilities; providing an expiration date for the limits on compensation; authorizing the Department of Legal Affairs to transfer certain funds from certain cases to the Operating Trust Fund to pay salaries and benefits; providing an expiration date for the transfer of funds; amending s. 287.057, F.S.; delaying the expiration of provisions authorizing the Department of Health to enter into an agreement with a specified private contractor to finance, design, and construct a hospital for the treatment of patients with active tuberculosis; amending s. 394.908, F.S.; delaying the expiration of provisions requiring that funds appropriated for forensic mental health treatment services be allocated to the areas of the state having the greatest demand for services and treatment capacity; providing allocation requirements for specified funds appropriated for mental health services; requiring the Department of Children and Family Services to ensure that information is entered into the Florida Safe Families Network; requiring coordination between the department and the Office of the State Courts Administrator to provide information relating to child welfare cases; requiring a report to the Governor and Legislature; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management

premiums and for purposes of aligning amounts paid for human resource management services; authorizing certain moneys to be appropriated to offset reductions in ad valorem tax revenue experienced by fiscally constrained counties occurring as a direct result of the implementation of revisions of Art. VII of the State Constitution approved in the special election held on January 29, 2008; amending s. 218.12, F.S.; requiring that the value of assessments reduced pursuant to s. 4(d)(8)a. of Art. VII of the State Constitution include only the reduction in taxable value for homesteads established in the preceding year; amending s. 253.034, F.S.; authorizing the deposit of funds derived from the sale of property by the Department of Citrus into the Citrus Advertising Trust Fund; providing for the expiration of such authorization; amending s. 253.01, F.S.; delaying the expiration of provisions relating to grants and aids from the Internal Improvement Trust Fund for the drinking water facility construction state revolving loan program and the clean water state revolving loan program; reenacting s. 255.518(1)(b), F.S., relating to the payment of obligations during the construction of a facility financed by such obligations; repealing s. 27 of chapter 2008-153, Laws of Florida; abrogating the future repeal of an amendment made by that chapter to s. 255.518(1)(b), F.S., and abrogating the revision of the text of that paragraph to that in existence on June 30, 2008, with specified exceptions; amending s. 255.503, F.S.; delaying the expiration of provisions relating to the Florida Facilities Pool; amending s. 373.59, F.S.; providing for the allocation of moneys from the Water Management Lands Trust Fund for certain purposes; providing an expiration date; amending s. 376.3071, F.S.; delaying the repeal of provisions relating to funding from the Inland Protection Trust Fund for site restoration; amending s. 403.1651, F.S.; providing that funds from the Ecosystem Management and Restoration Trust Fund be used for the purpose of funding activities to preserve and repair the state's beaches; providing for reversion of statutory text of certain provisions; amending s. 570.20, F.S.; delaying the expiration of provisions authorizing the Department of Agriculture and Consumer Services to use funds from the General Inspection Trust Fund for certain programs; amending s. 253.034, F.S.; delaying the expiration of provisions authorizing the deposit of funds from the sale of property located in Palm Beach County by the Department of Highway Safety and Motor Vehicles into the Highway Safety Operating Trust Fund; amending s. 332.007, F.S.; authorizing the Department of Transportation to fund operational and maintenance assistance security projects at publicly owned public-use airports; providing for the future expiration of such authority and the reversion of statutory text; amending s. 339.08, F.S.; delaying the expiration of provisions relating to the use of funds from the State Transportation Trust Fund; amending s. 339.135, F.S.; delaying the expiration of provisions relating to the transfer of funds from the Department of Transportation to the Office of Tourism, Trade, and Economic Development for the purpose of funding the transportation-related needs of certain projects; revising the amount of such transfer; deleting obsolete provisions; creating the Florida Homebuyer Opportunity Program within the Florida Housing Finance Corporation; providing legislative intent; defining the term "anticipated federal assistance"; providing duties for the corporation to implement and administer the program; providing certain requirements for the program; requiring that the administration of the program be consistent with certain Federal Housing Administration requirements; requiring that the corporation negotiate with private lenders to borrow additional funds to support the program; providing for future expiration of the program; providing that the annual salary of the members of the Legislature be reduced by 6 percent; providing for future expiration; requiring that each agency develop a wireless device assignment plan limiting the use of cellular telephones, personal digital assistants, and other devices; requiring that each agency review such use and submit a report to the Legislature by a specified date; providing that the report contain certain information; reenacting s. 215.32(2)(b), F.S., relating to the transfer of moneys from trust funds to the General Revenue Fund; reenacting s. 215.5601(4)(b), F.S., relating to the administration of the Lawton Chiles Endowment Fund; repealing s. 49 of chapter 2008-153, Laws of Florida; abrogating the future repeal of an amendment made by that chapter to s. 215.5601(4), F.S., and abrogating the revision of the text of that subsection to that in existence on June 30, 2009, with specified exceptions; providing a statement of public interest with respect to the issuance of new debt to address a critical state emergency; providing for future expiration; limiting the use of state funds for travel by state employees to activities that are critical to each state agency's mission; requiring that each agency head approve such travel in writing; providing exceptions; providing for the effect of a veto of one or more specific appropriations or proviso to which implementing language refers; providing for other acts passed during the 2009 Regular Session which

contain provisions that are substantively the same as the provisions of this act to take precedence under certain circumstances; providing for severability; providing effective dates.

—was read the second time by title. On motions by Senator Alexander, by two-thirds vote **SB 2602** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

MOTIONS

On motion by Senator Alexander, the rules were waived and staff of the Policy and Steering Committee on Ways and Means was instructed to make title amendments and technical changes in **SB 2600** and **SB 2602** as necessary.

CS for SB 1658—A bill to be entitled An act relating to the health care; amending s. 408.040, F.S.; conforming a cross-reference; amending s. 409.814, F.S.; requiring an applicant for the Florida Kidcare program to provide verification of the child’s citizenship status; amending s. 409.815, F.S.; revising behavioral health services and dental services coverage under the Kidcare program; revising methods by which payments are made to federally qualified health centers and rural health clinics; amending s. 409.818, F.S.; revising the manner by which quality assurance and access standards are monitored in the Kidcare program; amending s. 409.904, F.S.; extending the date that certain persons are eligible to receive optional Medicaid services; amending s. 409.905, F.S.; requiring prior authorization for certain home health services; establishing requirements for Medicaid reimbursed home health services; revising the criteria for adjusting a hospital’s inpatient per diem rate; amending s. 409.908, F.S.; requiring increases in certain Medicaid provider rates to be authorized in the appropriations act; amending s. 409.9082, F.S.; authorizing an exemption from the nursing home quality assessment to a nursing facility that has a certain number of indigent census days; deleting an option for discontinuing the nursing home quality assessment; amending s. 409.911, F.S.; updating the data to be used in calculating disproportionate share; amending s. 409.9112, F.S.; continuing the prohibition against distributing moneys under the perinatal intensive care centers disproportionate share program; amending s. 409.9113, F.S.; continuing authorization for the distribution of moneys to teaching hospitals under the disproportionate share program; amending s. 409.9117, F.S.; continuing the prohibition against distributing moneys for the primary care disproportionate share program; amending ss. 409.91195 and 409.91196, F.S.; conforming cross-references; amending s. 409.912, F.S.; deleting the fixed payment for delivery program for Medicaid recipients 60 years of age or older; requiring that a Medicaid managed care plan’s costs to the state be adjusted for health status; amending s. 409.91211, F.S.; revising the timeline for phasing in financial risk for provider service networks; conforming cross-references; amending s. 430.04, F.S.; requiring the Department of Elderly Affairs to administer all Medicaid waivers and programs relating to elders; amending s. 641.386, F.S.; conforming a cross-reference; directing the Agency for Health Care Administration to establish pilot projects in Miami-Dade County relating to home health services; providing an effective date.

—was read the second time by title.

Senator Rich moved the following amendment which failed:

Amendment 1 (170180)—Delete line 198 and insert: This subsection expires *June 30, 2011* ~~June 30, 2009~~.

Delete line 211 and insert: This subsection expires *June 30, 2011* ~~June 30, 2009~~.

On motions by Senator Peaden, by two-thirds vote **CS for SB 1658** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

On motion by Senator Villalobos, by unanimous consent—

SCR 2726—A concurrent resolution reconfirming the appointment of Gary R. VanLandingham as Director of the Office of Program Policy Analysis and Government Accountability.

WHEREAS, the Joint Legislative Auditing Committee appointed Gary R. VanLandingham as Director of the Office of Program Policy Analysis and Government Accountability on January 24, 2005, and

WHEREAS, Joint Rule 4.1(7) of the Florida Legislature requires the Joint Legislative Auditing Committee to review the performance of the Director of the Office of Program Policy Analysis and Government Accountability every 4 years and report as to whether he or she should continue to serve as Director, and

WHEREAS, on March 9, 2009, the Joint Legislative Auditing Committee recommended to the Legislature that Gary R. VanLandingham continue to serve in office as Director of the Office of Program Policy Analysis and Government Accountability, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That the appointment of Gary R. VanLandingham as Director of the Office of Program Policy Analysis and Government Accountability by the Joint Legislative Auditing Committee under Joint Rule 4.1(7) of the Florida Legislature is reconfirmed.

—was taken up out of order and read the second time in full. On motion by Senator Villalobos, **SCR 2726** was adopted and certified to the House.

CO-INTRODUCERS

All Senators voting yea, not previously shown as co-introducers, were recorded as co-introducers of **SCR 2726**. The vote was:

Yeas—39

Mr. President	Bennett	Deutch
Alexander	Constantine	Diaz de la Portilla
Altman	Crist	Dockery
Aronberg	Dean	Fasano
Baker	Detert	Gaetz

Garcia	King	Ring
Gardiner	Lawson	Siplin
Gelber	Lynn	Smith
Haridopolos	Oelrich	Sobel
Hill	Peaden	Storms
Jones	Pruitt	Villalobos
Joyner	Rich	Wilson
Justice	Richter	Wise

Nays—None

CS for SB 1660—A bill to be entitled An act relating to the Agency for Persons with Disabilities; amending s. 393.065, F.S.; requiring that the agency assign and provide priority to clients waiting for waiver services; specifying the order of priority; authorizing the agency and the Agency for Health Care Administration to adopt rules; amending s. 393.0661, F.S.; deleting a provision that permits all developmental waiver services to be available in all waiver tiers; deleting a provision that limits an increase in the number of waiver services until after a certain date; directing the Agency for Persons with Disabilities to eliminate medication-review services and redundancies in certain services and reduce the supported employment services for certain clients; deleting the expiration date for a provision relating to the calculation of the amount of a waiver cost plan adjustment; deleting obsolete provisions; amending s. 393.23, F.S.; revising how moneys in trust accounts in developmental disability centers may be spent; providing an effective date.

—was read the second time by title. On motions by Senator Peaden, by two-thirds vote **CS for SB 1660** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Bennett, Detert, Villalobos

CS for SB 1662—A bill to be entitled An act relating to the Department of Health; amending s. 154.02, F.S.; authorizing an additional use for funds from the County Health Department Trust Fund; deleting a provision requiring certain increases in the emergency reserve of the fund based on the Consumer Price Index; repealing s. 216.2625, F.S., relating to the disbursement of trust funds within the department and the funding of positions; providing an effective date.

—was read the second time by title. On motions by Senator Peaden, by two-thirds vote **CS for SB 1662** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

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

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

Nays—None

Vote after roll call:

Yea—Villalobos

CS for SB 1664—A bill to be entitled An act relating to health care; amending s. 381.84, F.S.; deleting provisions limiting certain activities of the Florida Area Health Education Network and the Department of Health to specified fiscal years; increasing the amount of a contract or grant required to be awarded to the AHEC network by the department for the purpose of developing a smoking-cessation initiative; deleting a provision authorizing the AHEC network to apply for a competitive grant after a specified date; amending s. 381.922, F.S.; decreasing the amount of annual appropriations to the Biomedical Research Trust Fund within the Department of Health beginning with the 2009-2010 fiscal year; providing an effective date.

—was read the second time by title. On motions by Senator Peaden, by two-thirds vote **CS for SB 1664** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Villalobos

Consideration of **CS for CS for SB 1676** was deferred.

CS for CS for SB 1696—A bill to be entitled An act relating to higher education funding; amending s. 216.136, F.S.; requiring the Education Estimating Conference to develop information relating to the national average of tuition and fees; amending s. 1001.64, F.S.; prohibiting a community college board of trustees from entering into an employment contract that requires the community college to pay the president an amount from state funds in excess of 1 year of the president's annual salary for termination, buy-out, or any other type of contract settlement; providing that the payment of leave and benefits accrued by the president before the contract terminates is not prohibited; limiting the remuneration that a community college president receives annually from appropriated state funds; providing a definition for the term "remuneration"; limiting the president's compensation that is used to calculate benefits under ch. 121, F.S.; amending s. 1001.706, F.S.; prohibiting the Board of Governors from entering into an employment contract that requires the board to pay an employee an amount from state funds in excess of 1 year of the employee's annual salary for termination, buy-out, or any other type of contract settlement; providing that the payment of leave and benefits accrued by the employee before the contract terminates is not prohibited; amending s. 1001.74, F.S.;

prohibiting a university board of trustees from entering into an employment contract that requires the university to pay an employee an amount from state funds in excess of 1 year of the employee's annual salary for termination, buy-out, or any other type of contract settlement; providing that the payment of leave and benefits accrued by the employee before the contract terminates is not prohibited; amending s. 1007.33, F.S.; suspending the authorization for a community college or the State Board of Education to develop new community college baccalaureate degree programs during the 2009-2010 fiscal year; amending s. 1009.01, F.S.; revising the definition of the term "tuition differential"; amending s. 1009.21, F.S.; revising definitions; defining the terms "initial enrollment" and "nonresident for tuition purposes"; revising provisions relating to the qualifications as a resident for tuition purposes; requiring certain documentation to demonstrate state residency; creating s. 1009.286, F.S.; requiring an additional payment for credit hours exceeding the requirements for completing a baccalaureate degree program; providing exceptions; requiring notice upon a student's initial enrollment in a state university or community college; amending s. 1009.53, F.S.; requiring that an institution refund within a specified period after the end of a semester funds from the Florida Bright Futures Scholarship for courses dropped by a student or courses from which a student has withdrawn after the end of the drop and add period; providing exceptions; prohibiting the use of funds for any scholarship within the program for courses dropped after the end of the drop and add period; providing an exception for verifiable illness or other emergency, unless the institution has a refund policy; requiring a written appeal for such exception; providing requirements for such appeal; requiring that the Department of Education notify eligible recipients of such policies; requiring that each institution notify award recipients of such policies during the registration process; amending s. 1009.532, F.S.; revising the requirements for student eligibility to renew a scholarship under the Florida Bright Futures Scholarship Program; providing that a student loses his or her eligibility for renewal of the scholarship for 1 academic year if such student fails to earn the minimum number of hours required to renew; providing eligibility criteria for such student to restore the award; requiring that the department notify eligible recipients of such policies; requiring that each institution notify award recipients of such policies during the registration process; amending s. 1009.534, F.S.; revising provisions relating to the Florida Academic Scholars Award; amending s. 1009.536, F.S.; deleting a provision that allows a Florida Gold Seal Scholar to apply for a Florida Medallion Scholars award; amending ss. 1009.57, 1009.58, 1009.59, 1009.60, and 1009.605, F.S.; revising provisions relating to the Florida Teacher Scholarship and Forgivable Loan Program, the Critical Teacher Shortage Student Loan Forgiveness Program, the minority teacher education scholars program, and the Florida Fund for Minority Teachers, Inc.; requiring that the amount of scholarships awarded under such programs be prorated based on available appropriations and not exceed specified amounts; amending s. 1009.701, F.S.; requiring that an applicant under the First Generation Matching Grant Program meet the same eligibility requirements required under the Florida Public Student Assistance Grant Program; repealing s. 1009.765, F.S., relating to Ethics in Business scholarships for community colleges and independent postsecondary educational institutions; amending s. 1009.98, F.S.; revising provisions relating to the prepaid community college and university plans; authorizing the Florida Prepaid College Board to offer an advance payment contract covering certain fees for such plans; providing definitions regarding payments on behalf of qualified beneficiaries of an advance payment contract; providing the amounts of fees to be paid by the board; providing an exemption for certain qualified beneficiaries from paying any tuition differential fee; requiring that the board pay state universities the actual amount assessed for registration fees and tuition differential fees for certain advanced payment contracts; requiring that the board pay state universities the actual amount assessed for local fees and dormitory fees; requiring that the board pay community colleges and career centers the actual amount assessed for registration fees and local fees; amending s. 1011.83, F.S.; revising provisions relating to financial support of community colleges; providing for state funding of baccalaureate degree programs in the General Appropriations Act; amending ss. 1011.32, 1011.85, and 1011.94, F.S.; requiring that donors be notified of a delay in the availability of state matching funds for the Community College Facility Enhancement Challenge Grant Program, the Dr. Philip Benjamin Matching Grant Program for Community Colleges, and the University Major Gifts Program; amending s. 1012.83, F.S.; conforming provisions relating to contracts with community college administrative and instructional staff to changes made by the act; amending s. 1013.79, F.S.; providing that a university is not precluded from expending funds from

private sources to develop a prospectus; requiring that donors be notified of a delay in the availability of state matching funds for the University Facility Enhancement Challenge Grant Program; providing effective dates.

—was read the second time by title. On motions by Senator Lynn, by two-thirds vote **CS for CS for SB 1696** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—1

Haridopolos

Vote after roll call:

Nay to Yea—Haridopolos

CS for SB 1718—A bill to be entitled An act relating to the state courts system; amending s. 27.562, F.S.; revising the distribution of fees collected from persons who receive certain assistance from a public defender's office; amending s. 28.2401, F.S.; increasing service charges imposed by the clerk of court in certain matters based on the value of the estate; providing for the deposit of revenues generated from the increased service charges into the State Courts Revenue Trust Fund; amending s. 28.241, F.S.; providing for a portion of circuit court filing fees to be deposited in the State Courts Revenue Trust Fund; eliminating a requirement for the clerk of court to remit a portion of excess filing fees to the Department of Revenue; providing for the payment of graduated filing fees in designated types of cases; prescribing graduated filing fees based on the value of the claim; providing a manner for valuing certain claims; requiring a fee for filing a pleading for relief by counterpetition; providing for the payment of graduated filing fees for certain pleadings for relief by cross-claim, counterclaim, counterpetition, or third-party complaint; prescribing graduated filing fees based on the value of the pleading; providing for remittance of fees by the clerk of court; amending s. 34.041, F.S.; reducing the county court filing fee for an action to remove a tenant; requiring a fee for filing a pleading for relief by counterpetition in county court; amending s. 318.15, F.S.; imposing a processing fee by the clerk of court on persons who elect to but fail to attend a driver improvement school following certain traffic violations; amending s. 497.2765, F.S.; requiring the recording with the clerk of court of purchase documents relating to burial rights; prescribing a fee for the recording the purchase documents for burial rights; requiring the clerk of court to implement a process for the electronic filing of court-related information; requiring the Florida Clerks of Court Operations Corporation to report on implementation of the electronic filing process; prescribing the statewide budget cap for the clerks of court for the 2008-2009 county fiscal year; directing the Florida Clerks of Court Operations Corporation to reduce the individual approved budgets of the clerks of court; authorizing the Chief Justice to request a loan of funds from the General Revenue Fund if the Revenue Estimating Conference projects a specified deficiency in the State Courts Revenue Trust Fund for the 2009-2010 fiscal year; requesting that the Florida Supreme Court modify rules related to filing fees; providing effective dates.

—was read the second time by title. On motions by Senator Crist, by two-thirds vote **CS for SB 1718** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea to Nay—Joyner

CS for CS for SB 1676—A bill to be entitled An act relating to education funding; amending s. 1001.20, F.S.; requiring that the Office of Technology and Information Services within the Office of the Commissioner of Education assist school districts in securing Internet access and telecommunications services that are eligible for funding under the Schools and Libraries Program of the federal Universal Service Fund; creating s. 1001.271, F.S.; requiring that the Commissioner of Education purchase the nondiscounted portion of Internet access services for the Florida Information Resource Network; requiring that each user of the network identify the source of funds in its requisition; amending s. 1001.28, F.S.; revising the Department of Education's duties regarding distance learning; amending s. 1001.395, F.S.; requiring that the salary of district school board members be the same amount as the annual calculation or the salary of members of the Legislature, whichever is less, for a specified period; amending s. 1001.42, F.S.; clarifying provisions authorizing the payment of earned leave and benefits accrued by a district school board employee before his or her employment contract expires; amending s. 1001.451, F.S.; delaying the expiration of provisions relating to the amount of funding distributed to each school district and eligible member of a regional consortium service organization; amending s. 1001.47, F.S.; authorizing elected district school superintendents to reduce their salary rates on a voluntary basis; requiring that each elected district school superintendent's salary be reduced by 5 percent for the 2009-2010 fiscal year; amending s. 1001.50, F.S.; clarifying provisions authorizing the payment of earned leave and benefits accrued by a district school superintendent before his or her employment contract terminates; limiting the amount of remuneration that a district school superintendent receives annually from state funds; providing a definition for the term "remuneration"; limiting the use of the superintendent's compensation in calculating benefits under ch. 121, F.S.; encouraging district school boards and superintendents to review the superintendent's annual remuneration for the 2009-2010 fiscal year and mutually agree to at least a 5 percent reduction; amending s. 1002.33, F.S.; requiring that a charter school comply with the class-size requirements; amending s. 1002.37, F.S.; redefining the definition of the term "full-time equivalent student" as it relates to funding for the Florida Virtual School and virtual instruction; amending s. 1002.45, F.S.; conforming provisions to changes made by the act; amending s. 1002.71, F.S.; revising provisions relating to the funding of pre-kindergarten programs; amending s. 1003.03, F.S.; extending dates relating to the calculation of the number of students for purposes of complying with the maximum-class-size requirement; providing duties for the Department of Education if the department determines that the number of students assigned to any individual class exceeds the class size maximum; providing for the reduction of the class-size-reduction operating categorical allocation under certain circumstances; requiring that the department prepare a simulated calculation; amending s. 1006.06, F.S.; revising provisions relating to school breakfast programs to include state allocations; amending s. 1006.28, F.S.; clarifying the definition of the term "adequate instructional materials"; amending s. 1006.36, F.S.; extending the term of adoption for instructional materials; amending s. 1006.40, F.S.; conforming provisions to changes made by the act; amending s. 1008.29, F.S.; requiring that the State Board of Edu-

cation adopt rules establishing fees for the administration of the college-level communications and mathematics skills examination to public postsecondary students; amending s. 1008.41, F.S.; authorizing rather than requiring the Commissioner of Education to employ the Florida Information Resource Network to perform certain functions relating to workforce education; creating s. 1010.06, F.S.; prohibiting the Division of Public Schools within the Department of Education from using state funds appropriated by the Legislature to pay indirect cost to a university, community college, school district, or other entity; amending s. 1010.11, F.S.; authorizing each district school board, community college board of trustees, and university board of trustees to electronically transfer funds for payment; amending s. 1011.09, F.S.; prohibiting a district school board from using funds for out-of-state travel, cellular phones, cellular phone service, personal digital assistants, or any other mobile wireless communication device or service through any means, unless specifically approved by the district school board; amending s. 1011.18, F.S.; authorizing a district school superintendent to transfer funds from a district school depository to pay expenses, expenditures, or other disbursements if proper documentation is provided; amending s. 1011.60, F.S.; revising the minimum requirements for the Florida Education Finance Program relating to the term of operation; amending s. 1011.61, F.S.; redefining the term "full-time equivalent student"; amending s. 1011.62, F.S.; requiring that a student who is enrolled in study hall not be included in the calculation of full-time equivalent student membership for funding purposes; decreasing the amount of certain bonuses for teachers; decreasing the value of full-time equivalent student membership calculated on the basis of international baccalaureate examination scores; decreasing the value of full-time equivalent student membership calculated on the basis of college board advanced placement scores; decreasing the value of full-time equivalent student membership calculated on the basis of certification of successful completion of industry-certified career and professional academy programs; deleting certain provisions that provide a calculation for additional full-time equivalent membership for students enrolled in the Florida Virtual School; revising certain provisions relating to the amount that each school district is required to provide annually toward the cost of the Florida Education Finance Program; extending a date relating to categorical funds for instructional materials; deleting provisions relating to the total allocation of state funds to each district for current operation for the FEFP; creating s. 1011.675, F.S.; creating a discretionary bonus allocation for school districts to recognize and reward the outstanding performance of students, teachers, and school-based administrators; providing that the funds be allocated to each school district as provided in the General Appropriations Act; authorizing school districts to use the funds for certain programs or any other purpose it deems appropriate; repealing s. 1011.68(7), F.S., relating to funds for student transportation; removing a provision that authorizes a district school board to transfer funds to its Florida Education Finance Program; amending s. 1011.685, F.S.; revising provisions relating to class size reduction operating categorical funds; amending s. 1011.71, F.S.; revising certain provisions relating to the district school tax; waiving the three-fourths limit for certain lease-purchase agreements for a specified period; authorizing district school boards to levy an additional discretionary millage for certain operations; authorizing the Commissioner of Education to waive the equal-dollar reduction in Florida Education Finance Program funds if he or she finds that a school district acted in good faith; amending s. 1012.33, F.S.; revising provisions relating to contracts for instructional staff; advising a district school board not to enter into a new professional service contract if the only available funds are from nonrecurring Federal Stabilization Funds; amending s. 1012.71, F.S.; authorizing the Department of Education to conduct a pilot program to determine the feasibility of managing the Florida Teachers Lead Program through a centralized electronic system; providing requirements for such pilot program; providing that participation in the pilot program is voluntary; authorizing the department to limit the number of participants to adequately test the viability of the pilot program; amending s. 1013.62, F.S.; revising the criteria for determining a charter school's eligibility for capital outlay funding; amending s. 1013.64, F.S.; requiring that the school districts of Wakulla County and Liberty County contribute specific millage amounts to the cost of current special facilities projects for specified fiscal years; repealing s. 9 of chapter 2008-142, Laws of Florida; abrogating the expiration of certain amendments relating to categorical funding for the operation of schools; providing for implementation of specified appropriations; providing for the incorporation by reference of certain calculations used by the Legislature for the 2009-2010 fiscal year; providing an effective date.

—was read the second time by title.

Senator Storms moved the following amendment:

Amendment 1 (534286) (with directory and title amendments)—Delete line 585 and insert:

(5)(a) Each district school board shall implement school breakfast programs that make breakfast meals available to all students in each elementary school. By the beginning of the 2010-2011 school year, the school breakfast programs shall make breakfast meals available to all students in each elementary, middle, and high school. *However, universal school breakfast programs shall make only breakfast meals available in schools in which 80 percent or more of the students are eligible for free or reduced meals.* Each school shall, to the maximum extent practicable, make breakfast meals available to students at an alternative site location, which may include, but need not be limited to, alternative breakfast options as described in publications of the Food and Nutrition Service of the United States Department of Agriculture for the federal School Breakfast Program.

And the directory clause is amended as follows:

Delete lines 582-583 and insert:

Section 14. Paragraphs (a) and (b) of subsection (5) of section 1006.06, Florida Statutes, are amended to read:

And the title is amended as follows:

Delete line 66 and insert: F.S.; requiring that universal school breakfast programs make only breakfast meals available in schools in which 80 percent or more of the students are eligible for free or reduced meals; revising provisions relating to school breakfast

MOTION

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

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

Amendment 1A (186480) (with title amendment)—Delete lines 10-13 and insert: middle, and high school. *However, universal school breakfast programs shall be offered only in schools in which 80 percent or more of the students are eligible for free or reduced meals.* Each school shall, to the maximum extent

And the title is amended as follows:

Delete lines 32-36 and insert: F.S.; providing that universal school breakfast programs be offered only in schools in which 80 percent or more of the students are eligible for free or reduced meals; revising provisions relating to school breakfast

Amendment 1 as amended was adopted.

On motions by Senator Wise, by two-thirds vote **CS for CS for SB 1676** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—37

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

Wise

Nays—2

Gelber Rich

Consideration of **CS for SB 1720, CS for SB 1722, CS for CS for SB 1724, CS for SB 1726, and CS for SB 1728** was deferred.

CS for SB 1740—A bill to be entitled An act relating to trust funds; re-creating the Water Protection and Sustainability Program Trust Fund within the Department of Environmental Protection without modification; repealing s. 403.891(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; amending s. 403.890, F.S.; providing for the distribution of funds in the Water Protection and Sustainability Program Trust Fund for the 2009-2010 fiscal year; delaying the expiration of certain provisions relating to such fund; providing an effective date.

—was read the second time by title. On motions by Senator Baker, by two-thirds vote **CS for SB 1740** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Justice

CS for SB 1742—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; transferring the Invasive Plant Control Trust Fund in the Department of Environmental Protection to the Fish and Wildlife Conservation Commission; transferring to the Fish and Wildlife Conservation Commission all powers, duties, records, personnel, property, funds, rules, issues, and contracts of the Bureau of Invasive Plant Management in the Department of Environmental Protection; ratifying actions taken pursuant to chapter 2008-150, Laws of Florida, and an interagency agreement executed pursuant thereto; amending s. 379.353, F.S.; providing that a hunting, freshwater fishing, or saltwater fishing license or permit is not required for any resident saltwater fishing from land who has been determined eligible for the food stamps, temporary cash assistance, or the Medicaid programs; providing for proof of eligibility for the qualifying programs; removing the exemption from the need to possess a license for a resident fishing for a saltwater species in fresh water from land; reenacting s. 379.353(7), F.S., relating to hunter safety courses, to incorporate the amendments made to s. 379.353, F.S., in a reference thereto; providing effective dates.

—was read the second time by title. On motions by Senator Baker, by two-thirds vote **CS for SB 1742** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Altman	Baker
Alexander	Aronberg	Bennett

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

Nays—None

CS for SB 1744—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; creating s. 531.60, F.S.; requiring a permit for weights and measures instruments or devices used commercially or tested by the department; creating s. 531.61, F.S.; providing exemptions from permit requirements; creating s. 531.62, F.S.; providing for permit application and annual renewal; creating s. 531.63, F.S.; providing for maximum permit fees based on the number and capacity of such instruments or devices; creating s. 531.64, F.S.; providing for the suspension or revocation of permits; creating s. 531.65, F.S.; authorizing the department to take certain actions and impose penalties for unpermitted use; creating s. 531.66, F.S.; directing the department to develop forms and adopt rules; amending s. 589.08, F.S.; limiting the payment of a certain percentage of the gross receipts from a state forest to fiscally constrained counties; amending s. 589.081, F.S.; limiting the payment of a certain percentage of the gross receipts from specified state forests to the board of county commissioners and the school board of certain fiscally constrained counties; providing an effective date.

—was read the second time by title. On motions by Senator Baker, by two-thirds vote **CS for SB 1744** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for SB 1748—A bill to be entitled An act relating to the Department of Revenue; amending s. 195.022, F.S.; requiring county property appraisers, tax collectors, clerks of the circuit court, and value adjustment boards to bear the expense of reproducing forms prescribed by the Department of Revenue to administer and collect ad valorem taxes; amending s. 213.34, F.S.; defining terms; imposing an administrative collection processing fee on a taxpayer who fails to pay the amount of tax or penalty due within a certain period after a non-compliant filing event; specifying the amount of the administrative collection processing fee; specifying circumstances under which the Department of Revenue may waive or reduce the fee; providing for the distribution of administrative collection processing fees; amending s. 213.75, F.S.; revising the priority order against which payments by a taxpayer apply to amounts owed to the Department of Revenue; providing for application of the administrative collection processing fees to certain noncompliant filing events; amending s. 213.755, F.S.; requiring any taxpayer who does not electronically file a certain tax return to pay a specified fee; requiring the fee to be deposited into the Operations Trust Fund of the Department of Revenue; providing that the fee is subject to a

service charge; amending s. 220.21, F.S.; conforming a cross-reference; providing for application of specified provisions of the act; providing effective dates.

—was read the second time by title. On motions by Senator Baker, by two-thirds vote **CS for SB 1748** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for SB 1750—A bill to be entitled An act relating to the disposition of tax revenues; amending s. 212.20, F.S.; revising the disposition of the proceeds of certain taxes; reducing a distribution to the Ecosystem Management and Restoration Trust Fund and increasing a distribution to the General Revenue Fund; providing for reversion of statutory text of certain provisions; providing an effective date.

—was read the second time by title. On motions by Senator Baker, by two-thirds vote **CS for SB 1750** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Alexander, Oelrich

CS for SB 1754—A bill to be entitled An act relating to the laws and rules examination for certified public accountants; amending ss. 455.217, 473.305, 473.311, and 473.313, F.S.; removing provisions requiring that an applicant for renewal of a license to practice public accounting pass an examination on chs. 455 and 473, F.S., and related administrative rules; providing an effective date.

—was read the second time by title. On motions by Senator Baker, by two-thirds vote **CS for SB 1754** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Altman	Baker
Alexander	Aronberg	Bennett

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

Nays—None

CS for SB 1758—A bill to be entitled An act relating to insurance; amending s. 624.523, F.S.; revising the list of items from which payments received are deposited into the Insurance Regulatory Trust Fund; amending ss. 626.932 and 626.938, F.S.; deleting provisions relating to the distribution of certain collected taxes and interest; providing for the reversion as of a specified date of the statutory text of certain provisions relating to the distribution of collected taxes and interest; providing an effective date.

—was read the second time by title. On motions by Senator Baker, by two-thirds vote **CS for SB 1758** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for SB 1720—A bill to be entitled An act relating to trust funds; creating the Capital Collateral Regional Counsel Trust Fund; specifying the purposes of the trust fund; providing for future review and termination or re-creation of the trust fund; amending s. 27.702, F.S.; providing for the deposit of funds reimbursing the state for representation of certain indigent persons into the Capital Collateral Regional Counsel Trust Fund; providing an effective date.

—was read the second time by title. On motions by Senator Crist, by two-thirds vote **CS for SB 1720** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Oelrich

CS for SB 1722—A bill to be entitled An act relating to the Department of Corrections; amending s. 775.082, F.S.; requiring that the court sentence certain offenders to a nonstate prison sanction unless the court makes written findings that ordering an offender to a nonstate prison sanction could present a danger to the public; creating s. 921.00241, F.S.; providing that on or after a specified date a court may divert from the state correctional system certain offenders who otherwise would be sentenced to state prison; providing eligibility criteria for participation in the state prison diversion program if such a program is funded and exists in the circuit; requiring the court to make written findings that the offender meets the eligibility criteria for the diversion program; creating s. 944.171, F.S.; authorizing the Department of Corrections to contract with county and municipal entities to house inmates committed to the department; authorizing the department to enter into contractual agreements with another state, a political subdivision of another state, or a vendor in another state to transfer and confine Florida inmates within that state; requiring the reclassification of inmates before a transfer occurs; providing for the contents of the contract; providing that a transferred inmate remains subject to the rules of the Florida Parole Commission; requiring that contracts for the transfer of inmates be procured according to state law; requiring that additional beds authorized under a contract be added to the total capacity of the state correctional system; authorizing the department to adopt rules; amending s. 945.6037, F.S.; increasing the copayment that an inmate must make for a nonemergency visit to a health care provider; creating s. 945.6041, F.S.; defining terms; limiting the compensation of health care providers that do not have contracts to provide inmate medical services with the department or private correctional facilities; limiting compensation to entities that provide emergency medical transportation services for inmates if those entities do not have a contract with the department or certain private correctional facilities; amending s. 947.1405, F.S.; requiring any person who has been placed under supervision and is electronically monitored by the department to pay the department for the cost of the electronic monitoring service; requiring that funds collected from the person be deposited into the General Revenue Fund; authorizing the Department of Corrections to exempt a person from the payment of all or any part of the electronic monitoring service cost under certain circumstances; amending s. 948.01, F.S.; requiring the court to use the orders of supervision prepared by the Department of Corrections when placing a defendant on community supervision; amending s. 948.09, F.S.; requiring a person to pay the department the cost of electronically monitoring the offender while the offender is placed on supervision; providing for a cost cap on the monitoring service; providing that the department may exempt a person from paying all or any part of the costs of the electronic monitoring service under certain circumstances; amending s. 948.11, F.S.; requiring a person who is electronically monitored on supervision to pay the department for the electronic monitoring services; amending s. 957.09, F.S.; providing that the provisions governing private correctional facilities do not apply to contracts between the department and county and municipal entities, other states, political subdivisions of another state, or correctional management service vendors in another state for the transfer and confinement of state inmates; providing for future expiration of such exemption; amending s. 958.045, F.S.; requiring the Department of Corrections to submit a report to the court at least 30 days before a youthful offender is scheduled to complete the basic training program; requiring the court to modify the youthful offender's sentence and place the offender on probation if the youthful offender has successfully completed the basic training program; providing an effective date.

—was read the second time by title. On motions by Senator Crist, by two-thirds vote **CS for SB 1722** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

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

Nays—None

CS for CS for SB 1724—A bill to be entitled An act relating to juvenile justice; amending s. 320.08046, F.S.; increasing a surcharge on the license tax for certain motor vehicles; revising the disposition of the proceeds of the tax; providing an effective date.

—was read the second time by title. On motions by Senator Crist, by two-thirds vote **CS for CS for SB 1724** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for SB 1726—A bill to be entitled An act relating to post-adjudicatory treatment-based drug court programs; amending s. 397.334, F.S.; specifying criteria that a court must consider before sentencing a person to a postadjudicatory treatment-based drug court program; providing for the judge presiding over a program to hear violations of probation or community control by program participants; requiring circuit courts to report data relating to postadjudicatory treatment-based drug court programs to the Office of the State Courts Administrator; providing legislative intent with respect to monitoring the programs; requiring that the Office of Program Policy Analysis and Government Accountability evaluate the programs and report to the Legislature; amending s. 921.0026, F.S.; specifying that substance abuse or addiction is an additional circumstance justifying a departure from a sentence if the defendant is amenable to a drug court program and is otherwise qualified; amending s. 948.01, F.S.; authorizing a court to place certain nonviolent felony offenders who are on probation or community control into a postadjudicatory treatment-based drug court program; amending s. 948.06, F.S.; authorizing a court to place certain nonviolent felony offenders who violate their on probation or community control into a postadjudicatory treatment-based drug court program amending s. 948.20, F.S.; authorizing a court to place certain chronic substance abusers who are a nonviolent felony offender into a post-adjudicatory treatment-based drug court program; amending ss. 948.08, 948.16, and 948.345, F.S.; conforming-cross references; providing an effective date.

—was read the second time by title. On motions by Senator Crist, by two-thirds vote **CS for SB 1726** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—36

Mr. President	Constantine	Dockery
Alexander	Crist	Fasano
Altman	Detert	Gaetz
Aronberg	Deutch	Garcia
Baker	Diaz de la Portilla	Gardiner

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

Nays—None

Vote after roll call:

Yea—Bennett, Dean, Siplin

CS for SB 1728—A bill to be entitled An act relating to the Parole Commission; amending ss. 11.905, 20.315, 20.32, 23.21, 112.011, 186.005, 255.502, 311.12, 322.16, 394.926, 394.927, 775.089, 775.16, 784.07, 784.078, 843.01, 843.02, 843.08, 893.11, 921.001, 921.16, 921.20, 921.21, 921.22, 940.03, 940.05, 941.23, 943.0311, 943.06, 943.325, 944.012, 944.02, 944.4731, 945.091, 945.10, 945.47, 945.73, 947.005, 947.01, 947.02, 947.021, 947.045, 947.141, 947.146, 947.181, 947.185, 947.22, 948.10, 949.05, 951.29, 957.06, 958.045, 960.001, 960.17, 985.04, and 985.045, F.S.; changing the name of the Parole Commission to the Commission for Offender Assessment and Transition; providing an effective date.

—was read the second time by title. On motions by Senator Crist, by two-thirds vote **CS for SB 1728** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for CS for SB 1778—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; terminating the DUI Programs Coordination Trust Fund within the Department of Highway Safety and Motor Vehicles; transferring the current balances in and revenues of the trust fund to the Highway Safety Operating Trust Fund within the department; requiring that the department pay any outstanding debts and obligations of the fund; requiring that the Chief Financial Officer close out and remove the trust fund from the state accounting systems; amending ss. 17.61 and 215.20, F.S.; deleting references to the DUI Programs Coordination Trust Fund within the Department of Highway Safety and Motor Vehicles; amending s. 316.066, F.S.; increasing the fee for a copy of a crash report provided by a certified traffic records center; amending s. 316.605, F.S.; deleting a reference to registration decal to conform to changes made by the act; amending s. 318.15, F.S.; increasing the service charge relating to the suspension of a driver's license; amending s. 319.23, F.S.; increasing the fee relating to an application for a certificate of title; amending s. 319.32, F.S.; increasing the title fee for a motor vehicle for hire; requiring an additional fee for each subsequent inspection of a vehicle that receives a physical examination; providing that the proceeds from such fees be deposited into the General Revenue Fund and the Highway Safety Operating Trust Fund; amending ss. 319.323 and 319.324, F.S.; increasing the fee relating to expedited service on title transfers, title issuances, duplicate titles, recordation of liens, and certificates of repossession; conforming provisions to changes made by the act; amending s. 319.33, F.S.; deleting

references to decals for the identification of a motor vehicle; ss. 319.34 and 320.02, F.S.; conforming provisions to changes made by the act; amending s. 320.023, F.S.; requiring that any voluntary contribution on a motor vehicle registration application be deposited into and distributed from the Motor Vehicle License Clearing Trust Fund; amending s. 320.025, F.S.; conforming provisions to changes made by the act; amending s. 320.03, F.S.; increasing a fee on license registrations to cover the costs of the Florida Real Time Vehicle Information System; amending s. 320.031, F.S.; conforming provisions to changes made by the act; amending s. 320.04, F.S.; revising provisions relating to service charges for the issuance of registration certificates for a vehicle, vessel, or mobile home to conform to changes made by the act; amending s. 320.05, F.S.; revising provisions relating to fees for providing lists of motor vehicle or vessel records; amending s. 320.055, F.S.; deleting provisions relating to driver's license registration periods and renewal periods; amending ss. 320.06 and 320.0607, F.S.; extending the period for which registration license plates are issued and replaced; increasing fees for the replacement of such plates; amending ss. 320.061, 320.07, and 320.071, F.S.; conforming provisions to changes made by the act; amending s. 320.08, F.S.; increasing the annual license taxes imposed for the operation of motor vehicles, mopeds, motorized bicycles, and mobile homes; providing that a certain portion of each tax be deposited into the General Revenue Fund; conforming provisions to changes made by the act; amending s. 320.08035, F.S.; conforming a cross-reference; amending s. 320.08046, F.S.; increasing the surcharge levied on each license tax; increasing the percentage of the proceeds of such surcharge for deposit into the General Revenue Fund; amending s. 320.0805, F.S.; increasing the processing fee for personalized prestige license plates; amending s. 320.08056, F.S.; increasing the processing fee for specialty license plates; amending s. 320.0807, F.S.; conforming a cross-reference; amending s. 320.081, F.S.; revising provisions relating to the distribution of annual license taxes imposed on mobile homes, park trailers, travel trailers, and fifth-wheel trailers exceeding 35 feet in body length; requiring that such distribution be made by payment by warrant drawn by the Chief Financial Officer upon the treasury on a monthly basis from the License Tax Collection Trust Fund; amending s. 320.084, F.S.; revising provisions relating to license plates for certain disabled veterans to conform to changes made by the act; conforming a cross-reference; amending s. 320.086, F.S.; conforming provisions to changes made by the act; amending s. 320.0894, F.S.; deleting provisions relating to Gold Star license plates to conform to changes made by the act; amending ss. 320.10, 320.26, and 320.261, F.S.; conforming provisions to changes made by the act; amending s. 320.822, F.S.; deleting the definition of the term "seal" or "label"; repealing s. 320.824, F.S.; deleting provisions authorizing the department to adopt rules relating to the uniform mobile home standards; deleting provisions authorizing the department or its agent to enter a place or establishment where mobile homes are manufactured, sold, or offered for sale; amending s. 320.8245, F.S.; conforming provisions to changes made by the act; amending s. 320.8249, F.S.; conforming a cross-reference; repealing s. 320.8255, F.S., relating to mobile home inspections; amending ss. 320.827 and 320.834, F.S.; deleting provisions to conform to changes made by the act; amending s. 321.23, F.S.; increasing the cost of receiving a copy of a crash report from the Department of Highway Safety and Motor Vehicles; amending s. 322.051, F.S.; revising provisions relating to a fee for obtaining a duplicate identification card; amending s. 322.081, F.S.; requiring that any voluntary contribution on a driver's license application be deposited into and distributed from the Motor Vehicle License Clearing Trust Fund; amending s. 322.12, F.S.; increasing the examination fees for subsequent knowledge and skills tests for a driver's license if an applicant failed the initial tests; amending s. 322.20, F.S.; increasing the fee for obtaining records from the Division of Driver Licenses; amending s. 322.201, F.S.; revising provisions relating to the certification of certain records as evidence; amending s. 322.21, F.S.; increasing commercial license fees; amending s. 322.2715, F.S.; requiring that an installer of a ignition interlock device collect and remit an installation fee to the department to be deposited into the Highway Safety Operating Trust Fund for the operation of the Ignition Interlock Device Program; amending s. 322.29, F.S.; conforming provisions to changes made by the act; prohibiting certain private entities from providing supervision services of certain offenders; amending s. 322.293, F.S., relating to the DUI Programs Coordination Trust Fund; conforming provisions to changes made by the act; providing effective dates.

—was read the second time by title.

Senators Fasano and Smith offered the following amendment which was moved by Senator Smith and adopted:

Amendment 1 (189018) (with title amendment)—Delete lines 1971-1993 and insert:

(2) The provisions of subsection (1) to the contrary notwithstanding, no examination is required for the return of a license suspended under s. 318.15 or s. 322.245 unless an examination is otherwise required by this chapter. Every person applying for the return of a license suspended under s. 318.15 or s. 322.245 shall present to the department certification from the court that he or she has complied with all obligations and penalties imposed on him or her pursuant to s. 318.15 or, in the case of a suspension pursuant to s. 322.245, that he or she has complied with all directives of the court and the requirements of s. 322.245 and shall pay to the department a nonrefundable service fee of \$60 ~~\$47.50~~, of which \$37.50 shall be deposited into the General Revenue Fund and \$22.50 ~~\$10~~ shall be deposited into the Highway Safety Operating Trust Fund. If reinstated by the clerk of the court or tax collector, \$37.50 shall be retained and \$22.50 ~~\$10~~ shall be remitted to the Department of Revenue for deposit into the Highway Safety Operating Trust Fund. However, the service fee is not required if the person is required to pay a \$45 ~~\$35~~ fee or \$75 ~~\$60~~ fee under the provisions of s. 322.21.

And the title is amended as follows:

Delete lines 130-132 and insert: provisions to changes made by the act; amending s. 322.293,

MOTION

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

Senator Haridopolos moved the following amendment:

Amendment 2 (545162) (with title amendment)—Delete lines 1971-1993 and insert:

(2) The provisions of subsection (1) to the contrary notwithstanding, no examination is required for the return of a license suspended under s. 318.15 or s. 322.245 unless an examination is otherwise required by this chapter. Every person applying for the return of a license suspended under s. 318.15 or s. 322.245 shall present to the department certification from the court that he or she has complied with all obligations and penalties imposed on him or her pursuant to s. 318.15 or, in the case of a suspension pursuant to s. 322.245, that he or she has complied with all directives of the court and the requirements of s. 322.245 and shall pay to the department a nonrefundable service fee of \$60 ~~\$47.50~~, of which \$37.50 shall be deposited into the General Revenue Fund and \$22.50 ~~\$10~~ shall be deposited into the Highway Safety Operating Trust Fund. If reinstated by the clerk of the court or tax collector, \$37.50 shall be retained and \$22.50 ~~\$10~~ shall be remitted to the Department of Revenue for deposit into the Highway Safety Operating Trust Fund. However, the service fee is not required if the person is required to pay a \$45 ~~\$35~~ fee or \$75 ~~\$60~~ fee under the provisions of s. 322.21.

Section 55. Subsection (5) is added to section 322.292, Florida Statutes, to read:

322.292 DUI programs supervision; powers and duties of the department.—

(5) *Competing applicants and currently licensed DUI programs, upon expiration of current licensure, may not offer services authorized under s. 948.15 in addition to services authorized in this chapter if both services are provided in the same judicial circuit by the same provider.*

And the title is amended as follows:

Delete lines 130-132 and insert: provisions to changes made by the act; amending s. 322.292, F.S.; prohibiting competing applicants and currently licensed DUI programs from offering misdemeanor probation services in addition to services in chapter 322, F.S., upon expiration of current licensure; amending s. 322.293,

MOTION

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

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

Amendment 2A (724516) (with title amendment)—Delete lines 29-33 and insert:

(5) A private probation services provider authorized under s. 948.15 may not refer probationers to any DUI program owned in whole or in part by that probation services provider or its affiliates. The Department of Highway Safety and Motor Vehicles shall establish rules to implement this subsection.

And the title is amended as follows:

Delete lines 40-44 and insert: 322.292, F.S.; prohibiting a private probation services provider from referring probationers to any DUI program owned in whole or in part by that probation services provider or its affiliates; requiring that the Department of Highway Safety and Motor Vehicles adopt rules; amending s. 322.293,

Amendment 2 as amended was adopted.

On motions by Senator Fasano, by two-thirds vote **CS for CS for SB 1778** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Wilson

CS for CS for SB 1780—A bill to be entitled An act relating to the Department of State; amending s. 15.16, F.S.; authorizing the Department of State to use electronic transmission to notify and communicate in the performance of its duties; authorizing the department to collect e-mail addresses and require filers and registrants to furnish such e-mail addresses for presenting documents and filing; amending s. 120.55, F.S.; deleting a provision that requires the Department of State to provide the Florida Administrative Weekly to the Legislative Library each year; repealing ss. 265.2861, 265.2862, 265.289, 265.608, 265.609, 265.702, and 265.708, F.S., relating to the Cultural Institutions Program and Trust Fund, general support program for cultural institutions, audit information and admission fees for state theater contract organizations, science museums and grants, youth and children’s museum and grants, regional cultural facilities, and historical museum grants; amending s. 265.281, F.S.; renaming the “Florida Fine Arts Act of 1980” as the “Florida Arts and Culture Act”; amending s. 265.282, F.S.; revising legislative intent to include the promotion of activities involving arts and culture; providing support for museums and nonprofit organizations; amending s. 265.283, F.S.; revising and providing definitions; amending s. 265.284, F.S.; revising the duties and responsibilities of the Division of Cultural Affairs within the department to administer funds, sponsor events encouraging arts and cultural programs, and enter into certain

contracts; requiring that the division adopt rules; amending s. 265.285, F.S.; renaming the “Florida Arts Council” as the “Florida Council on Arts and Culture”; requiring that the council meet at the request of the division; deleting provisions authorizing the Secretary of State to appoint review panels; revising the duties of the council; amending s. 265.286, F.S.; authorizing the Secretary of State to appoint review panels representing arts and cultural disciplines and programs to assist the council in the grant review process; providing membership; providing terms; providing duties and responsibilities; requiring that the council review grant application lists; requiring that the secretary review the council’s recommendations and submit approved lists to the Legislature by a specified date; establishing procedures for the awarding and funding of grants; authorizing the division to provide funding for certain programs and areas; requiring that the division adopt rules establishing eligibility criteria, grant programs, and the panel review process; requiring that the division award grants under certain circumstances; establishing eligibility requirements for grantees; limiting grant awards to one recipient per grant cycle; providing exceptions; providing a formula for the distribution of matching and nonmatching funds; providing for certain in-kind funds; deleting provisions relating to the division’s authority to expend appropriated funds for grants; deleting provisions establishing criteria for such grants; amending ss. 607.1420 and 607.1421, F.S.; revising provisions relating to the administrative dissolution of a corporation by the department to conform to changes made by the act; amending ss. 607.1530 and 607.1531, F.S.; revising provisions relating to revocation of a certificate of authority to conform to changes made by the act; amending ss. 608.448 and 608.4481, F.S.; revising provisions relating to administrative dissolution of a limited liability company to conform to changes made by the act; amending ss. 608.512 and 608.513, F.S.; revising provisions relating to the revocation of a certificate of authority of a foreign limited liability company to conform to changes made by the act; amending ss. 617.1420, 617.1421, 617.1530, 617.1531, 620.1809, 620.1906, and 620.9003, F.S.; conforming provisions to changes made by the act; amending s. 679.527, F.S.; deleting provisions relating to the department’s authority to determine and select certain respondents and to negotiate and enter into certain contracts; providing that a contract to perform administrative and operational functions for the Florida Secured Transaction Registry terminates on a specified date; requiring that the Department of State perform the administrative and operational functions of the filing officer or filing office for the registry after such termination; amending s. 865.09, F.S.; revising provisions relating to notice of the expiration of a fictitious name registration; requiring that the department serve such notice by electronic transmission if the owner or registrant of the fictitious name has provided an electronic mail address to the department; providing an effective date.

—was read the second time by title. On motions by Senator Fasano, by two-thirds vote **CS for CS for SB 1780** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for SB 1782—A bill to be entitled An act relating to the Unemployment Compensation Claims and Benefits Information System; creating s. 443.1113, F.S.; directing the Agency for Workforce Innovation to replace and enhance the functionality of specified systems if funding is available; requiring accomplishment of specified objectives; excluding specific system functionality; establishing project phases and time-

frames; specifying the project sponsor and governance structure; providing an effective date.

—was read the second time by title. On motions by Senator Fasano, by two-thirds vote **CS for SB 1782** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for SB 1786—A bill to be entitled An act relating to comprehensive plan amendments; establishing a transmittal fee for proposed comprehensive plan amendments sent to the state land planning agency; providing an exception; providing that a local government is not limited in passing along the fee associated with plan-amendment review to certain entities; requiring the state land planning agency to deposit all fees collected into the Operating Trust Fund within the Department of Community Affairs; requiring the state land planning agency to submit a report to the President of the Senate and the Speaker of the House of Representatives by a specified date; providing a declaration of important state interest; providing an effective date.

—was read the second time by title. On motions by Senator Fasano, by two-thirds vote **CS for SB 1786** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for SB 1798—A bill to be entitled An act relating to state employees; providing for the resolution of economic collective bargaining issues at impasse between the State of Florida and certified bargaining units of state employees; providing an effective date.

—was read the second time by title. On motions by Senator Alexander, by two-thirds vote **CS for SB 1798** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Aronberg	Constantine
Alexander	Baker	Crist
Altman	Bennett	Dean

Detert	Hill	Rich
Deutch	Jones	Richter
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

Nays—None

CS for SB 1800—A bill to be entitled An act relating to the state group insurance program; amending s. 110.123, F.S.; providing the state’s monthly contribution to an employee’s health savings account for the 2009-2010 fiscal year; deleting a provision that requires that health savings accounts be administered in accordance with the federal requirements and limitations of the Medicare Prescription Drug, Improvement, and Modernization Act; providing an effective date.

—was read the second time by title. On motions by Senator Alexander, by two-thirds vote **CS for SB 1800** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for SB 1802—A bill to be entitled An act relating to retirement; amending s. 121.71, F.S.; revising the payroll contribution rates for the membership classes of the Florida Retirement System for the state fiscal years effective July 1, 2009, and July 1, 2010; providing a declaration of important state interest; providing an effective date.

—was read the second time by title. On motions by Senator Alexander, by two-thirds vote **CS for SB 1802** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla, Storms

Peaden	Ring	Storms
Pruitt	Siplin	Villalobos
Rich	Smith	Wilson
Richter	Sobel	Wise

Nays—None

CS for SB 1804—A bill to be entitled An act relating to state-owned real property; amending s. 253.034, F.S.; requiring the state to offer to lease state-owned buildings or lands to state agencies and universities before being offered for sale or lease to others; amending s. 255.249, F.S.; requiring the Department of Management Services to adopt rules relating to leases of privately owned buildings; requiring that the department determine if certain leases are in the best interests of the state; amending s. 255.25, F.S.; requiring that an agency seeking to lease a privately owned building or land receive a determination from the Department of Management Services that the lease serves the best interests of the state; amending s. 627.351, F.S.; subjecting Citizens Property Insurance Corporation to ch. 255, F.S., relating to public property and publicly owned buildings; requiring the Department of Management Services to create and maintain a database of state-owned property; providing requirements for the database; requiring a report to the Governor and Legislature; requiring the Department of Management Services to begin the process to dispose of certain buildings; providing an effective date.

—was read the second time by title. On motions by Senator Alexander, by two-thirds vote **CS for SB 1804** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for SB 1806—A bill to be entitled An act relating to the service charge on income of trust funds; amending s. 215.20, F.S.; increasing the service charge on income of a revenue nature deposited into certain trust funds; applying the increased service charge to service charges deposited into the General Revenue Fund on or after a certain date; deleting provisions providing a reduced service charge on the income of certain trust funds; amending s. 527.23, F.S.; increasing surcharge on income of a trust fund for income relating to marketing orders; amending s. 570.20, F.S.; increasing the service charge on income to the General Inspection Trust Fund of the Department of Agriculture and Consumer Services; amending s. 601.15, F.S.; increasing the service charge on income to the Florida Citrus Advertising Trust Fund; providing an effective date.

—was read the second time by title. On motions by Senator Alexander, by two-thirds vote **CS for SB 1806** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

CS for CS for SB 1840—A bill to be entitled An act relating to protecting Florida’s health through a surcharge on tobacco products; providing a short title; amending s. 210.01, F.S.; redefining the terms “unstamped package,” “unstamped cigarettes,” and “stamp”; conforming provisions to changes made by the act; creating s. 210.011, F.S.; levying a surcharge on cigarettes equivalent to \$1 per standard pack; establishing surcharge amounts for cigarettes of a nonstandard sizes and in varying quantities; providing legislative intent that the surcharge be uniform throughout the state; providing for the surcharge to be administered in the same manner as the cigarette tax imposed under s. 210.02, F.S.; requiring that revenue from the surcharge to be deposited into the Health Care Trust Fund within the Agency for Health Care Administration; amending s. 210.04, F.S., to conform; amending s. 210.18, F.S.; providing enhanced penalties for the sale or possession of any quantity of counterfeit cigarettes; creating a reward program for information concerning violations under part I of ch. 210, F.S.; amending s. 210.25, F.S.; clarifying provisions with respect to definitions; creating s. 210.211, F.S.; providing definitions; levying a surcharge on tobacco products other than cigarettes; providing for the surcharge to be administered in the same manner as the tax imposed under part II of ch. 210, F.S.; requiring that revenue from the surcharge be deposited into the Health Care Trust Fund within the Agency for Health Care Administration; providing that the surcharge on cigarettes and other tobacco products applies to existing inventory on the effective date of the act; requiring each manufacturer, distributor, wholesaler, and vendor to take an inventory of the cigarettes and other tobacco products in its possession on the effective date of the act; requiring that the amount of such inventory be certified to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation by a specified date; providing that the surcharge may be paid in four equal installments; providing for penalties and interest for delinquent payments; amending s. 210.05, F.S.; conforming provisions to changes made by the act; creating s. 210.1801, F.S.; providing for the administration of Indian-stamped cigarettes and other tobacco products; providing that agents of the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation or wholesale dealers may sell stamped but untaxed cigarettes and tobacco products to the Seminole Indian Tribe of Florida and the Miccosukee Tribe of Florida Indians for retail sale to tribal members; prohibiting an agent or wholesale dealer from collecting from the purchaser certain taxes or surcharges imposed by law; requiring that cigarette and other tobacco product stamps identify the tribe, or member thereof, to which the cigarettes are sold; providing for criminal penalties; providing for a fine; requiring the division to conduct a public-awareness campaign relating to the criminal possession of Indian cigarettes or Indian tobacco products by nontribal members; providing for the content of the notice required by law; requiring law enforcement agencies to report the seizure of Indian cigarettes or Indian tobacco products by nontribal members; providing for an exemption applicable to signatories of an approved compact that provides for revenue sharing between the tribe and the state; providing for an appropriation; providing an effective date.

—was read the second time by title.

Senators Garcia and Gaetz offered the following amendment which was moved by Senator Garcia:

Amendment 1 (244106)—Delete line 350 and insert: *products” means cigars weighing not more than 3 pounds per thousand, loose tobacco suitable for smoking;*

Senator Alexander moved the following substitute amendment which was adopted:

Amendment 2 (609504)—Delete line 370 and insert: *this state, to be sold by those retailers. A surcharge may not be levied on tobacco products shipped or transported outside this state for sale or use outside this state.*

Senator Crist moved the following amendment:

Amendment 3 (143642) (with title amendment)—Delete lines 418-527 and insert:

Section 9. Subsection (5) of section 210.05, Florida Statutes, is amended to read:

210.05 Preparation and sale of stamps; discount.—

(5) ~~Cigarettes sold to the Seminole Indian Tribe of Florida shall be administered as provided in s. 210.1801. Agents or wholesale dealers may sell stamped but untaxed cigarettes to the Seminole Indian Tribe, or to members thereof, for retail sale. Agents or wholesale dealers shall treat such cigarettes and the sale thereof in the same manner, with respect to reporting and stamping, as other sales under this part, but agents or wholesale dealers shall not collect from the purchaser the tax imposed by s. 210.02. The purchaser hereunder shall be responsible to the agent or wholesale dealer for the services and expenses incurred in affixing the stamps and accounting therefor.~~

Section 10. Section 210.1801, Florida Statutes, is created to read:

210.1801 Administration of Indian-stamped cigarettes and other tobacco products; penalties for possession by non-tribal members.—

(1) *Agents or wholesale dealers may sell stamped but untaxed cigarettes to the Seminole Indian Tribe of Florida, or to members thereof, and to the Miccosukee Tribe of Florida Indians, or to members thereof, for retail sale to tribal members and nontribal members who purchase cigarettes from retailers or other facilities licensed to engage in the sale of tobacco products which are located on tribal land. Agents or wholesale dealers shall treat such cigarettes and the sale thereof in a fashion that distinguishes these cigarettes from those distributed or sold to and by retailers that are not located on tribal land by affixing a stamp that indicates the cigarettes as Indian cigarettes and agents, tribal retailer or facility, or wholesale dealers shall not collect from the purchaser the tax imposed by s. 210.02 or the surcharge imposed by s. 210.011. The purchaser which offers cigarettes for sale or resell is responsible to the agent or wholesale dealer from which the Indian cigarettes were purchased for the services and expenses incurred in affixing the stamps and accounting thereof.*

(2) *Agents or wholesale dealers may sell stamped but untaxed tobacco products as defined by s. 210.25(11) to the Seminole Indian Tribe of Florida, or to members thereof, and to the Miccosukee Tribe of Florida Indians, or to members thereof, for retail sale. Agents or wholesale dealers shall treat such tobacco products and the sale thereof in a fashion that distinguishes these tobacco products from those distributed or sold to persons who are not tribal members or entities by affixing a stamp that indicates the cigarettes as Indian cigarettes and the tobacco products as Indian tobacco products and agents, wholesale dealers, or retailers on tribal land shall not collect from the purchaser the tax imposed by s. 210.02 or s. 210.30, or the surcharge imposed by s. 210.011 or s. 210.211. Such stamps shall identify the tribe, or member thereof, to which the cigarettes are sold. The purchaser is responsible to the agent or wholesale dealer for the services and expenses incurred in affixing the stamps and accounting thereof.*

(3) *For purposes of this chapter, cigarettes stamped in a fashion that indicates them to be Indian cigarettes shall be known as “Indian cigarettes” and tobacco products that are stamped in a fashion that indicates the products to be Indian tobacco products shall be known as “Indian tobacco products.”*

(4) *Excepting manufacturers or distributors licensed under the cigarette law and state bonded warehouses, a nontribal member who possesses an amount of Indian cigarettes or Indian tobacco products in excess of three cartons, and which cigarettes were purchased by such possessor on tribal land in accordance with the laws of the place where purchased and brought into this state by such possessor, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.084 and is liable for a fine of \$1,000 or five times the retail value of the cigarettes involved, whichever is greater. The provisions of s. 210.18(4)(b) do not apply to Indian cigarettes.*

(5)(a) *The division shall conduct a public-awareness campaign regarding the penalties for possession of illegal quantities of cigarettes or tobacco products which are purchased in violation of chapter 210. A notice must be conspicuously displayed in every location where cigarettes or*

other tobacco products are sold which contains the following provision in conspicuous type: INTRASTATE POSSESSION, SALE, OR TRANSPORT OF CIGARETTES BEARING INDIAN STAMPS BY NON-TRIBAL MEMBERS WHEN THE AMOUNT POSSESSED, SOLD, OR TRANSPORTED BY A NONTRIBAL MEMBER EXCEEDS THREE CARTONS OF CIGARETTES IS A FIRST DEGREE MISDEMEANOR AND MAY RESULT IN IMPRISONMENT AND FINES OF \$1000 OR FIVE TIMES THE RETAIL VALUE OF THE CIGARETTES OR TOBACCO PRODUCTS, WHICHEVER IS GREATER.” This notice must be provided at the expense of the retail dealer.

(b) *For purposes of this section, the term “intrastate possession, sale, or transport” means any transaction involving the acquisition, commercial trade or sale, or conveyance of tobacco products which are purchased by an individual on land which is not governed by the laws of this state and brought into this state by such person.*

(6)(a) *A sheriff, deputy sheriff, police officer, or state law enforcement officer, upon the seizure of any Indian cigarettes or Indian tobacco products in the possession of non-tribal members under this section, shall promptly report the seizure to the division or its representative, together with a description of all such cigarettes and tobacco products seized, so that the state may be kept informed as to the size and magnitude of the illicit cigarette business. The division shall keep records showing the number of seizures and seized cigarettes reported to, or seized by, the division.*

(b) *The office of the sheriff, deputy sheriff, police officer, or state law enforcement agency that conducted the seizure is entitled to retain 50 percent of any fine recovered. Any such funds received may be used only for purposes of enhanced law enforcement activities.*

(7) *Subsections (4) and (6) do not apply to cigarette and tobacco products sold to a tribe that has entered into an approved compact with the state which provides for revenue sharing between the tribe and the state relating to the imposition and collection of the taxes imposed by ss. 210.02 and 210.30, and the surcharges imposed by ss. 210.011 and 210.211. Any compact must at a minimum provide for the state to receive as revenue sharing from the tribe the full amounts of the surcharges imposed by ss. 210.011 and 210.211. Upon the approval of a compact meeting the requirements of this subsection, the notice required in subsection (5) shall be modified to include: IT IS NOT A VIOLATION FOR NONTRIBAL MEMBERS TO POSSESS CIGARETTES OR TOBACCO PRODUCTS BEARING THE STAMP OF (Insert name of tribe for which compact has been established). Upon the approval of a compact meeting the conditions specified above with all Indian tribes, subsection (5) is no longer applicable.*

Section 11. *There is appropriated the sum of \$50,000 to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation for the purposes of conducting the public awareness campaign required under s. 210.1801(5), Florida Statutes.*

Section 12. This act shall take effect July 1, 2009.

And the title is amended as follows:

Delete lines 43-70 and insert: delinquent payments; amending s. 210.05, F.S.; conforming provisions to changes made by the act; creating s. 210.1801, F.S.; providing for the administration of Indian-stamped cigarettes and other tobacco products; providing that agents of the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation or wholesale dealers may sell stamped but untaxed cigarettes and tobacco products to the Seminole Indian Tribe of Florida and the Miccosukee Tribe of Florida Indians for retail sale to tribal members; prohibiting an agent or wholesale dealer from collecting from the purchaser certain taxes or surcharges imposed by law; requiring that cigarette and other tobacco product stamps identify the tribe, or member thereof, to which the cigarettes are sold; providing for criminal penalties; providing for a fine; requiring the division to conduct a public-awareness campaign relating to the criminal possession of cigarettes or tobacco products in violation of the law; providing for the content of the notice required by law; defining the term “intrastate possession, sale, or transport;” requiring law enforcement agencies to report the seizure of Indian cigarettes or Indian tobacco products by nontribal members; providing that law enforcement agencies may retain a specified percentage of the fines recovered from the seizures; providing for an exemption applicable to signatories of an approved compact that

provides for revenue sharing between the tribe and the state; providing for an appropriation; providing an effective date.

On motion by Senator Deutch, further consideration of **CS for CS for SB 1840** with pending **Amendment 3 (143642)** was deferred.

MOTIONS

On motion by Senator Villalobos, the rules were waived and time of recess was extended until 3:00 p.m.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Villalobos, the rules were waived and the Committees in Group IV were granted permission to meet at 3:30 p.m. until 5:00 p.m. in lieu of 2:30 p.m. until 4:30 p.m.; and the Policy and Steering Committee on Commerce and Industry was granted permission to meet at 5:15 p.m. until 6:00 p.m. in lieu of 4:45 p.m. until 6:00 p.m. as scheduled this day.

SPECIAL ORDER CALENDAR, continued

CS for CS for SB 788—A bill to be entitled An act relating to a gaming compact between the State of Florida and the Seminole Tribe of Florida; defining terms; providing that the previous compact between the Tribe and the Governor is not approved or ratified by the Legislature; directing the Governor to negotiate a gaming compact with the Tribe; specifying requirements and minimum standards for the compact; specifying the date on which the authority of the Governor to negotiate a compact expires; specifying games that may be authorized for play pursuant to the compact; specifying revenue sharing between the state and the Tribe; requiring the release of certain gaming revenues to the state; providing for the reduction of the Tribe's net win on which revenue sharing is based if additional Class III games are authorized under certain circumstances; providing for completion of the term of the compact in the event that the voters repeal a constitutional provision authorizing slot machines at certain pari-mutuel facilities; providing that the compact becomes void as the result of a judicial decision or decision of the Secretary of the United States Department of the Interior invalidating certain provisions of the compact; specifying limits on the term of a compact; limiting the number of facilities at which gaming may occur; specifying requirements for a central computer system on gaming facility premises; requiring that the system provide the state with access to certain data; specifying the authority of the state to oversee gaming activities by the Tribe; requiring medical professionals employed at the Tribe's gaming facilities to have certain minimum qualifications; requiring access for municipal or county emergency medical services; specifying minimum construction standards for the Tribe's gaming facilities; specifying minimum environmental standards; requiring the Tribe to establish procedures to dispose of tort claims; requiring the Tribe to maintain a minimum amount of general liability insurance for tort claims; prohibiting the Tribe or its insurer from invoking sovereign immunity under certain circumstances; requiring the Tribe to waive its sovereign immunity for disputes relating to the compact; requiring prelitigation arbitration of disputes relating to the compact; requiring the Tribe to maintain nondiscriminatory employment practices; requiring the Tribe to use its best efforts to spend its revenue in this state; providing legislative intent to review the compact; directing the Governor to negotiate agreements with Indian tribes in this state, subject to approval by the Legislature, relating to the application state taxes on Indian lands; amending s. 1013.737, F.S.; authorizing the state to pledge to use revenues from gaming activities to repay bonds; providing a contingent effective date.

—was read the second time by title.

Senator Jones moved the following amendment which was adopted:

Amendment 1 (947104)—Delete line 116 and insert: *received pursuant to the compact and agreement is deposited into the Education*

Senator Jones moved the following amendment:

Amendment 2 (522326)—Delete lines 179-201 and insert:

(4) For the purpose of satisfying the requirement in 25 U.S.C. s. 2710(d)(1)(B) that the gaming activities authorized under an Indian gaming compact must be permitted in the state for any purpose by any person, organization or entity, the Class III games specified in this section are hereby authorized to be conducted in Florida pursuant to a compact that meets all of the terms and standards required by this act.

(5)(a) In consideration for authority to play the specified Class III games described in this section, the compact shall provide for revenue sharing through periodic payments to the state during the term of the compact. If net win in any cycle is less than or equal to \$2 billion, revenue sharing for that cycle shall be \$400 million. If net win in any cycle is more than \$2 billion and less than or equal to \$4 billion, revenue sharing for that cycle shall be \$400 million plus 10 percent of net win that is more than \$2 billion and less than or equal to \$4 billion. If net win in any cycle is more than \$4 billion, revenue sharing for that cycle shall be \$600 million plus 25 percent of net win that is over \$4 billion. However, revenue sharing may be:

1. Reduced or suspended if the net win in any cycle fails to reach \$1.37 billion and shall resume when the net win for a cycle or any subsequent period reaches \$1.37 billion.

2. Reduced pursuant to subsection (10).

(6) The compact may not provide for the elimination or reduction of revenue sharing based on the authorization of any Class III gaming by compact between the state and any other federally recognized tribe in this state pursuant to the Indian Gaming Regulatory Act.

(Renumber Subsequent Subsections.)

MOTION

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

Senator Jones moved the following substitute amendment which was adopted:

Amendment 3 (390982)—Delete lines 179-201 and insert:

(4) For the purpose of satisfying the requirement in 25 U.S.C. s. 2710(d)(1)(B) that the gaming activities authorized under an Indian gaming compact must be permitted in the state for any purpose by any person, organization or entity, the Class III games specified in this section are hereby authorized to be conducted in Florida pursuant to a compact that meets all of the terms and standards required by this act.

(5)(a) In consideration for authority to play the specified Class III games described in this section, the compact shall provide for revenue sharing through periodic payments to the state during the term of the compact. If net win in any cycle is less than or equal to \$2 billion, revenue sharing for that cycle shall be \$400 million. If net win in any cycle is more than \$2 billion and less than or equal to \$4 billion, revenue sharing for that cycle shall be \$400 million plus 10 percent of net win that is more than \$2 billion and less than or equal to \$4 billion. If net win in any cycle is more than \$4 billion, revenue sharing for that cycle shall be \$600 million plus 25 percent of net win that is over \$4 billion. However, revenue sharing may be:

1. Reduced or suspended if the net win in any cycle fails to reach \$1.37 billion and shall resume when the net win for a cycle or any subsequent period reaches \$1.37 billion.

2. Reduced pursuant to subsection (10).

(b) The compact shall specify a process for determining the timing and amount of any reduction of revenue sharing payments. The process shall provide the state with at least 30 days to review the Tribe's projection or determination that the net win for any cycle will or has failed to reach \$1.37 billion.

(6) The compact may not provide for the elimination or reduction of revenue sharing based on the authorization of any Class III gaming by compact between the state and any other federally recognized tribe in this state pursuant to the Indian Gaming Regulatory Act.

(Renumber Subsequent Subsections.)

On motions by Senator Jones, by two-thirds vote **CS for CS for SB 788** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—27

Mr. President	Gaetz	Lynn
Alexander	Garcia	Pruitt
Altman	Haridopolos	Rich
Bennett	Hill	Richter
Dean	Jones	Ring
Detert	Joyner	Smith
Deutch	Justice	Sobel
Diaz de la Portilla	King	Villalobos
Dockery	Lawson	Wilson

Nays—11

Aronberg	Gardiner	Siplin
Baker	Gelber	Storms
Constantine	Oelrich	Wise
Crist	Peaden	

Vote after roll call:

Yea—Fasano

Yea to Nay—Ring

CS for CS for SB 2694—A bill to be entitled An act relating to state financial matters; amending s. 216.292, F.S.; providing that certain transfers of appropriations by the head of an agency or the Chief Justice may be made only if specific authority is provided in the General Appropriations Act; amending s. 216.311, F.S.; prohibiting an agency or branch of state government from contracting to pay, without legislative authority, liquidated damages or early termination fees resulting from the breach or early termination of a contract or agreement, from contracting to pay interest because of insufficient budget authority to pay an obligation in the current year, from obligating the state to make future payments to cover unpaid payments, or from granting to a party the right to collect fees or other revenues from nonparties; providing that such contracts are null and void; prohibiting an agency from entering into certain lease or lease-purchase agreements unless expressly authorized by the Legislature; providing exceptions for certain agency contracts or agreements; authorizing the State Board of Administration to enter into contracts and other agreements that are necessary to carry out the investment duties of the board; defining the terms “contract” and “agreement”; creating s. 216.312, F.S.; requiring the executive and judicial branch to notify the Governor and the Legislature before entering into contracts or agreements in excess of a certain amount, which authorize expenditures in anticipation of revenues, or for which payment is delayed for a certain time after expenditure; transferring, renumbering, and amending s. 287.0582, F.S.; requiring a state contract to identify the appropriation that funds the contract; providing an exception; expanding the statement that must be included in state contracts to include grounds for terminating the contract based on budget deficits; requiring the judicial branch to include the statement in its contracts; providing an exception; requiring the agency head or chief judge to sign contracts that exceed a certain amount; requiring the agency head or chief judge to review certain contracts and certify compliance with ch. 216, F.S.; requiring contracts exceeding a specified amount to require written acceptance or rejection of contract deliverables; providing that contracts in violation of these provisions are null and void; providing penalties; amending s. 287.063, F.S.; prohibiting certain lease or deferred payment purchases by state agencies unless expressly authorized by the Legislature in the appropriations act; amending s. 287.064, F.S.; prohibiting certain master equipment financing agreements unless expressly authorized by the Legislature in the appropriations act; providing for application; providing an effective date.

—was read the second time by title. On motions by Senator Alexander, by two-thirds vote **CS for CS for SB 2694** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for CS for SB 1796—A bill to be entitled An act relating to governmental financial information; amending s. 11.40, F.S.; directing the Legislative Auditing Committee to provide oversight and management of a state website providing information on governmental appropriations and expenditures; creating s. 215.985, F.S.; providing a short title; providing definitions; requiring the Executive Office of the Governor to establish a website providing information relating to each appropriation in the General Appropriations Act; requiring the committee to propose providing additional state information and a format for collecting and displaying information from other governmental entities on the website; requiring the committee to develop a schedule by a certain date for adding other information to the website and submitting it to the Legislative Budget Commission for approval; requiring all branches of state government to establish allotments in the Florida Accounting Information Resource Subsystem for planned expenditures; requiring the committee to coordinate with the Financial Management Information Board in developing certain website information; requiring governmental entities to provide information as necessary; excepting certain small municipalities and special districts from the requirements of the act; requiring the state budget office to ensure that all data added to the website remains accessible to the public for a certain time; requiring an annual report to the Governor and Legislature on progress toward establishing the website; providing an effective date.

—was read the second time by title. On motions by Senator Alexander, by two-thirds vote **CS for CS for SB 1796** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Villalobos

CS for CS for SB 1012—A bill to be entitled An act relating to state lands; amending s. 253.01, F.S.; authorizing the use of moneys in the Internal Improvement Trust Fund for the protection and restoration of water resources; amending s. 253.03, F.S.; providing rulemaking au-

thority to the Board of Trustees of the Internal Improvement Trust Fund with respect to the uses of sovereignty submerged lands; defining lease types; providing for fees and lease rates; allowing for special events; detailing minimum compliance standards; amending s. 253.04, F.S.; providing for the assessment of fines; amending s. 895.09, F.S.; conforming a cross-reference; providing an effective date.

—was read the second time by title.

Senator Constantine moved the following amendments which were adopted:

Amendment 1 (681142)—Delete lines 55-104 and insert: *lands, except those uses provided in s. 253.51 and ss. 253.67-253.75 and s. 311.09(1), shall provide at a minimum, for the following:*

- (a) *A standard lease term of at least 10 years.*
- (b) *An extended-term lease not to exceed 25 years, where the use of the sovereignty submerged lands and the associated existing or proposed structures on sovereignty submerged lands have or will have an expected life, or amortization period, equal to or greater than the requested lease term. Such extended-term leases shall be limited to those facilities that provide exclusive access to public waters by the general public on a first-come, first-served basis; that are constructed, operated, or maintained by a governmental entity or funded by government-secured bonds having a term greater than or equal to the requested lease term; or for which the applicant demonstrates the existence of an extreme hardship that is unique to the applicant if such hardship is not self-imposed or the result of any law, ordinance, rule, or regulation.*
- (c) *For purposes of this section, the term “first-come, first-served” means any water-dependent facility operated on state-owned submerged land, the services of which are open to the general public by at least 90 percent of all slips over the state-owned submerged land, with no qualifying requirements such as club membership, stock ownership, or equity interest, with no longer than 1-year rental terms, and with no automatic renewal rights or conditions. For purposes of this section, all other leases are considered private.*
- (d) *A nonrefundable application fee of \$250 for a private residential single-family dock or pier. All other facilities shall remit an application fee of \$500 unless a different fee is specifically provided for in general law.*
- (e) *New private leases, expansions of private leases, and lease conversions from a first-come, first-served basis to private use shall be assessed a one-time premium or qualify for a waiver of payment in accordance with rule 18-21, Florida Administrative Code. The one-time premium shall be 10 percent of the applicant’s projected retail price or the current market price, whichever is greater, to an end user for the use of the slips within the leased area. For applicants proposing to rent or lease the slips, or proposing to provide the slips to members at a below-market rate, the one-time premium shall be based on the current market price. The projected pricing shall be provided by the applicant and must be itemized by slip. All prices provided shall be reviewed by the department and verified with market data as reflective of the market prior to approval.*

1. *An appraisal report is required if the department is unable to verify with market data and accept the applicant’s pricing documentation. The appraisal report conditions shall assume that the income to the lease area is at market rates. If an*

Amendment 2 (519372) (with title amendment)—Delete lines 122-183 and insert: *service, 15 cents per square foot. If these facilities are located in an aquatic preserve, the rate shall be 30 cents per square foot.*

2. *The annual lease fees provided for in this paragraph shall be revised every 5 years beginning March 1, 2014, and increased or decreased based on the average change in the Consumer Price Index, calculated by averaging the Consumer Price Index over the previous 5-year period. Adjustments to the fees shall be to the nearest cent for the per-square-foot rates and to the nearest \$25 for the minimums. Any increase or decrease may not exceed 10 percent and may not have the effect of lowering the fees below those established in the paragraph.*

3. *There shall be a late payment assessment for lease fees or other charges due which are not paid within 30 days after the due date. This*

assessment shall be computed at the rate of 12 percent per annum, calculated on a daily basis for every day the payment is late.

4. *For the purposes of this paragraph, the additional charges provided in subparagraph b. shall not apply to existing facilities in aquatic preserves that were excluded from the additional rate in accordance with rule 18-21.011, Florida Administrative Code.*

(g) *Government, research, or education facilities are exempt from the annual lease fees in paragraph (f) except as otherwise defined by rule.*

(h) *A community-based social club shall be classified as “first-come, first-served” for the purposes of assessing fees pursuant to this subsection if the club is designated as qualified under s. 501(c)(7) by Title 26, subtitle A, chapter 1, subchapter F, part 1, s. 501 of the United States Internal Revenue Code. The club must be organized for pleasure, recreation, and other similar non-profitable purposes and substantially all of its activities must be for these purposes, and the club may not discriminate based on race, color, religion, or handicap. The club may not convey to any member the exclusive use of a club wet slip and all wet slips must be available on a first-come, first-served basis to all members in a specific membership category. Any publications related to membership and wet slip rental contracts must state that the wet slips are available on a first-come, first-served basis to all members in a specific membership category and that the club does not discriminate based on race, color, religion, or handicap. Upon the date the club is found to have conveyed, deeded, leased long term, included an automatic renewal or conditions, or issued in any form an exclusive right to use a wet slip, the submerged land lease fee shall revert to the private rate pursuant to this subsection and be subject to retroactive private lease fees. The club shall provide recreational, educational, or charitable activities at least once annually which are open to the general public beginning within 365 days after the lease anniversary date.*

(i) *The department shall provide a draft lease to the applicant 14 days prior to the scheduled hearing before the board of trustees. The applicant may waive this requirement.*

(j) *Rules adopted by the board of trustees must also provide for:*

1. *The assessment of fines and penalties for violation of lease conditions. Such fines or penalties shall be in addition to those authorized pursuant to s. 253.04.*

2. *An exemption from the annual fees for:*

a. *Events that may require the installation and use of temporary structures, including docks, moorings, pilings, and access walkways on sovereign submerged lands solely for the purposes of facilitating boat shows or boat displays in, or adjacent to, established marinas or government-owned upland property.*

b. *First-come first-served facilities that have a contractual arrangement with a county or municipality and can demonstrate financial hardship to the Board of Trustees.*

c. *Those facilities that qualify for Consent by Rule or Letter of Consent pursuant to rule 18-21, Florida Administrative Code and shall also be exempt from paying application fees.*

And the title is amended as follows:

Delete line 10 and insert: *rates; providing for exemptions; detailing minimum*

Amendment 3 (966944) (with title amendment)—Delete lines 191-249 and insert:

(k) *The Department of Environmental Protection in its capacity as staff to the Board of Trustees shall review and provide a report with recommendations, by February 1, 2010, to the Board of Trustees and the Legislature concerning the following:*

1. *The development of a method which allows for fees to be modified based on geographical price differentials.*

2. *Optional methods for determining the square footage for facilities that reflect those sovereignty lands that are occupied by structures or slips but have additional areas under lease that are needed for safe navigation or to protect the structure.*

3. *Potential modifications to the definition of "first-come, first-served" in order to account for those options that seek to fulfill the intent of increasing public access.*

The recommendations shall be developed in conjunction with the rulemaking efforts needed to implement changes to this subsection.

(l) (e) Structures which are listed in or are eligible for the National Register of Historic Places or the State Inventory of Historic Places which are over the waters of the State of Florida and which have a submerged land lease, or have been grandfathered-in to use sovereignty submerged lands until January 1, 1998, pursuant to rule 18-21.00405, Florida Administrative Code, shall have the right to continue such submerged land leases, regardless of the fact that the present landholder is not an adjacent riparian landowner, so long as the lessee maintains the structure in a good state of repair consistent with the guidelines for listing. If the structure is damaged or destroyed, the lessee shall be allowed to reconstruct, so long as the reconstruction is consistent with the integrity of the listed structure and does not increase the footprint of the structure. If a structure so listed falls into disrepair and the lessee is not willing to repair and maintain it consistent with its listing, the state may cancel the submerged lease and either repair and maintain the property or require that the structure be removed from sovereignty submerged lands.

(m) (d) By January 1, 2001, the owners of habitable structures built on or before May 1, 1999, located in conservation areas 2 or 3, on district or state-owned lands, the existence or use which will not impede the restoration of the Everglades, whether pursuant to a submerged lease or not, must provide written notification to the South Florida Water Management District of their existence and location, including an identification of the footprint of the structures. This notification will grant the leaseholders an automatic 20-year lease at a reasonable fee established by the district, or the Department of Environmental Protection, as appropriate, to expire on January 1, 2020. The district or Department of Environmental Protection, as appropriate, may impose reasonable conditions consistent with existing laws and rules. If the structures are located on privately owned lands, the landowners must provide the same notification required for a 20-year permit. If the structures are located on state-owned lands, the South Florida Water Management District shall submit this notification to the Department of Environmental Protection on the owner's behalf. At the expiration of this 20-year lease or permit, the South Florida Water Management District or the Department of Environmental Protection, as appropriate, shall have the right to require that the leaseholder remove the structures if the district determines that the structures or their use are causing harm to the water or land resources of the district, or to renew the lease agreement. The structure of any owner who does not provide notification to the South Florida Water Management District as required under this subsection, shall be considered illegal and subject to immediate removal. Any structure built in any water conservation area after May 1, 1999, without necessary permits and leases from the South Florida Water Management District, the Department of Environmental Protection, or other local government, as appropriate, shall be considered illegal and subject to removal.

(n) (e) Failure to comply with the conditions contained in any permit or lease agreement as described in paragraph (l) (d) makes the structure illegal and subject to removal. Any structure built in any water conservation area on or after July 1, 2000, is also illegal and subject to immediate removal.

And the title is amended as follows:

Delete line 11 and insert: compliance standards; providing for a report; amending s. 253.04, F.S.;

On motion by Senator Constantine, further consideration of **CS for CS for SB 1012** as amended was deferred.

CS for CS for SB 2108—A bill to be entitled An act relating to the clerks of court; amending s. 25.381, F.S.; requiring the Supreme Court and Attorney General to jointly enter into a contract with a vendor to publish copies of Florida cases; amending s. 28.241, F.S.; redirecting a portion of certain civil filing fees to the Clerks of the Court Trust Fund within the Justice Administrative Commission; eliminating a requirement that a portion of such fees be deposited into the Department of

Financial Services' Administrative Trust Fund; amending s. 28.246, F.S.; requiring the clerk to refer certain unpaid accounts to a private attorney or a collection agent; amending s. 28.35, F.S.; providing for the Florida Clerks of Court Operations Corporation to be administratively housed within the Justice Administrative Commission; requiring the Chief Justice of the Supreme Court to designate a member of the corporation's executive council to represent the state courts system; deleting provisions exempting the corporation from ch. 287, F.S., relating to procurement, and from ch. 120, F.S., relating to administrative procedures; revising the duties of the corporation; requiring that the Florida Clerks of Court Operations Corporation develop measures and standards for reviewing the performance of clerks of court and notify the Legislature and the Supreme Court of any clerk not meeting the standards; conforming cross-references; deleting provisions relating to the certification of the amount of the proposed budget for each clerk; providing for the clerks of court to be funded pursuant to state appropriations rather than from filing fees, service charges, court costs, and fines; providing for the Florida Clerks of Court Operations Corporation to be funded pursuant to the General Appropriations Act rather than a contract with the Chief Financial Officer; revising requirements for the audits of clerks of court; amending s. 28.36, F.S.; providing a procedure for the clerks of court to prepare budget requests for submission to the Florida Clerks of Court Operations Corporation, with a copy to the Supreme Court; providing requirements for the budget requests; requiring the corporation to determine whether projected court-related revenues are less than the proposed budget for a clerk; requiring that a clerk increase fees and service charges to resolve a deficit; requiring the corporation to compare a clerk's expenditures and costs with the clerk's peer group and for the clerk to submit documentation justifying higher expenditures; requiring that the corporation and the Chief Financial Officer review the clerks' budget requests and make recommendations to the Legislature; authorizing the Chief Financial Officer to conduct, and the Chief Justice of the Supreme Court to request, an audit of the corporation or a clerk of court; providing for the Legislature to make appropriations for the budgets of the clerks; requiring that the corporation release appropriations each quarter; deleting provisions authorizing the Legislative Budget Commission to approve budgets; amending s. 28.37, F.S.; clarifying the requirement for all court-related fines, fees, service charges, and costs to be deposited into the Clerks of the Court Trust Fund; deleting obsolete provisions relating to the funding of the clerks of court; requiring that a specified percentage of all court-related fines collected by the clerk be deposited into the clerk's Public Records Modernization Trust Fund and used exclusively for additional court-related operational needs and programs; amending s. 34.041, F.S., relating to filing fees; conforming provisions to changes made by the act; amending s. 43.16, F.S., relating to the duties of the Justice Administrative Commission; conforming provisions to the transfer of the Florida Clerks of Court Operations Corporation to the commission; amending s. 43.27, F.S.; requiring that the clerk of court obtain the consent of the chief judge of the circuit concerning the clerk's office hours; amending s. 142.01, F.S.; requiring the deposit of revenues received in the fine and forfeiture funds of the clerks of court into the Clerks of the Court Trust Fund within the Justice Administrative Commission; amending s. 216.011, F.S.; redefining the term "state agency" for purposes of the fiscal affairs of the state to include the Florida Clerks of Court Operations Corporation; requiring that the clerks of court submit financial data to the Executive Office of the Governor; transferring the Clerks of the Court Trust Fund from the Department of Revenue to the Justice Administrative Commission; providing a finding that the act fulfills an important state interest; providing an effective date.

—was read the second time by title.

Senator Pruitt moved the following amendment which was adopted:

Amendment 1 (919376) (with title amendment)—Delete lines 812-861 and insert:

Section 10. Subsection (3) of section 45.035, Florida Statutes, as amended by section 3 of chapter 2009-21, Laws of Florida, is amended to read:

45.035 Clerk's fees.—In addition to other fees or service charges authorized by law, the clerk shall receive service charges related to the judicial sales procedure set forth in ss. 45.031-45.034 and this section:

(3) If the sale is conducted by electronic means, as provided in s. 45.031(10), the clerk shall receive *an additional* a service charge *not to*

~~exceed of \$70 as provided in subsection (1) for services in conducting or contracting for the electronic sale, which service charge shall be assessed as costs and paid by the winning bidder shall be advanced by the plaintiff before the sale.~~ If the clerk requires advance electronic deposits to secure the right to bid, such deposits shall not be subject to the fee under s. 28.24(10). The portion of an advance deposit from a winning bidder required by s. 45.031(3) shall, upon acceptance of the winning bid, be subject to the fee under s. 28.24(10).

Section 11. Section 142.01, Florida Statutes, is amended to read:

142.01 Fine and forfeiture fund; *disposition of revenue*; clerk of the circuit court.—

(1) There shall be established by the clerk of the circuit court in each county of this state a separate fund to be known as the fine and forfeiture fund for use by the clerk of the circuit court in performing court-related functions. The fund shall consist of the following:

(a) ~~(1)~~ Fines and penalties pursuant to ss. 28.2402(2), 34.045(2), 316.193, 327.35, 327.72, 379.2203(1), and 775.083(1).

(b) ~~(2)~~ That portion of civil penalties directed to this fund pursuant to s. 318.21.

(c) ~~(3)~~ Court costs pursuant to ss. 28.2402(1)(b), 34.045(1)(b), 318.14(10)(b), 318.18(11)(a), 327.73(9)(a) and (11)(a), and 938.05(3).

(d) ~~(4)~~ Proceeds from forfeited bail bonds, unclaimed bonds, unclaimed moneys, or recognizances pursuant to ss. 321.05(4)(a), 379.2203(1), and 903.26(3)(a).

(e) ~~(5)~~ Fines and forfeitures pursuant to s. 34.191.

(f) ~~(6)~~ All other revenues received by the clerk as revenue authorized by law to be retained by the clerk.

(2) *All revenues received by the clerk in the fine and forfeiture fund from court-related fees, fines, costs, and service charges are considered state funds and shall be remitted monthly to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission.*

(3) Notwithstanding the provisions of this section, all fines and forfeitures arising from operation of the provisions of s. 318.1215 shall be disbursed in accordance with that section.

Section 12. Paragraph (qq) of subsection (1) of section 216.011, Florida Statutes, is amended to read:

216.011 Definitions.—

(1) For the purpose of fiscal affairs of the state, appropriations acts, legislative budgets, and approved budgets, each of the following terms has the meaning indicated:

(qq) “State agency” or “agency” means any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government. For purposes of this chapter and chapter 215, “state agency” or “agency” includes, but is not limited to, state attorneys, public defenders, criminal conflict and civil regional counsel, capital collateral regional counsel, *the Florida Clerks of Court Operations Corporation*, the Justice Administrative Commission, the Florida Housing Finance Corporation, and the Florida Public Service Commission. Solely for the purposes of implementing s. 19(h), Art. III of the State Constitution, the terms “state agency” or “agency” include the judicial branch.

Section 13. Subsection (4) of section 197.542, Florida Statutes, is amended to read:

197.542 Sale at public auction.—

(4)(a) A clerk may conduct electronic tax deed sales in lieu of public outcry. The clerk must comply with the procedures provided in this chapter, except that electronic proxy bidding shall be allowed and the clerk may require bidders to advance sufficient funds to pay the deposit required by subsection (2). The clerk shall provide access to the electronic sale by computer terminals open to the public at a designated

location. A clerk who conducts such electronic sales may receive electronic deposits and payments related to the sale. The portion of an advance deposit from a winning bidder required by subsection (2) shall, upon acceptance of the winning bid, be subject to the fee under s. 28.24(10).

(b) Nothing in this subsection shall be construed to restrict or limit the authority of a charter county from conducting electronic tax deed sales. In a charter county where the clerk of the circuit court does not conduct all electronic sales, the charter county shall be permitted to receive electronic deposits and payments related to sales it conducts, as well as to subject the winning bidder to a fee, consistent with the schedule in s. 28.24(10).

(c) *The costs of electronic tax deed sales shall be added to the charges for the costs of sale under subsection (1) and paid by the certificate holder when filing an application for a tax deed.*

Section 14. Subsection (13) of section 318.18, Florida Statutes, is amended to read:

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

(13)(a) In addition to any penalties imposed for noncriminal traffic infractions pursuant to this chapter or imposed for criminal violations listed in s. 318.17, a board of county commissioners or any unit of local government ~~that which~~ is consolidated as provided by s. 9, Art. VIII of the State Constitution of 1885, as preserved by s. 6(e), Art. VIII of the Constitution of 1968:

1. ~~(a)~~ May impose by ordinance a surcharge of up to \$30 ~~\$15~~ for any infraction or violation to fund state court facilities. The court shall not waive this surcharge. Up to 25 percent of the revenue from such surcharge may be used to support local law libraries provided that the county or unit of local government provides a level of service equal to that provided prior to July 1, 2004, which shall include the continuation of library facilities located in or near the county courthouse or ~~any annex to the courthouse annexes~~.

2. ~~(b)~~ May, if such board or unit ~~that~~ imposed increased fees or service charges by ordinance under s. 28.2401, s. 28.241, or s. 34.041 for the purpose of securing payment of the principal and interest on bonds issued by the county before July 1, 2003, to finance state court facilities, ~~may~~ impose by ordinance a surcharge for any infraction or violation for the exclusive purpose of securing payment of the principal and interest on bonds issued by the county before July 1, 2003, to fund state court facilities until the date of stated maturity. The court shall not waive this surcharge. Such surcharge may not exceed an amount per violation calculated as the quotient of the maximum annual payment of the principal and interest on the bonds as of July 1, 2003, divided by the number of traffic citations for county fiscal year 2002-2003 certified as paid by the clerk of the court of the county. Such quotient shall be rounded up to the next highest dollar amount. The bonds may be refunded only if savings will be realized on payments of debt service and the refunding bonds are scheduled to mature on the same date or before the bonds being refunded. Notwithstanding any of the foregoing provisions of this ~~subparagraph paragraph~~ that limit the use of surcharge revenues, if the revenues generated as a result of the adoption of this ordinance exceed the debt service on the bonds, the surplus revenues may be used to pay down the debt service on the bonds; fund other state-court-facility construction projects as may be certified by the chief judge as necessary to address unexpected growth in caseloads, emergency requirements to accommodate public access, threats to the safety of the public, judges, staff, and litigants, or other exigent circumstances; or support local law libraries in or near the county courthouse or ~~any annex to the courthouse annexes~~.

3. *May impose by ordinance a surcharge for any infraction or violation for the exclusive purpose of securing payment of the principal and interest on bonds issued by the county on or after July 1, 2009, to fund state court facilities until the stated date of maturity. The court may not waive this surcharge. The surcharge may not exceed an amount per violation calculated as the quotient of the maximum annual payment of the principal and interest on the bonds, divided by the number of traffic citations certified as paid by the clerk of the court of the county on August 15 of each year. The quotient shall be rounded up to the next highest*

dollar amount. The bonds may be refunded if savings are realized on payments of debt service and the refunding bonds are scheduled to mature on or before the maturity date of the bonds being refunded. If the revenues generated as a result of the adoption of the ordinance exceed the debt service on the bonds, the surplus revenues may be used to pay the debt service on the bonds; to fund other state court facility construction projects certified by the chief judge as necessary to address unexpected growth in caseloads, emergency requirements to accommodate public access, threats to the safety of the public, judges, staff, and litigants, or other exigent circumstances; or to support local law libraries in or near the county courthouse or any annex to the courthouse.

(b) A county may not impose both of the surcharges authorized under subparagraphs (a)1., 2., and 3. paragraphs (a) and (b) concurrently. The clerk of court shall report, no later than 30 days after the end of the quarter, the amount of funds collected under this subsection during each quarter of the fiscal year. The clerk shall submit the report, in a format developed by the Office of State Courts Administrator, to the chief judge of the circuit, the Governor, the President of the Senate, and the Speaker of the House of Representatives, and the board of county commissioners.

And the title is amended as follows:

Delete lines 79-87 and insert: circuit concerning the clerk's office hours; amending s. 45.035, F.S.; revising the service charge for certain sales conducted by electronic means; requiring the service charge to be paid by the winning bidder; amending s. 142.01, F.S.; requiring the deposit of revenues received in the fine and forfeiture funds of the clerks of court into the Clerks of the Court Trust Fund within the Justice Administrative Commission; amending s. 216.011, F.S.; redefining the term "state agency" for purposes of the fiscal affairs of the state to include the Florida Clerks of Court Operations Corporation; amending s. 197.542, F.S.; adding the costs to conduct an electronic tax deed sale to certain other costs which must be paid by the certificate holder; amending s. 318.18, F.S.; authorizing certain local governments to impose a surcharge on certain infractions or violations to repay bonds relating to court facilities; requiring a clerk of court to report the amount of surcharge collections; requiring that the clerks of

On motions by Senator Pruitt, by two-thirds vote **CS for CS for SB 2108** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—36

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

Nays—1

Smith

Vote after roll call:

Yea—Richter

Nay to Yea—Smith

Consideration of **CS for SB 414** was deferred.

CS for SB 2574—A bill to be entitled An act relating to information technology; amending s. 11.90, F.S.; deleting an obsolete provision relating to duties of the Legislative Budget Commission; amending s. 14.204, F.S.; revising the duties of the Agency for Enterprise Information

Technology; requiring the agency to complete certain duties relating to a proposed enterprise information technology services plan by a specified date; creating the Office of Information Security within the agency; designating the Chief Information Security Officer as head of the office and who reports to the executive director of the agency; amending s. 110.205, F.S.; revising certain positions relating to the obsolete State Technology Office that are exempted from career service; amending s. 282.003, F.S.; renaming the Information Technology Resources Management Act as the "Enterprise Information Technology Services Management Act"; amending s. 282.0041, F.S.; revising definitions; amending s. 282.0056, F.S.; revising provisions relating to proposed enterprise information technology services submitted by the agency; deleting the requirement that the agency develop a migration plan; amending s. 282.201, F.S.; revising the duties of the agency; specifying the requirements for obtaining an exception to the limitations on agencies relating to computer services; amending s. 282.203, F.S.; providing an additional duty for a state primary data center; revising the date for appointing a board of trustees of a primary data center; revising the method for determining representation on the board of trustees; revising the role on the board of the executive director of the Agency for Enterprise Information Technology; allowing board membership resulting from consolidations to be adjusted in the appropriations act; providing an additional duty of the board; amending s. 282.204, F.S.; deleting obsolete provisions; providing that the Northwood Shared Resource Center is an agency established with the Department of Children and Family Services; authorizing the secretary of the department to appoint a temporary chair of the center's board of trustees; requiring the agency and the department to identify and transfer department resources by budget amendment; amending s. 282.205, F.S.; deleting obsolete provisions relating to the Southwood Shared Resource Center; amending s. 282.318, F.S.; renaming the Security of Data and Information Technology Infrastructure Act as the "Enterprise Security of Data and Information Technology Act"; providing that information technology security is an enterprise information technology service; substituting the Office of Information Security for the agency and revising the associated duties related to information technology security; requiring the agency to submit a plan for information technology security to the Legislature and Governor by a certain date; mending s. 282.33, F.S.; specifying that the Agency for Enterprise Information Technology shall make recommendations relating to the efficiency of state primary data centers; creating s. 282.34, F.S.; establishing a state electronic mail system as an enterprise information technology service; directing the Southwood Shared Resource Center to manage and operate the system; directing the agency to conduct an analysis of such service by a certain date and establish a workgroup to develop an implementation plan; prohibiting a state agency from terminating such service unless authorized by the Legislature; requesting the Division of Statutory Revision to create part IV of ch. 282, F.S.; creating s. 282.701, F.S.; providing a short title; transferring and renumbering s. 282.102, F.S., relating to the powers of the Department of Management Services with respect to a state communication system; transferring, renumbering, and amending ss. 282.103, 282.104, 282.105, 282.106, and 282.107, F.S., relating to the SUNCOM system; substituting the department for the State Technology Office; transferring and renumbering s. 282.109, F.S., relating to the emergency control of the state communications system; transferring, renumbering, and amending ss. 282.1095 and 282.111, F.S., relating to the communications system for law enforcement agencies; substituting the department for the State Technology Office; transferring, renumbering, and amending ss. 282.21, F.S., relating to remote electronic access; substituting the department for the State Technology Office; repealing s. 282.22, F.S., relating to materials and products acquired or developed by the State Technology Office; amending s. 287.042, F.S.; revising the duties of the department to include the development of procedures that ensure certain records requirements; deleting the requirement that the department consult with the office on agreements for the joint purchase of information technology; deleting a requirement for the department and office to access certain contracts; amending s. 1004.52, F.S.; deleting the requirement that the Institute on Urban Policy and Commerce consult with the office and the Chief Information Officer on requirements for computers purchased for the community computer access grant program; repealing and transferring certain administrative rules relating to the State Technology Office; amending s. 17, chapter 2008-116, Laws of Florida; providing that a state primary data center is the custodian of resources and equipment located in the data center for the purposes of ch. 272, F.S.; amending ss. 318.18, 393.002, and 1001.26, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title. On motions by Senator Haridopolos, by two-thirds vote **CS for SB 2574** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

MOTION

On motion by Senator Villalobos, the rules were waived and time of recess was extended until 4:00 p.m.

The Senate resumed consideration of—

CS for CS for SB 1840—A bill to be entitled An act relating to protecting Florida's health through a surcharge on tobacco products; providing a short title; amending s. 210.01, F.S.; redefining the terms “unstamped package,” “unstamped cigarettes,” and “stamp”; conforming provisions to changes made by the act; creating s. 210.011, F.S.; levying a surcharge on cigarettes equivalent to \$1 per standard pack; establishing surcharge amounts for cigarettes of a nonstandard sizes and in varying quantities; providing legislative intent that the surcharge be uniform throughout the state; providing for the surcharge to be administered in the same manner as the cigarette tax imposed under s. 210.02, F.S.; requiring that revenue from the surcharge to be deposited into the Health Care Trust Fund within the Agency for Health Care Administration; amending s. 210.04, F.S., to conform; amending s. 210.18, F.S.; providing enhanced penalties for the sale or possession of any quantity of counterfeit cigarettes; creating a reward program for information concerning violations under part I of ch. 210, F.S.; amending s. 210.25, F.S.; clarifying provisions with respect to definitions; creating s. 210.211, F.S.; providing definitions; levying a surcharge on tobacco products other than cigarettes; providing for the surcharge to be administered in the same manner as the tax imposed under part II of ch. 210, F.S.; requiring that revenue from the surcharge be deposited into the Health Care Trust Fund within the Agency for Health Care Administration; providing that the surcharge on cigarettes and other tobacco products applies to existing inventory on the effective date of the act; requiring each manufacturer, distributor, wholesaler, and vendor to take an inventory of the cigarettes and other tobacco products in its possession on the effective date of the act; requiring that the amount of such inventory be certified to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation by a specified date; providing that the surcharge may be paid in four equal installments; providing for penalties and interest for delinquent payments; amending s. 210.05, F.S.; conforming provisions to changes made by the act; creating s. 210.1801, F.S.; providing for the administration of Indian-stamped cigarettes and other tobacco products; providing that agents of the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation or wholesale dealers may sell stamped but untaxed cigarettes and tobacco products to the Seminole Indian Tribe of Florida and the Miccosukee Tribe of Florida Indians for retail sale to tribal members; prohibiting an agent or wholesale dealer from collecting from the purchaser certain taxes or surcharges imposed by law; requiring that cigarette and other tobacco product stamps identify the tribe, or member thereof, to which the cigarettes are sold; providing for criminal penalties; providing for a fine; requiring the division to conduct a public-awareness campaign relating to the criminal possession of Indian cigarettes or In-

dian tobacco products by nontribal members; providing for the content of the notice required by law; requiring law enforcement agencies to report the seizure of Indian cigarettes or Indian tobacco products by nontribal members; providing for an exemption applicable to signatories of an approved compact that provides for revenue sharing between the tribe and the state; providing for an appropriation; providing an effective date.

—which was previously considered and amended this day with pending **Amendment 3 (143642)** by Senator Crist.

MOTION

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

Senator Deutch moved the following amendment which was adopted:

Amendment 4 (332194) (with title amendment)—Between lines 219 and 220 insert:

Section 5. Section 210.095, Florida Statutes, is created to read:

210.095 Mail order, Internet, and remote sales of tobacco products; age verification.—

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

(a) *“Adult” means an individual who is at least the legal minimum purchase age for tobacco products.*

(b) *“Consumer” means a person in this state who comes into possession of any tobacco product subject to the tax imposed by this chapter and who, at the time of possession, is not a distributor intending to sell or distribute the tobacco product, a retailer, or a wholesaler.*

(c) *“Delivery sale” means any sale of tobacco products to a consumer in this state for which:*

1. *The consumer submits the order for the sale by means of telephonic or other voice transmission, mail, a delivery service, or the Internet or other online service; or*

2. *The tobacco products are delivered by use of mail or a delivery service.*

(d) *“Delivery service” means any person engaged in the commercial delivery of letters, packages, or other containers.*

(e) *“Legal minimum purchase age” means the minimum age at which an individual may legally purchase tobacco products in this state.*

(f) *“Mail” or “mailing” means the shipment of tobacco products through the United States Postal Service.*

(g) *“Retailer” means any person who is not a licensed distributor in possession of tobacco products subject to tax under this chapter for the purposes of selling the tobacco products to consumers.*

(h) *“Shipping container” means a container in which tobacco products are shipped in connection with a delivery sale.*

(i) *“Shipping document” means a bill of lading, airbill, United States Postal Service form, or any other document used to verify the undertaking by a delivery service to deliver letters, packages, or other containers.*

(j) *“Tobacco products” means all cigarettes, smoking tobacco, snuff, fine-cut chewing tobacco, cut and granulated tobacco, cavendish, plug or twist tobacco, and cigars.*

(2)(a) *A sale of tobacco products constituting a delivery sale pursuant to paragraph (1)(c) is a delivery sale regardless of whether the person accepting the order for the delivery sale is located inside or outside this state.*

(b) *A cigarette retailer must obtain a license from the department pursuant to the requirements of this chapter before accepting an order for a delivery sale.*

(c) A person may not make a delivery sale of tobacco products to any individual who is not an adult.

(d) Each person accepting an order for a delivery sale shall comply with each of the following:

1. The age verification requirements set forth in subsection (3).
2. The disclosure requirements set forth in subsection (4).
3. The shipping requirements set forth in subsection (5).
4. The registration and reporting requirements set forth in subsection (6).
5. The tax collection requirements set forth in subsection (7).
6. The licensing and tax stamp requirements set forth in this chapter that apply to sales of tobacco products occurring entirely in this state.
7. All laws of this state generally applicable to sales of tobacco products occurring entirely in this state which impose excise taxes and assessments.

(3) A person may not mail, ship, or otherwise deliver tobacco products in connection with an order for a delivery sale unless, before the first delivery to the consumer, the person accepting the order for the delivery sale:

(a) Obtains from the individual submitting the order a certification that includes:

1. Reliable confirmation that the individual is an adult; and
2. A statement signed by the individual in writing and under penalty of perjury that:
 - a. Certifies the address and date of birth of the individual; and
 - b. Confirms that the individual wants to receive delivery sales from a tobacco company and understands that, under the laws of this state, the following actions are illegal:

(I) Signing another individual's name to the certification;

(II) Selling tobacco products to individuals under the legal minimum purchase age; and

(III) Purchasing tobacco products, if the person making the purchase is under the legal minimum purchase age.

(b) Makes a good faith effort to verify the information contained in the certification provided by the individual pursuant to paragraph (a) against a commercially available database that may be reasonably relied upon for accurate age information or obtains a photocopy or other image of a valid government-issued identification card stating the date of birth or age of the individual.

(c) Provides to the individual, via electronic mail or other means, a notice meeting the requirements of subsection (4).

(d) If an order for tobacco products is made pursuant to an advertisement on the Internet, receives payment for the delivery sale from the consumer by a credit or debit card issued in the name of the consumer, or by personal or company check of the consumer.

(e) Imposes a two-carton minimum on each order of cigarettes, and requires payment for the purchase of any tobacco product to be made by personal check of the purchaser or the purchaser's credit card. Payment by money order or cash may not be received or permitted. The person accepting the order for delivery sale shall submit to each credit card acquiring company with which it has credit card sales identification information in an appropriate form and format so that the words "tobacco product" may be printed in the purchaser's credit card statement when a purchase of a tobacco product is made by credit card payment.

(f) Makes a telephone call after 5 p.m. to the purchaser confirming the order before shipping the tobacco products. The telephone call may be a person-to-person call or a recorded message. The person accepting the

order for delivery sale is not required to speak directly with a person and may leave a message on an answering machine or by voice mail system.

In addition to the requirements of this subsection, a person accepting an order for a delivery sale may request that a consumer provide an electronic mail address.

(4) The notice described in paragraph (3)(c) shall include prominent and clearly legible statements that sales of tobacco products are:

(a) Illegal if made to individuals who are not adults.

(b) Restricted to those individuals who provide verifiable proof of age in accordance with subsection (3).

(c) Taxable under this chapter.

The notice shall include an explanation of how each tax has been, or is to be, paid with respect to the delivery sale.

(5) Each person who mails, ships, or otherwise delivers tobacco products in connection with an order for a delivery sale shall:

(a) Include as part of the shipping documents, in a clear and conspicuous manner, the following statement: "Tobacco Products: Florida law prohibits shipping to individuals under 18 years of age and requires the payment of all applicable taxes."

(b) Use a method of mailing, shipping, or delivery that obligates the delivery service to require:

1. The individual submitting the order for the delivery sale or another adult who resides at the individual's address to sign his or her name to accept delivery of the shipping container. Proof of the legal minimum purchase age of the individual accepting delivery is required only if the individual appears to be under 27 years of age.

2. Proof that the individual is either the addressee or the adult designated by the addressee, in the form of a valid, government-issued identification card bearing a photograph of the individual who signs to accept delivery of the shipping container.

(c) Provide to the delivery service retained to deliver the delivery sale evidence of full compliance with subsection (7).

If the person accepting a purchase order for a delivery sale delivers the tobacco products without using a delivery service, the person must comply with all of the requirements of this section which apply to a delivery service, and any failure to comply with a requirement of this section constitutes a violation thereof.

(6)(a) Before making sales or shipping tobacco products in connection with sales, a person shall file with the department a statement stating the person's name, trade name, and the address of the person's principal place of business, as well as any other place of business.

(b) No later than the 10th day of each month, each person who has made a sale or mailed, shipped, or otherwise delivered tobacco products in connection with any sale during the previous calendar month shall file with the department a memorandum or a copy of the invoice, providing for each sale:

1. The name and address of the individual who submitted the order for the sale.

2. The name and address of the individual who accepted delivery of the tobacco products.

3. The name and address of the person accepting the order for the sale of tobacco products.

4. The name and address of the delivery service and the name of the individual making the delivery.

5. The brand or brands of the tobacco products sold in the sale.

6. The quantity of each brand of tobacco products sold in the sale.

(c) A person may comply with the requirements of this subsection by complying with the requirements of 15 U.S.C. 376.

(d) *This section does not apply to sales of tobacco products by a licensed distributor or to sales of tobacco products by a retailer purchased from a licensed distributor.*

(7) *Each person accepting a purchase order for a delivery sale shall collect and remit to the department all taxes imposed on tobacco products by this state with respect to the delivery sale. With respect to cigarettes, the collection and remission are not required if the person has obtained proof in the form of the presence of applicable tax stamps or tax exempt stamps, or other proof that the taxes have already been paid to this state.*

(8)(a) *Except as otherwise provided in this section, a violation of this section by a person other than an individual who is not an adult is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and:*

1. *For a first violation of this section, the person shall be fined \$1,000 or five times the retail value of the tobacco products involved in the violation, whichever is greater.*

2. *For a second or subsequent violation of this section, the person shall be fined \$5,000 or five times the retail value of the tobacco products involved in the violation, whichever is greater.*

(b) *A person who is an adult and who knowingly submits a false certification under subsection (3) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. For each offense, the person shall be fined \$10,000 or five times the retail value of the tobacco products involved in the violation, whichever is greater.*

(c) *A person who fails to pay any tax required in connection with a delivery sale shall pay, in addition to any other penalty, a penalty of five times the retail value of the tobacco products involved.*

(d) *Any tobacco products sold or attempted to be sold in a delivery sale not meeting the requirements of this section shall be forfeited to the state pursuant to s. 210.185.*

(e) *A person who, in connection with a delivery sale, delivers tobacco products on behalf of a delivery service to an individual who is not an adult commits a misdemeanor of the third degree, punishable as provided in s. 775.082 or s. 775.083.*

(f) *Any fixture, equipment, or other material or personal property on the premises of any person who, with the intent to defraud this state, mails or ships tobacco products into this state and fails to satisfy any of the requirements of this section is a contraband article within the definition of s. 932.701(2)(a)3.*

(g) *An individual who is not an adult and who knowingly violates any provision of this section commits a misdemeanor of the third degree, punishable as provided in s. 775.082 or s. 775.083.*

(9) *The Attorney General, the Attorney General's designee, a state attorney, or any person who holds a permit under 26 U.S.C. 5713 may bring an action in the appropriate court in this state to prevent or restrain violations of this section by any person.*

And the title is amended as follows:

Delete line 18 and insert: conform; creating s. 210.095, F.S.; providing definitions; providing that certain transactions constitute a delivery sale of tobacco products; requiring that a cigarette retailer obtain a license before accepting an order for a delivery sale; prohibiting the making of a delivery sale to a person who is not an adult; requiring that a person accepting an order for a delivery sale comply with certain requirements; prohibiting the mailing, shipping, or delivery of tobacco products in connection with an order for delivery sale unless, before the first delivery to a consumer, the person accepting such order takes certain actions; authorizing a person accepting an order for delivery sale to request that a consumer provide an e-mail address; requiring the delivery of a notice to consumers making orders for delivery sale; providing requirements for such notice; requiring that each person who mails, ships, or delivers tobacco products in connection with an order for delivery sale fulfill specified requirements; requiring that a person file a statement containing certain information with the Department of Business and Professional Regulation before selling or shipping tobacco products; requiring that certain individuals file certain information with the department at specified intervals; providing that a person may

comply with certain provisions of state law by complying with certain provisions of federal law; providing for applicability of certain provisions of state law; requiring the collection and remittance of certain taxes; providing penalties for certain violations of state law; classifying certain property as contraband material; requiring the forfeiture of tobacco products under certain circumstances; authorizing the Attorney General, his or her designee, a state attorney, or any person holding a specified type of permit to bring certain actions in a court of this state; amending s. 210.18, F.S.; providing enhanced

MOTION

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

Senators Deutch, Rich, Detert, Gelber, and Storms offered the following amendment which was moved by Senator Deutch:

Amendment 5 (872678) (with title amendment)—Delete lines 197-199 and insert:

(9) *Revenue generated from the surcharge levied under this section shall be deposited into the Health Care Trust Fund within the Agency for Health Care Administration, except as otherwise directed in this section.*

(10) *Beginning in the 2009-2010 fiscal year and each fiscal year thereafter, the equivalent of the first 15 percent of the revenue generated from the surcharge levied under this section, prior to the computation of the trust fund surcharge imposed by s. 215.20, shall be allocated to biomedical research conducted within this state as follows:*

(a) *The sum of 5.8445 percent of the revenue generated from the surcharge levied in this section to the H. Lee Moffitt Cancer Center and Research Institute, established in s. 1004.43, which shall be paid monthly to the center's board of directors by warrant drawn by the Chief Financial Officer upon the State Treasury. The revenues derived from this allocation are separate and distinct from any funds allocated to the H. Lee Moffitt Cancer Center through the James and Esther King Biomedical Research Program or the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program. Funds derived pursuant to this paragraph shall be used for the purpose of constructing, furnishing, and equipping cancer research, treatment, and related facilities, and, at the discretion of the board of directors, for matters in furtherance of the mission of the cancer center or institute. Moneys transferred to the board of directors of the H. Lee Moffitt Cancer and Research Institute pursuant to s. 210.011 may be used to pay or secure bonds or financial products issued or incurred in connection with the financing of costs related to constructing, furnishing, and equipping the cancer research, treatment, and related facilities. Such financing may include the issuance of tax-exempt bonds or other forms of indebtedness by a local authority, municipality, or county pursuant to parts II and III of chapter 159. Such bonds shall not constitute state bonds for purposes of s. 11, Art. VII of the State Constitution, but shall constitute bonds of a local agency, as defined in s. 159.27(4).*

(b) *The sum of 1.7534 percent of the revenue generated from the surcharge levied in this section to the University of Florida Shands Cancer Center. The revenues derived from this allocation are separate and distinct from any funds allocated to the University of Florida Shands Cancer Center through the James and Esther King Biomedical Research Program or the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program. Funds derived pursuant to this paragraph shall be used for the purposes of constructing, furnishing, and equipping cancer research, treatment, and related facilities, and may include the recruitment and retention of faculty or other personnel related to research programs.*

(c) *The sum of 1.7534 percent of the revenue generated from the surcharge levied in this section to the Sylvester Comprehensive Cancer Center at the University of Miami Miller School of Medicine. The revenues derived from this allocation are separate and distinct from any funds allocated to the Sylvester Comprehensive Cancer Center at the University of Miami Miller School of Medicine through the James and Esther King Biomedical Research Program or the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program. Funds derived pursuant to this paragraph shall be used for the purposes of constructing, furnishing, and equipping cancer research, treatment, and related facilities, and may include the recruitment and retention of faculty or other personnel related to research programs.*

(d) *The sum of 5.1812 percent of the revenue generated from the surcharge levied in this section to the Biomedical Research Trust Fund for distribution by the Biomedical Research Advisory Council to grantees of the James and Esther King Biomedical Research Program and the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program. The programs shall equally divide the allocation, subject to the methods provided in ss. 215.5602 and 381.922, respectively.*

(e) *The sum of 0.2922 percent of the revenue generated from the surcharge levied in this section to the Biomedical Research Trust Fund for distribution to the Diabetes Research Institute for the purposes of conducting research.*

(f) *The sum of 0.1753 percent of the revenue generated from the surcharge levied in this section to the Biomedical Research Trust Fund for distribution to the Miami Project to Cure Paralysis for the purposes of conducting research.*

And the title is amended as follows:

Delete line 17 and insert: Care Administration; providing for the allocation of revenue generated from the cigarette surcharge; amending s. 210.04, F.S., to

MOTION

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

Senator Deutch moved the following amendment to **Amendment 5** which was adopted:

Amendment 5A (170716)—Delete line 9 and insert:

(10) *Beginning in the 2010-2011 fiscal year and each fiscal*

Amendment 5 as amended was withdrawn.

MOTION

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

Senator Deutch moved the following amendment which was adopted:

Amendment 6 (230382) (with title amendment)—Delete lines 435-526 and insert:

210.1801 *Exempt cigarettes for members of recognized Indian tribes.—*

(1) *Notwithstanding any provision of this chapter to the contrary, a member of an Indian tribe recognized in this state who purchases cigarettes on an Indian reservation for his or her own use or consumption is exempt from paying a cigarette tax. However, such member purchasing cigarettes off an Indian reservation or a nontribal member purchasing cigarettes on an Indian reservation is not exempt from paying the cigarette tax when purchasing cigarettes within this state. Accordingly, all cigarettes sold on an Indian reservation to a nontribal member shall be taxed, and evidence of such tax shall be by means of an affixed cigarette tax stamp.*

(2) *In order to ensure an adequate quantity of cigarettes on Indian reservations which may be purchased by tribal members who are exempt from the cigarette tax, the department shall provide recognized Indian tribes within this state with Indian-tax-exemption coupons as set forth in this section. A reservation cigarette seller shall present such Indian-tax-exemption coupons to a wholesale dealer licensed in this state in order to purchase stamped cigarettes that are exempt from the imposition of the cigarette tax. A tribal member may purchase cigarettes that are exempt from the cigarette tax from a reservation cigarette seller even though such cigarettes have an affixed cigarette tax stamp.*

(3) *Indian-tax-exemption coupons shall be provided to the recognized governing body of each Indian tribe to ensure that each Indian tribe can obtain tax-exempted cigarettes that are for the use or consumption by the tribe or its members. The Indian-tax-exemption coupons shall be provided to the Indian tribes on a quarterly basis. It is intended that each Indian*

tribe will distribute the Indian-tax-exemption coupons to reservation cigarette sellers on such tribe's reservation. Only Indian tribes or reservation cigarette sellers on their reservations may redeem such Indian-tax-exemption coupons pursuant to this section.

(a) *The amount of Indian-tax-exemption coupons to be given to the recognized governing body of each Indian tribe shall be based upon the probable demand of the tribal members on the tribe's reservation plus the amount needed for official tribal use. The annual total amount of Indian-tax-exemption coupons to be given to the recognized governing body of each Indian tribe shall be calculated by multiplying the number of members of the tribe times five packs of cigarettes times 365.*

(b) *Each wholesale dealer shall keep records of transactions involving Indian-tax-exemption coupons and shall submit appropriate documentation to the department when claiming a refund as set forth in this section. Documentation shall contain at least the following information:*

1. *The identity of the Indian tribe to which an Indian-tax-exemption coupon is issued;*

2. *The identity and the quantity of the product for which an Indian-tax-exemption coupon is issued;*

3. *The date of issuance and the date of expiration of the an Indian-tax-exemption coupon; and*

4. *Any other information as the commissioner may deem appropriate.*

(4)(a) *An Indian tribe may purchase cigarettes for its own official use or consumption from a wholesale dealer without payment of the cigarette tax to the extent that the Indian tribe provides the wholesale dealer with Indian-tax-exemption coupons entitling the Indian tribe to purchase such quantities of cigarettes as allowed by each Indian-tax-exemption coupon without paying the cigarette tax.*

(b) *A tribal member may purchase cigarettes for his or her own use or consumption without payment of the cigarette tax if the tribal member makes such purchase on a qualified reservation.*

(c) *A reservation cigarette seller may purchase cigarettes for resale without payment of the cigarette tax from a wholesale dealer licensed pursuant to this chapter:*

1. *If the reservation cigarette seller brings the cigarettes or causes them to be delivered onto a qualified reservation for resale on the reservation;*

2. *To the extent that the reservation cigarette seller provides the wholesale dealer with Indian-tax-exemption coupons entitling the reservation cigarette seller to purchase such quantities of cigarettes as allowed on each Indian-tax-exemption coupon without paying the cigarette tax; and*

3. *If the cigarettes are affixed with a cigarette tax stamp.*

(d) *A wholesale dealer shall not collect the cigarette tax from any purchaser to the extent the purchaser gives the wholesale dealer Indian-tax-exemption coupons that entitle the purchaser to purchase such quantities of cigarettes as allowed on each such Indian-tax-exemption coupon without paying the cigarette tax.*

(5) *A wholesale dealer who has one or more Indian-tax-exemption coupons may file a claim for a refund with respect to any cigarette tax previously paid on cigarettes that the wholesale dealer sold without collecting the tax because the dealer accepted an Indian-tax-exemption coupon from its purchaser pursuant to this section.*

(6) *If an Indian tribe enters into an agreement with the state and the Legislature approves such agreement regarding the sale and distribution of cigarettes on the tribe's reservation, the terms of such agreement shall take precedence over the provisions of this section and exempt such tribe from taxes to the extent that the taxes are specifically referred to in the agreement. The sale or distribution, including transportation, of any cigarettes to the tribe's reservation shall be in accordance with the provisions of such agreement. This agreement must provide for revenue sharing between the tribe and the state relating to the imposition and collection of the taxes imposed by ss. 210.02 and 210.30 and the surcharges imposed by ss. 210.011 and 210.211 and must at a minimum provide for the state*

to receive as revenue sharing from the tribe the full amounts of the surcharges imposed by ss. 210.011 and 210.211.

And the title is amended as follows:

Delete lines 45-69 and insert: creating s. 210.1801, F.S.; providing that certain members of an Indian tribe recognized in this state are exempt from paying a cigarette tax under certain conditions; providing that cigarettes sold on an Indian reservation to a nontribal member are taxed; providing that evidence of such tax is indicated by an affixed cigarette tax stamp; requiring the department to provide Indian-tax-exemption coupons; requiring a reservation cigarette seller to present these coupons to a wholesale dealer in order to purchase tax-exempted, stamped cigarettes; authorizing tribal members to purchase tax-exempted, stamped cigarettes from reservation cigarette sellers; authorizing the governing bodies of Indian tribes to be provided with Indian-tax-exemption coupons; authorizing Indian tribes and reservation cigarette sellers to redeem Indian-tax-exemption coupons; providing for the calculation of the number of Indian-tax-exemption coupons to be provided; requiring wholesale dealers to keep records of transactions involving Indian-tax-exemption coupons and to submit documentation to the department; providing criteria for the documentation; authorizing an Indian tribe, a tribal member, and a reservation cigarette seller to purchase tax-exempted cigarettes from a wholesale dealer under certain conditions; prohibiting a wholesaler from collecting the cigarette tax when given Indian-tax-exemption coupons; authorizing a wholesale dealer to file a claim for a refund with respect to a cigarette tax previously paid; providing that an approved agreement between an Indian tribe and the state takes precedence over s. 210.1801, F.S.; requiring that the agreement provide for revenue sharing between the tribe and the state;

On motion by Senator Crist, the Senate resumed consideration of pending Amendment 3 (143642).

MOTION

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

Senator Crist moved the following amendment to Amendment 3 which was adopted:

Amendment 3A (871182) (with title amendment)—Delete lines 71-132 and insert: brought into this state by such possessor are subject to the penalties in s. 210.18(6).

And the title is amended as follows:

Delete lines 154-169 and insert: the cigarettes are sold; providing an effective date.

Amendment 3 as amended failed.

On motions by Senator Deutch, by two-thirds vote CS for CS for SB 1840 as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—39

Table with 3 columns: Mr. President, Yeas, Nays. Lists names of senators and their counts for Amendment 3A.

Nays—None

The Senate resumed consideration of—

CS for CS for SB 1012—A bill to be entitled An act relating to state lands; amending s. 253.01, F.S.; authorizing the use of moneys in the Internal Improvement Trust Fund for the protection and restoration of water resources; amending s. 253.03, F.S.; providing rulemaking authority to the Board of Trustees of the Internal Improvement Trust Fund with respect to the uses of sovereignty submerged lands; defining lease types; providing for fees and lease rates; allowing for special events; detailing minimum compliance standards; amending s. 253.04, F.S.; providing for the assessment of fines; amending s. 895.09, F.S.; conforming a cross-reference; providing an effective date.

—which was previously considered and amended this day.

On motions by Senator Crist, by two-thirds vote CS for CS for SB 1012 as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—37

Table with 3 columns: Mr. President, Yeas, Nays. Lists names of senators and their counts for SB 1012.

Nays—1

Fasano

Vote after roll call:

Yea—Joyner

MOTIONS

On motion by Senator Alexander, the Senate requested that the House appoint a conference committee in the event that the house refuses to pass the following bills as passed by the Senate: SB 2600, SB 2602, CS for SB 1658, CS for SB 1660, CS for SB 1662, CS for SB 1664, CS for CS for SB 1676, CS for CS for SB 1696, CS for SB 1718, CS for SB 1720, CS for SB 1722, CS for CS for SB 1724, CS for SB 1726, CS for SB 1728, CS for SB 1740, CS for SB 1742, CS for SB 1744, CS for SB 1748, CS for SB 1750, CS for SB 1754, CS for SB 1758, CS for CS for SB 1778, CS for CS for SB 1780, CS for SB 1782, CS for SB 1786, CS for SB 1798, CS for SB 1800, CS for SB 1802, CS for SB 1804, CS for SB 1806, CS for CS for SB 1840, CS for CS for SB 788, CS for CS for SB 2694, CS for CS for SB 1796, CS for CS for SB 1012, CS for CS for SB 2108, and CS for SB 2574.

On motion by Senator Crist—

CS for SB 414—A bill to be entitled An act relating to the conveyance of bodies into, within, or out of the state; amending s. 406.61, F.S.; authorizing an accredited or certified entity to convey plastinated bodies into, within, or out of the state for exhibition and educational purposes; requiring that the entity provide prior notification and documentation to the anatomical board; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Crist moved the following amendment which was adopted:

Amendment 1 (329008)—Delete line 40 and insert: *documentation that the bodies have been legally acquired for the*

Pursuant to Rule 4.19, **CS for SB 414** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for SB 836 was not received.

On motion by Senator Pruitt—

CS for SB 672—A bill to be entitled An act relating to road designations; designating the Stan Mayfield Memorial Highway in Indian River and Osceola Counties; designating the Kenneth H. “Buddy” MacKay and Jim H. Williams Memorial Bridge in Ocala; designating the Trooper Ronald Gordon Smith Memorial Bridge in Citrus County; designating the Coach Jermaine D. Hall Memorial Highway in Duval County; designating Orange Bowl Way in Miami Lakes; designating the Andrew J. Capeletti Memorial Bridge in Miami-Dade County; designating the Johnny C. Treadwell Highway in Lake County; designating John Bruce Sweeny Street in St. Johns County; designating the Heather Hurd Memorial Highway in Polk County; designating the Trooper Charles Eugene Campbell Memorial Highway in Taylor County; directing the Department of Transportation to erect suitable markers; designating a specified portion of Southwest 67th Avenue in the City of South Miami and the Village of Pinecrest in Miami-Dade County as a state historic road; prohibiting the expenditure of public funds for certain purposes; providing construction; directing the Division of Historical Resources of the Department of State to provide for the erection of suitable markers; providing an effective date.

—was read the second time by title.

Senator Pruitt moved the following amendment which was adopted:

Amendment 1 (460978)—Delete line 33 and insert: *at State Road 441 in Osceola County is*

Senator Garcia moved the following amendment which was adopted:

Amendment 2 (692304)—Delete lines 75-76 and insert:

(1) *The ramp that connects Northbound Turnpike to Northbound I-75 in Miami-Dade County is designated as the “Andrew J.*

Senator Dean moved the following amendment which was adopted:

Amendment 3 (262114) (with title amendment)—Between lines 113 and 114 insert:

Section 11. *Samuel B. Love Memorial Highway designated; Department of Transportation to erect suitable markers.—*

(1) *The portion of Sunset Harbor Road between Southeast 105th Avenue and Southeast 115th Avenue in Marion County is designated as the “Samuel B. Love Memorial Highway.”*

(2) *The Department of Transportation is directed to erect suitable markers designating the Samuel B. Love Memorial Highway as described in subsection (1).*

And the title is amended as follows:

Delete line 16 and insert: Taylor County; designating the Samuel B. Love Memorial Highway in Marion County; directing the Department of

Senator Lawson moved the following amendment which was adopted:

Amendment 4 (627924) (with title amendment)—Between lines 113-114 and insert:

Section 11. *Ray Charles Memorial Parkway designated; Department of Transportation to erect suitable markers.—*

(1) *The portion of U.S. Highway 90 within Greenville in Madison County is designated as the “Ray Charles Memorial Parkway.”*

(2) *The Department of Transportation is directed to erect suitable markers designating the Ray Charles Memorial Parkway as described in subsection (1).*

And the title is amended as follows:

Delete line 16 and insert: Taylor County; designating the Ray Charles Memorial Parkway in Madison County; directing the Department of

MOTION

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

Senator Garcia moved the following amendment which was adopted:

Amendment 5 (931218) (with title amendment)—Between lines 113 and 114 insert:

Section 11. *Frank Pasquarella Way designated; Department of Transportation to erect suitable markers.—*

(1) *The portion of Byrd Road/Southwest 40th Street between Southwest 89th Avenue and Southwest 92nd Avenue in Miami-Dade County is designated as “Frank Pasquarella Way.”*

(2) *The Department of Transportation is directed to erect suitable markers designating the Frank Pasquarella Way as described in subsection (1).*

And the title is amended as follows:

Delete line 16 and insert: Taylor County; designating the Frank Pasquarella Way in Miami-Dade County; directing the Department of Transportation to erect suitable markers;

Pursuant to Rule 4.19, **CS for SB 672** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Gelber—

CS for CS for SB 2700—A bill to be entitled An act relating to secondhand dealers; amending s. 538.03, F.S.; excluding cardio and strength training or conditioning equipment designed primarily for indoor use from the definition of secondhand goods; creating part III of ch. 538, F.S.; providing definitions; providing exceptions; providing for registration; providing for recordkeeping; providing for the tendering of payments; providing for the inspection of records and business premises by a law enforcement agency; providing for a holding period; providing electronic access to transaction files by law enforcement agencies; providing for written notification to seller of transaction deficiencies; providing a method of relinquishment of abandoned property; providing for restitution; providing for replevin; prohibiting certain acts; providing penalties; providing for powers and duties of the Department of Revenue; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Gelber moved the following amendment which was adopted:

Amendment 1 (972450)—Delete lines 281-284 and insert:

538.37 Powers and duties of department.—The department has the authority provided under s. 538.11.

Section 3. This act shall take effect October 1, 2009.

Pursuant to Rule 4.19, **CS for CS for SB 2700** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Respectfully submitted,
Ken Pruitt, Chair

MOTION

On motion by Senator Gaetz, the rules were waived and the Secretary was directed to transmit **CS for SB 574** to the House at the direction of the President.

The Policy and Steering Committee on Governmental Operations submits the following bills to be placed on the Special Order Calendar for Thursday, April 16, 2009: **CS for SB 414** and **CS for SB 2574**.

Respectfully submitted,
Mike Haridopolos, Chair

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Pruitt, by two-thirds vote **SB 1398** was withdrawn from the Committee on Criminal Justice.

The Policy and Steering Committee on Commerce and Industry submits the following bills to be placed on the Special Order Calendar for Thursday, April 16, 2009: **CS for SB 836 (If Received)**, **CS for SB 672**, **CS for CS for SB 2700**.

Respectfully submitted,
Don Gaetz, Chair

On motion by Senator Villalobos, by two-thirds vote **SB 1396** was withdrawn from the Committee on Rules.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Crist, the rules were waived and the Committee on Criminal and Civil Justice Appropriations was granted permission to add **CS for SB 526** to the agenda at the meeting April 20th.

The Committee on Children, Families, and Elder Affairs recommends the following pass: **SB 1082**

The Committee on Criminal Justice recommends the following pass: **SB 652**; **CS for SB 2408**

On motion by Senator Altman, the rules were waived and the Committee on Finance and Tax was granted permission to add **CS for CS for SB 1000**, **CS for CS for SB 1306**, **CS for SB 2282**, **CS for SB 942**, **SB 418**, **SB 1026**, and **SB 628** to the agenda at the meeting April 20th.

The Committee on Judiciary recommends the following pass: **CS for CS for SB 1998**

The bills contained in the foregoing reports were referred to the Committee on Criminal and Civil Justice Appropriations under the original reference.

On motion by Senator Villalobos, the rules were waived and the Committee on Transportation and Economic Development Appropriations was granted permission to extend time of adjournment of the meeting April 20th until 3:30 p.m.; and to add **CS for SB 1212** to the agenda.

The Committee on Regulated Industries recommends the following pass: **SB 2170**

The bill was referred to the Committee on Criminal Justice under the original reference.

On motion by Senator Villalobos, the rules were waived and the committees in Group IV were granted permission to meet at 4:00 p.m. until 6:00 p.m. in lieu of 3:30 p.m. until 5:00 p.m. as scheduled this day; and the Policy and Steering Committee on Commerce and Industry was granted permission to meet at 6:15 p.m. until 7:00 p.m. in lieu of 5:15 p.m. until 6:00 p.m.

The Committee on Judiciary recommends the following pass: **CS for SB 1570**; **SB 2310** with 1 amendment

The bills were referred to the Committee on Finance and Tax under the original reference.

REPORTS OF COMMITTEES

The Policy and Steering Committee on Ways and Means submits the following bills to be placed on the Special Order Calendar for Thursday, April 16, 2009: **SB 2600**, **SB 2602**, **CS for SB 1658**, **CS for SB 1660**, **CS for SB 1662**, **CS for SB 1664**, **CS for CS for SB 1676**, **CS for CS for SB 1696**, **CS for SB 1718**, **CS for SB 1720**, **CS for SB 1722**, **CS for CS for SB 1724**, **CS for SB 1726**, **CS for SB 1728**, **CS for SB 1740**, **CS for SB 1742**, **CS for SB 1744**, **CS for SB 1748**, **CS for SB 1750**, **CS for SB 1754**, **CS for SB 1758**, **CS for CS for SB 1778**, **CS for CS for SB 1780**, **CS for SB 1782**, **CS for SB 1786**, **CS for SB 1798**, **CS for SB 1800**, **CS for SB 1802**, **CS for SB 1804**, **CS for SB 1806**, **CS for CS for SB 1840**, **CS for CS for SB 788**, **CS for CS for SB 2694**, **CS for CS for SB 1796**, **SCR 2726**.

Respectfully submitted,
JD Alexander, Chair

The Policy and Steering Committee on Energy, Environment, and Land Use submits the following bill to be placed on the Special Order Calendar for Thursday, April 16, 2009: **CS for CS for SB 1012**.

Respectfully submitted,
James E. "Jim" King, Jr., Chair

The Policy and Steering Committee on Social Responsibility submits the following bill to be placed on the Special Order Calendar for Thursday, April 16, 2009: **CS for CS for SB 2108**.

The Committee on Transportation recommends the following pass: **SB 2162**

The bill was referred to the Committee on Governmental Oversight and Accountability under the original reference.

The Committee on Banking and Insurance recommends the following pass: **CS for SB 918**

The Committee on Health Regulation recommends the following pass: **SB 338**

The Committee on Judiciary recommends the following pass: **CS for CS for SB 162**

The bills contained in the foregoing reports were referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Health Regulation recommends the following pass: SB 1136

The bill was referred to the Committee on Higher Education under the original reference.

The Committee on Finance and Tax recommends the following pass: CS for SB 158

The Committee on Health Regulation recommends the following pass: SB 1120

The bills contained in the foregoing reports were referred to the Committee on Higher Education Appropriations under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 444 with 1 amendment; SB 2412

The Committee on Community Affairs recommends the following pass: CS for SB 880 with 1 amendment

The Committee on Criminal Justice recommends the following pass: SB 984; SB 1094; SB 2076

The Committee on Health Regulation recommends the following pass: SB 498

The bills contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Education Pre-K - 12 Appropriations recommends the following pass: CS for CS for SB 1310

The Committee on Finance and Tax recommends the following pass: SB 300; CS for SB 618; SB 1140

The Committee on Higher Education recommends the following pass: CS for SB 888

The Committee on Judiciary recommends the following pass: CS for SB 910

The bills contained in the foregoing reports were referred to the Policy and Steering Committee on Ways and Means under the original reference.

The Committee on Criminal and Civil Justice Appropriations recommends the following pass: SB 658

The Committee on Judiciary recommends the following pass: SB 1066

The Committee on Transportation and Economic Development Appropriations recommends the following pass: SJR 1908

The bills contained in the foregoing reports were referred to the Committee on Rules under the original reference.

The Committee on Finance and Tax recommends the following pass: CS for SB 580; CS for SB 1644; SB 2246

The Committee on Higher Education recommends the following pass: SB 442

The bills contained in the foregoing reports were referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Education Pre-K - 12 Appropriations recommends the following pass: CS for SB 1914; CS for SB 2426

The Committee on Health and Human Services Appropriations recommends the following pass: CS for CS for SB 456; CS for CS for SB 770; CS for SB 858; CS for SB 892; SB 902; SB 1050; CS for SB 1592; CS for SB 1604; SB 1628; SB 1896

The Committee on Higher Education Appropriations recommends the following pass: CS for SB 844; CS for SB 2096

The Committee on Transportation and Economic Development Appropriations recommends the following pass: CS for SB 110; CS for SB 582; SB 1394; SB 2058

The bills were placed on the Calendar.

The Committee on Community Affairs recommends a committee substitute for the following: SB 2002

The bill with committee substitute attached was referred to the Committee on Agriculture under the original reference.

The Committee on Regulated Industries recommends committee substitutes for the following: CS for SB 2100; SB 2604

The bills with committee substitute attached were referred to the Committee on Banking and Insurance under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: CS for SB 308

The bill with committee substitute attached was referred to the Committee on Children, Families, and Elder Affairs under the original reference.

The Committee on Environmental Preservation and Conservation recommends a committee substitute for the following: CS for SB 2026

The bill with committee substitute attached was referred to the Committee on Commerce under the original reference.

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2262

The bill with committee substitute attached was referred to the Committee on Community Affairs under the original reference.

The Committee on Transportation recommends a committee substitute for the following: SB 1588

The bill with committee substitute attached was referred to the Committee on Criminal Justice under the original reference.

The Committee on Regulated Industries recommends a committee substitute for the following: SB 2606

The bill with committee substitute attached was referred to the Committee on Environmental Preservation and Conservation under the original reference.

The Committee on Commerce recommends committee substitutes for the following: SB 810; SB 1526

The Committee on Community Affairs recommends a committee substitute for the following: SB 630

The Committee on Environmental Preservation and Conservation recommends a committee substitute for the following: SB 2244

The Committee on Health Regulation recommends a committee substitute for the following: SB 2030

The Committee on Transportation recommends a committee substitute for the following: CS for SB 1306

The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Finance and Tax under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: CS for SB's 1646 and 1038

The Committee on Commerce recommends committee substitutes for the following: SB 852; CS for SB 2626

The Committee on Health Regulation recommends a committee substitute for the following: SB 1122

The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on General Government Appropriations under the original reference.

The Committee on Community Affairs recommends committee substitutes for the following: SB 364; SB 2016

The Committee on Education Pre-K - 12 Appropriations recommends committee substitutes for the following: SB 1680; SB 1682

The Committee on Environmental Preservation and Conservation recommends a committee substitute for the following: SB 2530

The Committee on Transportation recommends a committee substitute for the following: SB 1528

The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Governmental Oversight and Accountability under the original reference.

The Committee on Health Regulation recommends committee substitutes for the following: SB 1880; CS for SB 2612

The bills with committee substitute attached were referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1418

The bill with committee substitute attached was referred to the Committee on Higher Education under the original reference.

The Committee on Higher Education recommends a committee substitute for the following: SB 2318

The bill with committee substitute attached was referred to the Committee on Higher Education Appropriations under the original reference.

The Committee on Commerce recommends a committee substitute for the following: SB 516

The Committee on Community Affairs recommends a committee substitute for the following: CS for SB 320

The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Commerce recommends a committee substitute for the following: CS for SB 2322

The Committee on Education Pre-K - 12 Appropriations recommends committee substitutes for the following: CS for SB 1978; CS for SB 2482

The bills with committee substitute attached contained in the foregoing reports were referred to the Policy and Steering Committee on Ways and Means under the original reference.

The Committee on Commerce recommends a committee substitute for the following: CS for CS for SB 1088

The Committee on Transportation recommends committee substitutes for the following: CS for SB 362; SB 856

The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Transportation and Economic Development Appropriations under the original reference.

The Committee on Criminal and Civil Justice Appropriations recommends committee substitutes for the following: SB 412; CS for SB 1548

The Committee on Education Pre-K - 12 Appropriations recommends committee substitutes for the following: CS for SB 278; CS for SB 1616; CS for SB 2538

The Committee on Health and Human Services Appropriations recommends committee substitutes for the following: CS for SB 1144; CS for SB 1868

The Committee on Higher Education Appropriations recommends committee substitutes for the following: SB 554; CS for SB 622; CS for SB 926

The bills with committee substitute attached were placed on the Calendar.

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Commerce recommends that the Senate confirm the following appointments made by the Governor:

	<i>For Term Ending</i>
<i>Office and Appointment</i>	
Board of Directors, Enterprise Florida, Inc. Appointee: Leonhardt, Frederick W.	07/01/2012
Florida Commission on Tourism Appointees: Hertz, Andrew P. Mares, Charles "Sonny" F. McQueen, Carol J. Stork, Thom	06/30/2010 06/30/2010 06/30/2010 06/30/2010

The Committee on Commerce recommends that the Senate confirm the following appointments made by the Speaker of the House of Representatives:

	<i>For Term Ending</i>
<i>Office and Appointment</i>	
Board of Directors, Enterprise Florida, Inc. Appointees: de las Cuevas-Diaz, Vivian Waller, Philip Leon, Jr.	07/01/2011 07/01/2012

The Committee on Higher Education recommends that the Senate confirm the following appointments made by the Governor:

	<i>For Term Ending</i>
<i>Office and Appointment</i>	
Board of Governors of the State University System Appointee: Tripp, Norman D.	01/06/2013

The Committee on Regulated Industries recommends that the Senate confirm the following appointments made by the Governor:

Office and Appointment

Secretary of Business and Professional Regulation
Appointee: Drago, Charles W.

*For Term
Ending*

Pleasure of
Governor

The Committee on Transportation recommends that the Senate confirm the following appointments made by the Governor:

Office and Appointment

Florida Transportation Commission
Appointee: Rose, Manuel "Manny"

*For Term
Ending*

09/30/2011

The appointments were referred to the Committee on Ethics and Elections under the original reference.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Education Pre-K - 12 Appropriations; and Education Pre-K - 12; and Senator Gaetz—

CS for CS for SB 278—A bill to be entitled An act relating to charter schools; amending ss. 11.45, 218.39, 218.50, and 218.501, F.S., relating to audit reports by the Auditor General; conforming provisions to changes made by the act; amending ss. 218.503 and 218.504, F.S.; providing that a charter technical career center is subject to certain requirements in a financial emergency; requiring that the sponsor be notified of certain conditions; providing for the development of a financial recovery plan, which may be approved by the Commissioner of Education; amending s. 1002.33, F.S.; providing for duties of a charter school sponsor and governing board if a charter school or charter technical career center experiences a deteriorating financial condition or is in a financial emergency; specifying forms to be used by a charter school applicant and sponsor; requiring applicant training and documentation; deleting requirements relating to auditing and being in a state of financial emergency; requiring charter schools to disclose the identity of relatives of charter school personnel; providing that the immediate termination of a charter is exempt from requirements for an informal hearing or for a hearing under ch. 120, F.S.; providing for the disclosure of the performance of a charter school that is not given a school grade or school improvement rating; revising the requirements for providing certain information to the public; providing reporting requirements; providing restrictions for the employment of relatives by charter school personnel; providing that members of a charter school governing board are subject to certain standards of conduct specified in ss. 112.313 and 112.3143, F.S.; amending s. 1002.34, F.S.; providing additional duties for charter technical career centers, applicants, sponsors, and governing boards; requiring the Department of Education to offer or arrange training and assistance to applicants for a charter technical career center; requiring that an applicant participate in the training; creating s. 1002.345, F.S.; establishing criteria and requirements for charter schools and charter technical career centers that have a deteriorating financial condition or are in a state of financial emergency; establishing requirements for charter schools, charter technical career centers, governing bodies, and sponsors; providing for corrective action and financial recovery plans; providing for duties of auditors, the Commissioner of Education, and the Department of Education; requiring the State Board of Education to adopt rules; providing grounds for termination or non-renewal of a charter; providing an effective date.

By the Committees on Banking and Insurance; and Health Regulation; and Senator Ring—

CS for CS for SB 308—A bill to be entitled An act relating to developmental disabilities; creating s. 381.986, F.S.; requiring that a physician refer a minor to an appropriate specialist for screening for autism spectrum disorder or other developmental disability and inform the parent or legal guardian of the right to direct access to that specialist under certain circumstances; defining the term "appropriate specialist"; amending ss. 627.6686 and 641.31098, F.S.; defining the term "developmental disability"; providing health insurance coverage for individuals with developmental disabilities; requiring certain insurers and

health maintenance organizations to provide direct patient access to an appropriate specialist for screening, evaluation of, or diagnosis for autism spectrum disorder or other developmental disabilities; defining the term "direct patient access"; requiring the insurer's policy or the health maintenance organization's contract to provide a minimum number of visits per year for the screening, evaluation, or diagnosis for autism spectrum disorder or other developmental disabilities; providing an effective date.

By the Committees on Community Affairs; and Criminal Justice; and Senator Crist—

CS for CS for SB 320—A bill to be entitled An act relating to sexual offenders and predators; creating s. 775.215, F.S.; preempting to the state the authority to limit the residence of a person convicted of a sexual offense; amending s. 794.065, F.S.; revising provisions relating to residency limits on a person convicted of certain sex offenses; imposing more restrictive residency limits on a person convicted of certain sex offenses; providing criminal penalties; creating s. 856.022, F.S.; prohibiting loitering or prowling by certain offenders within a specified distance of places where children regularly congregate; prohibiting certain actions toward a child at a public park or playground by certain offenders; prohibiting the presence of certain offenders at a child care facility without notice and supervision; providing exceptions; providing penalties; amending s. 775.21, F.S.; revising and providing definitions; revising provisions relating to reporting requirements for sexual predators who are in a transient status; amending s. 943.0435, F.S.; revising provisions relating to residence reporting requirements for sexual offenders; amending s. 943.04352, F.S.; requiring that the probation services provider search in an additional specified sex offender registry for information regarding sexual predators and sexual offenders when an offender is placed on misdemeanor probation; amending s. 944.606, F.S.; revising address reporting requirements for sexual offenders; amending s. 944.607, F.S.; requiring additional registration information from sex offenders who are under the supervision of the Department of Corrections but who are not incarcerated; amending s. 947.1405, F.S.; providing additional conditional release restrictions for certain offenders; providing an exemption; revising provisions relating to polygraph examinations of specified conditional releasees who have committed specified sexual offenses; providing additional restrictions for certain conditional releasees who have committed sexual offenses against minors under the age of 16 or who have been designated as sexual predators or received similar designations or determinations in another jurisdiction; imposing more restrictive residency limits on a person convicted of certain sex offenses; amending s. 948.30, F.S.; revising provisions relating to terms and conditions of probation or community control for certain sex offenses; imposing more restrictive residency limits on a person convicted of certain sex offenses; revising provisions relating to polygraph examinations of specified probationers or community controllees who have committed specified sexual offenses; providing additional restrictions for certain probationers or community controllees who committed sexual offenses against minors under the age of 16 or who have been designated as sexual predators or received similar designations or determinations in another jurisdiction; providing additional restrictions for certain probationers or community controllees who committed sexual offenses against a minor younger than 16 years of age; amending s. 948.31, F.S.; deleting a requirement for diagnosis of certain sexual predators and sexual offenders on community control; revising provisions relating to treatment for such offenders and predators; amending s. 985.481, F.S.; providing additional address reporting requirements for sexual offenders adjudicated delinquent; amending s. 985.4815, F.S.; revising provisions relating to address and residence reporting requirements for sexual offenders adjudicated delinquent; providing an effective date.

By the Committees on Transportation; and Community Affairs; and Senator Bennett—

CS for CS for SB 362—A bill to be entitled An act relating to growth management; amending s. 163.3164, F.S.; redefining the term "existing urban service area" as "urban service area"; defining the term "dense urban land area"; requiring the Office of Economic and Demographic Research to annually calculate the population and density criteria needed to determine which jurisdictions qualify as dense urban land areas; providing for the use of certain data and certain boundaries for such

determination; requiring the Office of Economic and Demographic Research to submit to the state land planning agency the list of jurisdictions that meet certain criteria by a specified date; requiring the state land planning agency to publish such list; amending s. 163.3177, F.S.; revising the criteria for future land use designations; authorizing the state land planning agency to allow for a projected 5-year capital outlay full-time equivalent student growth rate to exceed certain percent under certain circumstances; amending s. 163.3180, F.S.; revising concurrency requirements; revising legislative findings; providing for the applicability of transportation concurrency exception areas; deleting certain requirements for transportation concurrency exception areas; requiring that a local government that has certain transportation concurrency exception area adopt land use and transportation strategies within a specified timeframe; requiring the state land planning agency to submit certain finding to the Administration Commission; providing that the designation of a transportation concurrency exception area does not limit a local government's home rule power to adopt ordinances or impose fees and does not affect any contract or agreement entered into or development order rendered before such designation; requiring that the Office of Program Policy Analysis and Government Accountability submit a report to the Legislature by a specified date; requiring that the report contain certain information relating to transportation concurrency exception areas; providing for an exemption from level-of-service standards for proposed development related to qualified job creation projects; revising provisions relating to proportionate fair-share mitigation; revising provisions relating to school concurrency requirements; requiring that charter schools be considered as a mitigation option under certain circumstances; revising the criteria for proportionate-share contributions; defining the term "backlog"; creating s. 163.31802, F.S.; prohibiting the establishment of local security standards requiring businesses to expend funds to enhance local governmental services or functions under certain circumstances; providing an exception; amending s. 163.3187, F.S.; clarifying that text amendments can be made only twice a year; amending s. 163.32465, F.S.; authorizing local governments to use the alternative state review process to designate urban service areas; providing legislative intent with respect to the alternative state review pilot program; amending s. 171.091, F.S.; requiring that a municipality submit a copy of any revision to the charter boundary article which results from an annexation or contraction to the Office of Economic and Demographic Research; amending s. 380.06, F.S.; providing that certain exempt uses that are part of a larger project that is subject to development-of-regional-impact review are exempt from such review under certain circumstances; providing legislative findings and determinations relating to replacing the transportation concurrency system with a mobility fee system; requiring that the state land planning agency and the Department of Transportation develop a methodology for a mobility fee system; requiring that the state land planning agency and the department submit joint reports to the Legislature by a specified date; extending certain permits, orders, or applications that are due to expire on or before September 1, 2011; providing for application of the extension to certain related activities; providing exceptions; providing a declaration of important state interest; providing an effective date.

By the Committee on Community Affairs; and Senators Bennett and Gaetz—

CS for SB 364—A bill to be entitled An act relating to regulatory reform; creating s. 282.801, F.S.; providing legislative findings and intent; requiring the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor to design and construct the E-SHOP FLORIDA Internet website; requiring specified state agencies and water management districts to appoint representatives to participate in the development of the policies, procedures, and standards for permitting and licensing; providing requirements for the website; providing definitions; requiring the website to provide access to permits, licenses, and approvals issued by specified state agencies and water management districts; requiring each state agency that issues permits, licenses, or approvals to develop a protocol to allow participation in the E-SHOP FLORIDA system; directing certain state agencies to develop online licensing and permitting if feasible; authorizing such agencies to competitively procure and contract for necessary services; providing application-review requirements for applications submitted through the E-SHOP FLORIDA system; requiring each state agency and water management district that participates in the E-SHOP FLORIDA system to maintain certain records; requiring a report to the Legislature; authorizing a reduction in permit fees under certain conditions; amending

ss. 373.036, 373.4135, and 373.4136, F.S.; conforming cross-references; amending s. 373.414, F.S.; providing that a permit application that is signed by certain registered professionals is presumed to be in compliance with permitting requirements; providing the burden of proof that is required in proving noncompliance; authorizing the Department of Environmental Protection or the water management district to forward a complaint against a registered professional to the regulatory board; prohibiting a registered professional who is sanctioned from preparing and signing permit applications; amending s. 403.814, F.S.; directing the Department of Environmental Protection and the water management districts to expand the use of Internet-based self-certification; requiring the department and the districts to identify general permits for which expedited review may be implemented through the use of professional certifications; providing for a report; repealing s. 288.109, F.S., relating to the One-Stop Permitting System; providing an effective date.

By the Committee on Criminal and Civil Justice Appropriations; and Senator Crist—

CS for SB 412—A bill to be entitled An act relating to service of process; amending s. 30.231, F.S.; increasing the fees charged by the sheriff in civil cases for service of process; deleting a prohibition on additional fees for certain documents; exempting the state and its agencies from increased fees or additional fees required for alias and pluries; amending s. 48.021, F.S.; providing that criminal witness subpoenas and criminal summonses may be served by a special process server appointed by the local sheriff or by a certified process server; amending s. 48.27, F.S.; providing for the selection of authorized certified process servers to serve such subpoenas and summonses; amending s. 56.041, F.S.; providing that all unsatisfied executions in the possession of the sheriff docketed before October 1, 2001, may be returned to the issuing court; amending s. 56.21, F.S.; requiring the submission of an affidavit before levying a judgment upon real property; requiring the sheriff to furnish to the judgment debtor or lienholder, or the debtor's or lienholder's attorney of record, a copy of the notice of sale, notice of levy, and affidavit within a specified period before execution of a sale or levy; amending s. 56.27, F.S.; requiring that priority of liens on real property be based on the effective date of the judgment lien for a specified purpose, unless an affidavit discloses that the property is subject to a recorded mortgage, financing statement, tax warrant, or other lien that is junior in priority to the judgment lien; requiring a levying creditor to deliver the affidavit to the sheriff at the time of the levy request setting forth certain information and attestations; requiring certain information to be contained in the certified copy of recordation of lien; amending ss. 741.30 and 784.046, F.S., relating to service of process in cases of domestic violence or sexual abuse; authorizing clerks of the court to transmit facsimile copies of previously certified injunctions to sheriffs upon request; requiring sheriffs to verify receipt of facsimile copies of injunctions with clerks of the court before attempting service; authorizing law enforcement officers to serve facsimile copies of injunctions in the same manner as certified copies; authorizing a law enforcement officer to arrest a person suspected of violating a condition of pretrial release if the original arrest was for an act of dating violence; amending s. 901.15, F.S.; conforming provisions to changes made by the act; providing an effective date.

By the Committee on Commerce; and Senator Hill—

CS for SB 516—A bill to be entitled An act relating to unemployment compensation; amending s. 443.036, F.S.; defining the terms "alternative base period," "good cause," and "member of the individual's immediate family"; redefining the term "base period"; amending s. 443.091, F.S.; revising the requirements for eligibility to receive benefits; prohibiting unemployed individuals from being ineligible for unemployment benefits based solely on the individual's availability to work certain hours; providing for an alternative base period after a certain date; amending s. 443.101, F.S.; prohibiting an individual from being disqualified from benefits if he or she leaves work due to good cause; prohibiting unemployed individuals from being disqualified for unemployment benefits based solely on the individual's availability for only part-time work under certain circumstances; amending s. 443.151, F.S.; requiring an employer to provide wage information to support an individual's eligibility for benefits; authorizing the Agency for Workforce Innovation to accept an affidavit from the claimant to support eligibility for benefits;

amending ss. 443.1216 and 443.131, F.S.; conforming cross-references to changes made by the act; providing an effective date.

By the Committee on Higher Education Appropriations; and Senator Dean—

CS for SB 554—A bill to be entitled An act relating to the legal jurisdiction of campus police; amending s. 23.1225, F.S.; redefining the term “mutual aid agreement” to authorize state university police officers to enforce laws within a specified jurisdictional area as agreed upon in a mutual aid agreement; amending s. 316.640, F.S.; authorizing university police officers to enforce traffic violations committed within a specified distance from property under the supervision or control of the university; amending s. 1012.97, F.S.; authorizing university police officers to arrest persons for violations that occur within a specified distance from property owned or controlled by the university or a direct-support organization of the university; providing an effective date.

By the Committees on Higher Education Appropriations; and Higher Education; and Senator Oelrich—

CS for CS for SB 622—A bill to be entitled An act relating to community college student fees; amending s. 1009.23, F.S.; authorizing community college boards of trustees to establish a transportation access fee; limiting the amount of the fee; providing a timeframe for a fee increase and implementation of an increase; prohibiting the inclusion of the fee in calculating the amount a student receives under Florida Bright Futures Scholarship Program awards; providing an effective date.

By the Committee on Community Affairs; and Senator Bennett—

CS for SB 630—A bill to be entitled An act relating to local taxes; amending s. 163.31801, F.S.; limiting the rate of impact fees on residential and nonresidential property; creating s. 201.032, F.S.; authorizing counties to levy a surtax on certain documents that transfer real property or an interest in real property; limiting the rate of the surtax; requiring the grantor to pay the surtax; providing that the surtax must be approved by an extraordinary vote of the governing body of the county or by a majority vote of the electors of the county; requiring the governing body to notify the Department of Revenue of the adoption of the surtax and changes to the surtax within a certain period; delaying the effective date for 1 year if the notice is not timely provided; providing requirements for the ballot containing a referendum for the surtax; prescribing the uses of surtax revenues; providing for the distribution of surtax revenues among the county levying the surtax and municipalities within the county; authorizing surtax revenues to be pledged to repay bonds; directing the Department of Revenue to administer, collect, and enforce the surtax; authorizing the Department of Revenue to use a portion of the proceeds of the surtax to pay its costs to administer the surtax; requiring the governing body of counties levying the surtax to submit reports to the Department of Financial Services showing the use of surtax revenues; authorizing the Department of Revenue to adopt rules to implement and enforce the surtax; authorizing clerks of court to retain a portion of the surtax as a service charge; providing effective dates.

By the Committee on Commerce; and Senators Garcia and Hill—

CS for SB 810—A bill to be entitled An act relating to the Unemployment Compensation Trust Fund; amending s. 443.1217, F.S.; raising the amount of an employee’s wages subject to an employer’s contribution to the trust fund, with a reversion to current law after January 1, 2015; amending s. 443.131, F.S.; revising the rate and recoupment period for computing the employer contribution to the trust fund, with a reversion to current law for recoupment after January 1, 2015; providing the calculation for lowering an employer’s contribution to the trust fund under certain circumstances beginning January 1, 2015; providing for a suspension of lowering the employer’s contribution under certain circumstances; providing a definition of taxable payroll; amending s. 443.191, F.S.; providing for advances to be credited to the Unemployment Compensation Trust Fund; providing authority to the

Governor or the Governor’s designee to request advances; providing effective dates.

By the Committee on Commerce; and Senators Fasano and Gaetz—

CS for SB 852—A bill to be entitled An act relating to expedited permitting process for economic development projects; providing a short title; creating s. 380.0657, F.S.; requiring the Department of Environmental Protection and water management districts to adopt programs to expedite the processing of permits for certain economic development projects; providing an exception; requiring municipalities and counties to identify certain businesses by commission resolution; requiring a preapplication review; providing a timeframe for permit application approval or denial; providing that projects designated as target industry businesses and located in charter counties that meet certain criteria are eligible for expedited permitting; providing an effective date.

By the Committee on Transportation; and Senator Bennett—

CS for SB 856—A bill to be entitled An act relating to developments of regional impact; amending s. 163.3178, F.S.; including certain port-related industrial or commercial project facilities within the list of facilities that are not developments of regional impact under certain circumstances; amending s. 380.06, F.S.; providing that certain exempt uses that are part of a larger project that is subject to development-of-regional-impact review are exempt from such review under certain circumstances; providing an effective date.

By the Committees on Higher Education Appropriations; and Banking and Insurance; and Senators Altman, Oelrich, Rich, King, and Dockery—

CS for CS for SB 926—A bill to be entitled An act relating to cemeteries; amending s. 497.260, F.S.; exempting from provisions governing cemeteries a columbarium consisting of 5 acres or less and located on the main campus of a state university; requiring a university or university direct-support organization that establishes the columbarium to ensure that it is constructed, kept, and maintained in a manner consistent with s. 497.260(2), F.S., and ch. 497, F.S.; providing an effective date.

By the Committees on Commerce; Community Affairs; and Transportation; and Senator Altman—

CS for CS for CS for SB 1088—A bill to be entitled An act relating to delivery vehicles; amending s. 316.2126, F.S.; defining the terms “golf cart,” “residential area,” and “seasonal delivery personnel”; authorizing the use of golf carts, low-speed vehicles, and utility vehicles by seasonal delivery personnel during a certain timeframe; requiring specified vehicles to be equipped with safety equipment; providing an effective date.

By the Committee on Health Regulation; and Senators Gaetz, Sobel, Oelrich, Fasano, Bennett, Lynn, and Altman—

CS for SB 1122—A bill to be entitled An act relating to health insurance; amending s. 627.638, F.S.; requiring that an insurer make payment to the designated provider of services whenever an insured, using any health insurance claim form, specifically authorizes payment of benefits directly to any recognized hospital, licensed ambulance provider, physician, dentist, or other person who provided the services in accordance with the provisions of the policy; deleting an exception; providing that the insurance contract may not prohibit payment of benefits directly to such providers; requiring that claims forms provide an option for such payment; providing an effective date.

By the Committees on Health and Human Services Appropriations; and Health Regulation; and Senator Peadar—

CS for CS for SB 1144—A bill to be entitled An act relating to manufacturers and purchasers of prescription drugs; amending ss. 409.9201 and 465.0265, F.S.; conforming cross-references; amending s. 499.003, F.S.; defining new terms and redefining terms related to the

Florida Drug and Cosmetic Act; amending s. 499.01, F.S.; authorizing a prescription drug manufacturer's distributor permit and revising the requirements related to certain other permits; conforming a cross-reference; amending s. 499.012, F.S.; restricting issuance of a permit for a prescription drug manufacturer's distributor at certain addresses; amending s. 499.0121, F.S.; eliminating cross-references to defined terms and clarifying a recordkeeping requirement related to pedigree papers; amending s. 499.01211, F.S.; eliminating cross-references for certain defined terms; amending s. 499.01212, F.S.; revising requirements for a pedigree paper; amending s. 499.03, F.S.; eliminating cross-references for certain defined terms; amending s. 499.041, F.S.; establishing a fee for the prescription drug manufacturer's distributor permit; authorizing the Department of Health to retain a specified monetary amount as a fee if an application submitted under the Florida Drug and Cosmetic Act is withdrawn or becomes void; amending ss. 499.05 and 794.075, F.S.; conforming cross-references; authorizing certain statements to be used on certain pedigree papers until a specified date; providing an appropriation and authorizing additional positions; providing an effective date.

By the Committees on Transportation; and Community Affairs; and Senator Bennett—

CS for CS for SB 1306—A bill to be entitled An act relating to growth management; amending s. 163.3164, F.S.; revising definitions; providing a definition for the term “dense urban land area”; amending s. 163.3177, F.S.; conforming a cross-reference; providing that a local government's comprehensive plan or plan amendments for land uses within a transportation concurrency exception area meets the level-of-service standards for transportation; clarifying that each future land use category be defined in terms of uses included rather than numerical caps; revising the bases for the future land use plan; amending s. 163.3180, F.S.; revising concurrency requirements; providing legislative findings relating to transportation concurrency exception areas; providing for the applicability of transportation concurrency exception areas; deleting certain requirements for transportation concurrency exception areas; providing that the designation of a transportation concurrency exception area does not limit a local government's ability to provide mitigation for transportation impacts within the exception area by imposing lawfully adopted impact fees; providing that any contract or agreement entered into or development order rendered before the creation of a transportation concurrency exception area is not affected; requiring that the Office of Program Policy Analysis and Government Accountability submit a report to the Legislature concerning the effects of the transportation concurrency exception areas; providing for an exemption from level-of-service standards for proposed developments related to qualified job-creation projects; clarifying the calculation of the proportionate-share contribution for local and regionally significant traffic impacts which is paid by a development of regional impact for the purpose of satisfying certain concurrency requirements; defining the term “backlog”; prohibiting a local government from denying an application for a comprehensive plan amendment or residential rezoning for a development or phase authorizing residential redevelopment for failure to achieve and maintain the level-of-service standard for public school capacity; providing that the construction of a charter school that meets certain requirements is an appropriate mitigation option; requiring that the district school boards monitor and inspect charter school facilities to ensure compliance with the life safety requirements of the State Requirements for Educational Facilities; authorizing the district school boards to waive such standards; prohibiting a local government from denying or imposing conditions upon a development permit or comprehensive plan amendment because of inadequate school capacity under certain circumstances; creating s. 163.31802, F.S.; prohibiting local governments from establishing standards for security devices that require businesses to enhance certain functions or services provided by local government; providing an exception; amending s. 163.3182, F.S.; revising provisions relating to transportation concurrency backlog authorities; requiring that a local government adopt one or more transportation concurrency backlog areas as part its capital improvements element update; requiring that a local government biannually submit new areas to the state land planning agency until certain conditions are met; providing an exception; providing for certain landowners or developers to request a transportation concurrency backlog area for a development area; prohibiting a local government from requiring payments for transportation concurrency which exceed the costs of mitigating traffic impacts; amending s. 380.06, F.S.; revising provisions relating to preapplication

procedures for development approval; requiring that the level-of-service standards required in the transportation methodology be the same as the standards used to evaluate concurrency and proportionate share; amending s. 403.973, F.S.; providing legislative intent; providing certain criteria for regional centers for clean technology projects to receive expedited permitting; providing regulatory incentives for projects that meet such criteria; authorizing the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor to certify and decertify such projects; authorizing the office to create regional permit action teams; providing for a transportation mobility fee; providing legislative findings and determinations; requiring that the state land planning agency and the Department of Transportation continue their independent mobility fee studies; requiring that the state land planning agency and the department submit joint reports to the Legislature by a specified date; requiring that the department establish an approved transportation methodology that meets certain criteria; requiring that the adopted methodology use a regional transportation model; requiring that the methodology review be completed and in use by a specified date; providing for an extension and renewal of certain permits, development orders, or other land use approvals; providing for retroactive application of the extension and renewal; providing exceptions; providing an effective date.

By the Committee on Regulated Industries; and Senator Jones—

CS for SB 1418—A bill to be entitled An act relating to the Hospitality Education Program within the Department of Business and Professional Regulation; amending s. 509.302, F.S.; deleting certain goals of the program; revising references in the program to emphasize restaurants rather than food service; providing for funding to be comprised of a percentage of certain fees collected rather than a specific dollar amount; deleting a provision that permits the Division of Hotels and Restaurants to use administrative fines to fund the program; providing an effective date.

By the Committee on Commerce; and Senators Haridopolos and Baker—

CS for SB 1526—A bill to be entitled An act relating to commercial launch zone tax incentives; creating s. 220.194, F.S.; establishing credits against the corporate income tax for certain taxpayers that operate or provide investments for a commercial spaceflight project; providing definitions for purposes of the tax credits; establishing eligibility requirements for the tax credits; allowing for the carryforward of tax credits under certain circumstances; providing application and certification requirements; requiring the Office of Tourism, Trade, and Economic Development to determine the eligibility of taxpayers; providing for the expiration and renewal of a taxpayer's eligibility for tax credits; providing for administration and auditing of tax credits by the Department of Revenue; requiring the return and deposit of tax credits under certain circumstances; requiring the office to consult with Space Florida and adopt rules for tax credit applications and certifications; authorizing the department to adopt rules for tax administration, claims and transfers of tax credits, auditing, and reporting; amending s. 14.2015, F.S.; revising the duties of the office to include administration of the tax credits created by the act; amending s. 213.053, F.S.; providing for sharing of confidential information; amending s. 220.02, F.S.; revising legislative intent relating to the order for applying tax credits; amending s. 220.13, F.S.; specifying that net operating losses taken or transferred as corporate income tax credits may not also be deducted from income; amending s. 220.16, F.S.; adding the financial assistance obtained by the sale of tax credits pursuant to s. 220.194, F.S., to the category of nonbusiness income that must be reported; providing an effective date.

By the Committee on Transportation; and Senator Baker—

CS for SB 1528—A bill to be entitled An act relating to driver's licenses; amending s. 322.01, F.S.; providing a definition; amending s. 322.051, F.S.; revising requirements for obtaining a duplicate identification card; amending s. 322.058, F.S.; providing for reinstatement of a person's driving privilege and motor vehicle registration upon payment of certain fees; amending s. 322.135, F.S.; authorizing tax collectors to establish branch offices; amending s. 322.17, F.S.; providing for a replacement license or permit to replace one that is mutilated; amending s. 322.21, F.S.; authorizing county tax collectors to retain certain fees;

amending s. 322.29, F.S.; clarifying provisions governing the payment of fees upon the reinstatement of a license; amending s. 322.61, F.S.; conforming a cross-reference; providing an effective date.

By the Committees on Criminal and Civil Justice Appropriations; and Criminal Justice; and Senator Joyner—

CS for CS for SB 1548—A bill to be entitled An act relating to theft; amending s. 812.014, F.S.; increasing the minimum amount of value attributed to certain emergency medical equipment and law enforcement equipment for the theft to reach the threshold for a second-degree felony; increasing the minimum value attributed to certain property for the theft to reach the threshold for a third-degree felony; authorizing a law enforcement officer who has probable cause to believe that a defendant has committed retail theft to issue a notice to appear in lieu of arresting the defendant under certain circumstances; authorizing a state attorney to establish a retail-theft diversion program for the purpose of diverting defendants from criminal prosecution if the defendant meets certain criteria; providing eligibility criteria for participating in a retail-theft diversion program; requiring the state attorney to mail a notice to appear to a defendant upon referral to a diversion program; setting forth the conditions that each participant in the retail-theft diversion program must complete; providing that a defendant may be prosecuted for the retail theft if all conditions in the diversion program are not fulfilled; authorizing a state attorney to collect a fee from each participant in the program; setting a limit on the fee for each defendant; amending s. 812.015, F.S.; increasing the value attributed to property taken during the commission of retail theft to reach the threshold amount for a third-degree felony offense; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to changes made by the act; providing an effective date.

By the Committee on Transportation; and Senator Altman—

CS for SB 1588—A bill to be entitled An act relating to the impoundment or immobilization of vehicles; amending s. 316.193, F.S.; requiring the court to include the name and address of immobilization agencies that meet the requirements of law in the order of impoundment or immobilization; requiring the person whose vehicle is ordered to be impounded or immobilized to pay the impoundment or immobilization fees and costs directly to the person impounding or immobilizing the vehicle; establishing professional criteria for immobilization agencies engaged in the business of immobilizing vehicles in judicial circuits where personnel of the court or sheriff do not immobilize vehicles; providing that it is a misdemeanor of the first degree for a person to fail to comply with the requirements necessary to immobilize a vehicle; authorizing a person to initiate a civil suit against a person who fails to comply with the requirements to immobilize a vehicle; providing for attorney's fees and costs; defining terms; providing an effective date.

By the Committees on Education Pre-K - 12 Appropriations; and Education Pre-K - 12; and Senator Oelrich—

CS for CS for SB 1616—A bill to be entitled An act relating to career and adult education; amending s. 20.15, F.S.; renaming the Division of Workforce Education within the Department of Education as the "Division of Career and Adult Education"; amending s. 311.121, F.S.; revising the membership of the Seaport Security Officer Qualification, Training, and Standards Coordinating Council by replacing the chancellor of the Community College System with the Commissioner of Education; amending s. 446.045, F.S.; revising definitions; revising the membership of the State Apprenticeship Advisory Council; prohibiting members from being reimbursed for per diem and travel expenses; providing that meetings may be held via teleconference or other electronic means; amending s. 1003.4285, F.S.; providing for a standard high school diploma designation for completed industry certifications; conforming a cross-reference; conforming provisions to changes made by the act; amending s. 1003.43, F.S.; providing an exception for adult high school students regarding certain prerequisites for high school graduation; repealing s. 1003.431, F.S., relating to career education certification; amending s. 1011.62, F.S.; conforming provisions to changes made by the act; providing an effective date.

By the Committees on Banking and Insurance; and Judiciary; and Senators Constantine, Joyner, and Aronberg—

CS for CS for SB's 1646 and 1038—A bill to be entitled An act relating to foreclosures; providing that the purchaser of a foreclosed residential dwelling unit may not take possession until a specified period after notifying a tenant of the intent to take possession; requiring the purchaser to submit proof of the notice to the clerk of court; providing that the tenant may terminate a lease upon receiving the notice; providing that the notice requirement does not eliminate certain requirements to make an occupant of property a party to a foreclosure action; creating s. 83.495, F.S.; providing requirements for landlords following commencement of a foreclosure action; providing for security deposits and advance rents to be maintained in interest-earning accounts; providing for disclosure of the foreclosure action to prospective tenants; providing an exception to liability for failure to provide notice; requiring the purchaser in a foreclosure sale to credit the tenant for security deposits and advance rents under certain conditions; creating a pilot program for voluntary mediation between a mortgagor and a mortgagee prior to a foreclosure suit being filed; providing for administration by the Office of Financial Regulation; authorizing a contract with a not-for-profit organization to help administer the program; prescribing duties of mortgagees, mortgagors, and mediators participating in the program; providing for the mortgagee to pay part of the mediator's costs in advance; providing for the allocation of costs between the mortgagee and mortgagor; authorizing the court to exempt participants from mediation following the filing of a foreclosure action; providing for the effect of the mediation on a subsequent foreclosure action; providing that participants are not entitled to successive mediation under this program; providing for future review of the program; providing for confidentiality of communications; providing for expiration of the program; providing an effective date.

By the Committee on Education Pre-K - 12 Appropriations; and Senator Wise—

CS for SB 1680—A bill to be entitled An act relating to the English Language Learners Pilot Program; creating s. 1003.561, F.S.; requiring that the State Board of Education implement a pilot program that provides professional development training for reading teachers to become qualified to teach reading to students who are English Language Learners; requiring that the Commissioner of Education appoint members to a committee to develop and identify the content for the pilot program; requiring that the commissioner select three school districts to participate in the pilot program; requiring that each participating district submit an annual progress report to the Department of Education; requiring that the reports contain certain information; requiring that the department submit a report to the State Board of Education; requiring that the commissioner recommend to the board whether to adopt a permanent program and the content for such program; providing an effective date.

By the Committee on Education Pre-K - 12 Appropriations; and Senator Wise—

CS for SB 1682—A bill to be entitled An act relating to school improvement and accountability; amending s. 1001.42, F.S.; revising provisions relating to the powers and duties of district school boards to implement the state system of school improvement and education accountability; amending s. 1008.33, F.S.; requiring that the State Board of Education comply with the federal Elementary and Secondary Education Act (ESEA); authorizing the board to adopt rules in compliance with the ESEA after evaluating and determining that the ESEA and its implementing regulations are consistent with the statements of purpose in the ESEA; authorizing the board to adopt rules to maintain such compliance; providing requirements for the state system of school improvement and education accountability; requiring that school districts be held accountable for improving the academic achievement of all students and identifying low-performing schools; requiring that the Department of Education categorize public schools annually based on school grade and the level and rate of change in student performance; providing that schools are subject to certain intervention and support strategies; authorizing the State Board of Education to prescribe reporting requirements to review and monitor the progress of schools; requiring that the Department of Education create a matrix reflecting which intervention and support strategies to apply to schools in each category; providing

criteria for categorizing schools as the lowest-performing schools; requiring that a school district submit a plan, subject to the State Board of Education's approval, for implementing one of four options to improve the performance of the lowest-performing schools; requiring that the school district submit a plan for implementing another option if the lowest-performing schools do not move to another category; requiring that a school make significant progress by improving its grade and increasing student performance in mathematics and reading to advance to a higher category; requiring that the State Board of Education adopt rules; amending s. 1008.345, F.S.; conforming provisions to changes made by the act; amending s. 1012.2315, F.S.; revising legislative findings and intent; revising provisions relating to the assignment of teachers to conform to changes made by the act; providing an effective date.

By the Committees on Health and Human Services Appropriations; and Health Regulation; and Senator Peadar—

CS for CS for SB 1868—A bill to be entitled An act relating to prescribed drugs; amending ss. 465.003 and 465.019, F.S.; authorizing the use of an institutional formulary system in a Class I institutional pharmacy at which, with certain exceptions, all medicinal drugs are administered from individual prescription containers to the patient and medicinal drugs are not dispensed on the premises; specifying requirements for the policies and procedures of such an institutional formulary system; amending s. 627.4239, F.S.; revising the definition of the term "standard reference compendium" for purposes of regulating the insurance coverage of drugs used in the treatment of cancer; amending s. 456.42, F.S.; revising provisions specifying the information required to be included in written prescriptions for medicinal drugs; amending s. 893.04, F.S.; authorizing a pharmacist to dispense a controlled substance and require photographic identification without documenting certain information; authorizing a pharmacist to dispense a controlled substance without verification of certain information by the prescriber under certain circumstances; providing an effective date.

By the Committee on Health Regulation; and Senator Peadar—

CS for SB 1880—A bill to be entitled An act relating to breast cancer detection and screening; creating s. 381.932, F.S.; providing definitions; establishing a breast cancer early detection and treatment referral program within the Department of Health; providing purposes of the program; requiring the department to provide information regarding breast cancer and referrals for screening and treatment; requiring the State Surgeon General to submit a report to the Legislature; providing an effective date.

By the Committees on Education Pre-K - 12 Appropriations; and Education Pre-K - 12; and Senators Diaz de la Portilla and Storms—

CS for CS for SB 1978—A bill to be entitled An act relating to classroom expenditures; creating s. 1010.2155, F.S.; requiring that school districts spend a minimum percentage of the district general fund on expenditures in the classroom; requiring that the Department of Education develop a uniform calculation and a common format for district reporting; requiring that school districts publish information regarding classroom expenditures; requiring that the department analyze the expenditures of school districts that fail to meet required classroom expenditure levels; authorizing the department to provide technical assistance upon request by a school district; requiring that the Commissioner of Education make written recommendations to the superintendent of schools and the school board; authorizing the State Board of Education to adopt rules; providing an effective date.

By the Committee on Community Affairs; and Senator Constantine—

CS for SB 2002—A bill to be entitled An act relating to commercial dog breeding; creating s. 828.291, F.S.; declaring as a commercial kennel any person owning, possessing, controlling, or otherwise having in custody 50 or more dogs at any one time; requiring a person who owns or otherwise has custody of 20 or more dogs that are 4 months of age or older to adhere to certain specified guidelines relating to proper and humane conditions, enclosure construction, compatibility of animals, access to food and water, and access to necessary veterinary care and services; authorizing an animal control officer, other authorized public

health or safety official, or law enforcement officer, after receiving a complaint, to investigate any alleged violation of the act; providing that a violation of the act is a misdemeanor of the first degree; listing persons and organizations that are not subject to the act; providing an effective date.

By the Committee on Community Affairs; and Senator Bennett—

CS for SB 2016—A bill to be entitled An act relating to environmental permitting; amending s. 373.4144, F.S.; providing legislative intent; requiring the Department of Environmental Protection to pursue the issuance of a state programmatic permit or regional general permits from the United States Army Corps of Engineers; revising provisions requiring the Department of Environmental Protection to develop and use a mechanism consolidating federal and state wetland permitting programs; authorizing implementation of a state programmatic general permit or regional general permits by the department and water management districts for certain dredge and fill activities; specifying conditions applicable to such permits; amending s. 373.4211, F.S.; delaying the effective date of a rule adding slash pine and gallberry to the list of facultative plants; revising provisions concerning the methodologies used to delineate the landward extent of wetlands and surface waters; revising provisions concerning the vegetative index used to delineate the landward extent of wetlands and surface waters; providing for permit modification under certain circumstances; providing for certain declaratory statements or formal jurisdictional determinations from the department or a water management district; providing exemptions for certain permit petitions and applications relating to specified activities; creating ss. 125.0112, F.S.; providing that the construction and operation of a biofuel processing facility or a renewable energy generating facility and the cultivation and production of bioenergy may be considered a valid industrial, agricultural, and silvicultural use for purposes of any local comprehensive plan; providing for a local government to establish an expedited review process under certain circumstances; providing that local expedited review does not obligate a local government to approve proposed uses; providing for alternative state review of certain plan amendments; providing the construction and operation of certain facilities may not affect classification of property for ad valorem tax purposes; amending s. 373.236, F.S.; requiring that a permit for the use of water for cultivating agricultural products and renewable energy be granted for a specified number of years if certain conditions are met; providing requirements for permittees; providing an exemption; amending s. 403.973, F.S.; providing for the expedited review of permit applications for projects resulting in the production of biofuels or in the construction of a biofuel or biodiesel processing facility or renewable energy generating facility; clarifying provisions relating to memoranda of agreement which establish regional teams for the expedited review of such applications; providing an effective date.

By the Committees on Environmental Preservation and Conservation; and Community Affairs; and Senator Altman—

CS for CS for SB 2026—A bill to be entitled An act relating to regulatory reform; providing for an extension and renewal of certain permits, development orders, or other land use approvals; providing for retroactive application of the extension and renewal; amending s. 120.569, F.S.; providing for an electronic notice of hearing rights; amending s. 120.60, F.S., relating to additional information for license applications; providing for an agency to process a permit application under certain circumstances; amending s. 125.022, F.S.; providing that counties may not require certain permits or approvals as a condition of approving a development permit; creating s. 161.032, F.S.; providing for review of applications; providing requirements for timely submittal of additional information requested; providing circumstances in which an application may be denied; amending s. 166.033, F.S.; providing that municipalities may not require certain permits or approvals as a condition of approving a development permit; amending s. 253.034, F.S.; providing for the deposition of dredged material on state-owned submerged lands in certain circumstances and for certain purposes; amending s. 373.026, F.S.; providing for the expansion of Internet-based self-certification for exemptions and general permits; amending s. 373.441, F.S.; restricting the authority of the Department of Environmental Protection and the appropriate water management district to regulate certain activities delegated to a county, municipality, or local pollution control program; providing exceptions; amending s. 373.4141,

F.S.; providing requirements for requests for additional information; amending s. 373.079, F.S.; requiring the water management district governing boards to delegate certain permitting responsibilities to the district executive directors; amending s. 373.083, F.S.; requiring the delegation of certain authority by the governing board to the executive director of the water management district; providing an exception to requirements of ch. 120, F.S.; providing a prohibition; amending s. 373.118, F.S.; providing for the delegation of general permit authority by a water management district governing board to the district executive director; providing an exception to the requirements of ch. 120, F.S.; amending s. 373.236, F.S.; providing for 50-year consumptive use permits in certain circumstances; providing requirements for issuance of a permit; providing for certain permits to be granted for terms of at least 25 years; requiring reports by the permittees; amending s. 373.243, F.S.; providing that certain permits may not be revoked unless nonuse of the water supply allowed by the permit is for 4 years or more; amending s. 373.406, F.S.; providing a permit exemption for certain public use facilities on county-owned natural areas; creating s. 373.4061, F.S.; providing requirements for noticed general permits for counties; providing requirements, restrictions, and limitations; amending s. 403.061, F.S.; amending the powers and duties of the Department of Environmental Protection; providing that department rules may include criteria for approval of certain dock facilities; authorizing the department to maintain certain lists of projects or activities that meet specified mitigation or public-interest requirements; providing an exception; providing restrictions; requiring the department to implement a project management plan to implement e-permitting; providing project requirements; requiring the department to submit the plan to the President of the Senate and the Speaker of the House of Representatives by January 15, 2010; authorizing the department to expand the use of Internet-based self-certification services for appropriate exemptions and general permits; providing restrictions on local governments relating to method or form of documentation; amending s. 403.813, F.S., relating to permits issued at district centers; providing exceptions; amending s. 403.814, F.S.; directing the Department of Environmental Protection to expand the use of Internet-based self-certification services for exemptions and general permits; requiring the submission of a report to the President of the Senate and the Speaker of the House of Representatives; amending s. 403.973, F.S., relating to expedited permitting and comprehensive plan amendments; specifying that certain biofuel projects are eligible for expedited permitting; transferring certain responsibilities from the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor to the Secretary of Environmental Protection; revising the time by which certain final orders must be issued; providing additional requirements for recommended orders; amending s. 258.42, F.S.; authorizing the placement of roofs on certain slips and private residential single-family docks; providing that such roofs may not be included in the calculation to determine the square footage of the terminal platform; providing for retroactive application of specified provisions; creating part IV of ch. 369, F.S.; providing a short title; providing legislative findings and intent with respect to the need to protect and restore springs and ground water; providing definitions; requiring the Department of Environmental Protection to delineate the springsheds of specified springs; requiring the department to adopt spring protection zones by secretarial order; requiring the department to adopt total maximum daily loads and basin management action plans for spring systems; providing effluent requirements for domestic wastewater treatment facilities; providing requirements for onsite sewage treatment and disposal systems; providing requirements for agricultural operations; authorizing the Department of Environmental Protection, the Department of Health, and the Department of Agriculture and Consumer Services to adopt rules; amending s. 163.3177, F.S.; requiring certain local governments to adopt a springs protection element as one of the required elements of the comprehensive plan by a specified date; providing that certain design principles be included in the element; requiring the Department of Environmental Protection and the state land planning agency to make information available concerning best-management practices; prohibiting a local government that fails to adopt a springs protection element from amending its comprehensive plan; amending s. 403.1835, F.S.; including certain areas of critical state concern and the spring protection zones established by the act among projects that are eligible for certain financial assistance; requiring the Department of Environmental Protection, the Department of Agriculture and Consumer Services, and water management districts to assess nitrogen loading and begin implementing management plans within the spring protection zones by a specified date; amending s. 381.0065, F.S.; requiring the Department of Health to

implement a statewide onsite sewage treatment and disposal system inspection program; providing a 10-year phase-in cycle; requiring inspection; providing specific exemptions; providing fee requirements; providing disposition of fees; amending s. 259.105, F.S.; providing priority under the Florida Forever Act for projects within a springs protection zone; creating s. 403.9335, F.S.; providing legislative findings; providing for model ordinances for the protection of urban and residential environments and water; requiring the Department of Environmental Protection to adopt a model ordinance by a specified date; requiring municipalities and counties having impaired water bodies or segments to adopt the ordinance; creating s. 403.9337, F.S.; providing definitions; prohibiting use of certain fertilizers after a specified date; providing for exemptions; transferring by a type II transfer the Bureau of Onsite Sewage from the Department of Health to the Department of Environmental Protection; amending s. 369.317, F.S.; clarifying mitigation offsets in the Wekiva Study Area; amending s. 373.185, F.S.; revising the definition of Florida-friendly landscaping; deleting references to "xeriscape"; requiring water management districts to provide model Florida-friendly landscaping ordinances to local governments; revising eligibility criteria for certain incentive programs of the water management districts; requiring certain local government ordinances and amendments to include certain design standards and identify specified invasive exotic plant species; requiring water management districts to consult with additional entities for activities relating to Florida-friendly landscaping practices; specifying programs for the delivery of educational programs relating to such practices; providing legislative findings; providing that certain regulations prohibiting the implementation of Florida-friendly landscaping or conflicting with provisions governing the permitting of consumptive uses of water are prohibited; providing that the act does not limit the authority of the department or the water management districts to require Florida-friendly landscaping ordinances or practices as a condition of certain permit; creating s. 373.187, F.S.; requiring water management districts to implement Florida-friendly landscaping practices on specified properties; requiring districts to develop specified programs for implementing such practices on other specified properties; amending s. 373.228, F.S.; requiring water management districts to work with specified entities to develop certain standards; requiring water management districts to consider certain information in evaluating water use applications from public water suppliers; conforming provisions to changes made by the act; amending s. 373.323, F.S.; revising application requirements for water well contractor licensure; requiring applicants to provide specified documentation; amending s. 373.333, F.S.; authorizing an administrative fine to be imposed for each occurrence of unlicensed well water contracting; amending ss. 125.568, 166.048, 255.259, 335.167, 380.061, 388.291, 481.303, and 720.3075, F.S.; conforming provisions to changes made by the act; revising provisions requiring the use of Florida-friendly landscaping for specified public properties and highway construction and maintenance projects; establishing a task force to develop recommendations relating to stormwater management system design; specifying study criteria; providing for task force membership, meetings, and expiration; requiring the task force to submit findings and legislative recommendations to the Legislature by a specified date; providing effective dates.

By the Committee on Health Regulation; and Senator Rich—

CS for SB 2030—A bill to be entitled An act relating to the Florida Center for Nursing; amending s. 464.0195, F.S.; requiring the Board of Nursing to provide certain information to nurses before they are given the opportunity to contribute to funding the center at licensure renewal; providing an effective date.

By the Committees on Regulated Industries; and Community Affairs; and Senator Bennett—

CS for CS for SB 2100—A bill to be entitled An act relating to building safety; amending s. 399.02, F.S.; exempting certain elevators from provisions requiring modifications to heat sensors and electronic controls; amending s. 399.15, F.S.; providing an alternative method to allow regional emergency elevator access; providing for a uniform lock box; providing for a master key; providing the Division of State Fire Marshal with enforcement authority; directing the Department of Financial Services to select the provider of the uniform lock box; amending s. 468.8311, F.S.; effective July 1, 2010, revising the term "home in-

spection services” to include the visual examination of additional components; amending s. 468.8312, F.S.; effective July 1, 2010, providing for fee increases for home inspection licenses; amending s. 468.8319, F.S.; effective July 1, 2010, revising certain prohibitions with respect to providers of home inspection services; amending s. 468.832, F.S.; effective July 1, 2010, authorizing the Department of Business and Professional Regulation to impose penalties against a licensee found guilty of certain violations; amending s. 468.8324, F.S.; providing additional requirements for licensure as a home inspector; amending s. 215.5586, F.S.; effective July 1, 2010, adding home inspectors licensed under s. 468.83, F.S., to the list of wind certification entities that may be selected by the Department of Financial Services to provide hurricane mitigation inspections; amending s. 627.351, F.S.; deleting a requirement for opening protections for designated property for purposes of coverage by the Citizens Property Insurance Corporation; amending s. 627.711, F.S.; effective July 1, 2010, authorizing the Financial Services Commission to accept as valid a uniform mitigation verification form signed by a licensed home inspector; repealing s. 718.113(6), F.S., relating to requirements for 5-year inspections of certain condominium improvements; amending s. 553.37, F.S.; authorizing manufacturers to pay inspection fees directly to the provider of inspection services; providing rulemaking authority to the Department of Community Affairs; authorizing the department to enter into contracts for the performance of certain administrative duties; revising inspection requirements for certain custom manufactured buildings; amending s. 553.375, F.S.; revising the requirement for recertification of manufactured buildings prior to relocation; amending s. 553.73, F.S.; authorizing the Florida Building Commission to adopt amendments relating to equivalency of standards; authorizing the adoption of amendments necessary to accommodate state agency rules to meet federal requirements for design criteria relating to public educational facilities and state-licensed facilities; exempting certain mausoleums from the requirements of the Florida Building Code; restricting the code or an code enforcement agency from imposing requirements on certain air conditioning systems; amending s. 553.76, F.S.; authorizing the Florida Building Commission to adopt rules related to consensus-building decisionmaking; amending s. 553.775, F.S.; authorizing the commission to charge a fee for nonbinding interpretations; amending s. 553.79, F.S.; requiring state agencies to contract for inspection services under the alternative plans review and inspection process or with a local governmental entity; amending s. 553.841, F.S.; deleting provisions requiring that the Department of Community Affairs maintain, update, develop, or cause to be developed a core curriculum for persons who enforce the Florida Building Code; amending s. 553.842, F.S.; authorizing rules requiring the payment of product evaluation fees directly to the administrator of the product evaluation and approval system; requiring that the provider remit a portion of the fees to the department to cover its costs; providing requirements for the approval of applications for state approval of a product; providing for certain approved products to be immediately added to the list of state-approved products; requiring that the commission’s oversight committee review approved products; revising the list of approved evaluation entities; deleting obsolete provisions governing evaluation entities; amending s. 553.844, F.S.; providing an exemption from requirements from roof and opening protections for certain exposed mechanical equipment or appliances; amending s. 553.885, F.S.; revising requirements for carbon monoxide alarms; providing an exception for buildings undergoing alterations or repairs; defining the term “addition”; amending s. 553.9061, F.S.; revising the energy-efficiency performance options and elements identified by the commission for purposes of meeting certain goals; amending s. 553.912, F.S.; providing requirements for the replacement of air conditioning systems; repealing ss. 468.627(6), 481.215(5), and 481.313(5), F.S., relating to building code inspectors, renewal of the license for architects, interior designers, and landscape architects, respectively; amending ss. 468.609, 471.0195, 489.115, 489.1455, and 489.517, F.S., conforming provisions relating to the deletion of core curriculum courses relating to the Florida Building Code; reenacting s. 553.80(1), F.S., relating to the enforcement of the Florida Building Code, to incorporate the amendments made to s. 553.79, F.S., in a reference thereto; amending s. 633.0215, F.S.; providing guidelines for the State Fire Marshal to use in issuing an expedited declaratory statement; requiring the State Fire Marshal to issue an expedited declaratory statement under certain circumstances; providing requirement for a petition requesting an expedited declaratory statement; amending s. 633.026, F.S.; providing legislative intent; providing for the establishment of the Fire Code Interpretation Committee; providing for the membership of the committee and requirements for membership; requiring that nonbinding interpretations of the Florida Fire Prevention Code be issued

within a specified period after a request is received; providing for the waiver of such requirement under certain conditions; requiring the Division of State Fire Marshal to charge a fee for nonbinding interpretations; providing that fees may be paid directly to a contract provider; providing requirements for requesting a nonbinding interpretation; requiring the Division of State Fire Marshal to develop a form for submitting a petition for a nonbinding interpretation; providing for a formal interpretation by the State Fire Marshal; requiring that an interpretation of the Florida Fire Prevention Code be published on the division’s website and the Florida Administrative Weekly; amending s. 633.081, F.S.; requiring the Division of State Fire Marshal and the Florida Building Code Administrator and Inspectors Board enter into a reciprocity agreement for purposes of recertifying building code inspectors, plan inspectors, building code administrators, and firesafety inspectors; amending s. 633.352, F.S.; providing an exception to requirements for recertification as a firefighter; amending s. 633.521, F.S.; revising requirements for certification as a fire protection system contractor; revising the prerequisites for taking the certification examination; authorizing the State Fire Marshal to accept more than one source of professional certification; revising legislative intent; amending s. 633.524, F.S.; authorizing the State Fire Marshal to enter into contracts for examination services; providing for direct payment of examination fees to contract providers; amending s. 633.537, F.S.; revising the continuing education requirements for certain permit holders; amending 633.72, F.S.; revising the terms of service for members of the Fire Code Advisory Council; repealing s. 553.509(2), F.S., relating to requirements for alternate power sources for elevators for purposes of operating during an emergency; directing the Florida Building Commission to conform provisions of the Florida Building Code with revisions made by the act relating to the operation of elevators; providing effective dates.

By the Committee on Environmental Preservation and Conservation,
and Senator Altman—

CS for SB 2244—A bill to be entitled An act relating to land used for conservation purposes; creating s. 196.1962, F.S.; specifying conservation purposes for which land must be used in order to qualify for an ad valorem tax exemption; requiring that such land be perpetually encumbered by a conservation easement or conservation protection agreement; providing for the assessment and ad valorem taxation of real property within an area perpetually encumbered by a conservation easement or other instrument and which contains improvements; requiring land that is exempt from ad valorem taxation and used for agricultural or silvicultural purposes be managed pursuant to certain best-management practices; requiring an owner of land that is exempt from ad valorem taxation to take actions to preserve the perpetual effect of the conservation easement or other instrument; providing that land of less than a certain acreage does not qualify for the ad valorem tax exemption; providing exceptions; requiring the Department of Revenue to adopt rules; requiring the Department of Environmental Protection to adopt by rule a list of nonprofit entities that are qualified to enforce the provisions of a conservation easement or conservation protection agreement; amending s. 193.501, F.S.; defining terms; providing for the assessment of lands used for conservation purposes; requiring that such lands be used for conservation purposes for at least 10 years; requiring a covenant or conservation protection agreement to be recorded in the official records; providing for the assessment of such land based on character or use; providing for the assessment of land if a conservation management plan extends for a specified period and the landowner has provided certain documentation to the property appraiser; requiring the filing of such plans with the Fish and Wildlife Conservation Commission or a water management district under certain circumstances; requiring that the commission and the Department of Environmental Protection produce a guidance document establishing the form and content of a conservation management plan and establishing certain minimum standards for such plans; authorizing a property appraiser to require a signed application that includes certain statements by a landowner; requiring property appraisers to issue a report relating to the just value and classified use value of land used for conservation purposes; amending s. 195.073, F.S.; providing for the classification of lands used for conservation purposes for the purposes of ad valorem taxation; amending s. 196.011, F.S.; conforming a cross-reference; requiring an annual application for the exemption for land used for conservation purposes; requiring property owners to notify the property appraiser of changes in the use of exempt properties; providing penalties for failure to notify; creating s. 218.125, F.S.; requiring the Legislature to appropriate

moneys to replace the reductions in ad valorem tax revenue experienced by fiscally constrained counties; requiring each fiscally constrained county to apply to the Department of Revenue to participate in the distribution of the appropriation; specifying the documentation that must be provided to the department; providing a formula for calculating the reduction in ad valorem tax revenue; amending s. 704.06, F.S.; revising requirements for conservation easements and conservation protection agreements; authorizing the Department of Revenue to adopt emergency rules; providing for application of the act; providing an effective date.

By the Committee on Regulated Industries; and Senator Gaetz—

CS for SB 2262—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 455.213, F.S.; deleting signature notarization from the information that the department may require in documents submitted for the issuance or renewal of a license; prescribing when an application is received for purposes of certain requirements of the Administrative Procedure Act; amending s. 455.227, F.S.; establishing additional grounds for discipline of professions subject to regulation; prohibiting the failure to report criminal convictions and pleas; prohibiting the failure to complete certain treatment programs; providing penalties; creating s. 455.2274, F.S.; authorizing the department's representative to appear in criminal proceedings under certain circumstances and provide certain assistance to the court; amending s. 468.402, F.S.; providing for certain disciplinary action against a talent agency for revocation, suspension, or denial of the agency's license in any jurisdiction; amending s. 468.403, F.S.; prohibiting certain acts by persons who are not licensed as a talent agency; amending s. 468.409, F.S.; requiring certain records kept by a talent agency to be readily available for inspection by the department; requiring copies of the records to be provided to the department in a specified manner; amending s. 468.410, F.S.; specifying the time by which a talent agency must give an applicant for the agency's registration or employment services a copy of the contract for those services; amending s. 468.412, F.S.; requiring a talent agency to advise an artist, in writing, of certain rights relating to contracts for employment; specifying that an engagement procured by a talent agency during a specified period remains commissionable to the agency; limiting a prohibition against division of fees by a talent agency to circumstances in which the artist does not give written consent; providing a definition; authorizing a talent agency to assign an engagement contract to another agency under certain circumstances; amending s. 468.413, F.S.; increasing the penalty that the department may assess against a talent agency that violates certain provisions of law; amending s. 468.609, F.S.; deleting a requirement that applicants for building code administrator certification complete a certain core curriculum before taking the certification examination; amending ss. 468.627 and 471.0195, F.S.; deleting provisions requiring building code administrator and inspector certificateholders and engineer licensees to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 473.305, F.S.; deleting an examination late filing fee applicable to certified public accountant examinees; amending s. 473.311, F.S.; deleting a provision requiring passage of a rules examination for renewal of license as a certified public accountant; amending s. 473.313, F.S.; deleting a provision requiring passage of an examination as a condition for reactivation of an inactive license as a certified public accountant; amending s. 475.175, F.S.; deleting the option to submit a notarized application for a real estate broker or sales associate license; amending s. 475.451, F.S.; limiting the attorney exemption from continuing education requirements to attorneys in good standing with The Florida Bar; amending s. 475.615, F.S.; deleting a requirement that an application for a real estate appraiser certification be notarized; amending ss. 476.134 and 476.144, F.S.; requiring a written examination for a barbering license; deleting provisions for a practical examination for barbering license applicants; amending s. 477.026 F.S.; increasing statutory maximums on cosmetology licensing fees; amending ss. 481.215 and 481.313, F.S.; deleting provisions requiring architect, interior designer, and landscape architect licensees to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 489.103, F.S.; revising a disclosure statement that a local permitting agency must provide to property owners who apply for building permits and claim certain exemptions from provisions regulating construction contracting; amending s. 489.105, F.S.; revising the term "specialty contractor" to require that the scope of work and responsibility of a

specialty contractor be established in a category of construction contracting adopted by rule of the Construction Industry Licensing Board; amending s. 489.109, F.S.; increasing statutory maximums on construction renewal fees; establishing a fee for registration or certification to qualify a business organization for contracting; deleting provisions relating to a business organization's certificate of authority to conform to changes made by the act; amending s. 489.114, F.S.; deleting provisions relating to a business organization's certificate of authority to conform to changes made by the act; amending s. 489.115, F.S.; deleting provisions requiring construction contractor certificateholders and registrants to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 489.117, F.S.; revising requirements for the registration of certain contractors; deleting provisions requiring a contractor applicant to submit proof of a local occupational license; specifying circumstances under which a specialty contractor holding a local license is not required to register with the board; deleting provisions for the issuance of tracking registrations to certain contractors who are not eligible for registration as specialty contractors; limiting the licensing and disciplinary actions that local jurisdictions must report to the board to certain actions of registered contractors; deleting provisions requiring the board to establish uniform job scopes for any construction contracting license category; amending s. 489.119, F.S.; deleting provisions for the issuance of a certificate of authority to a business organization for contracting; requiring a contractor to apply for registration or certification to qualify a business organization as the qualifying agent; authorizing the board to deny a registration or certification to qualify a business organization under certain circumstances; providing application procedures and requirements for the issuance of a business tax receipt to a business organization; deleting provisions for the issuance of an occupational license to a business organization; authorizing a local government to impose fines against certified or registered contractors under certain circumstances; requiring the qualifying agent of a business organization to present certain evidence to the board; providing that the board has discretion to approve a business organization; amending s. 489.127, F.S.; deleting provisions relating to a business organization's certificate of authority for contracting to conform to changes made by the act; amending s. 489.128, F.S.; revising the circumstances under which a person is considered an unlicensed contractor; deleting provisions relating to a business organization's certificate of authority for contracting to conform to changes made by the act; amending ss. 489.129 and 489.132, F.S.; deleting provisions relating to a business organization's certificate of authority for contracting to conform to changes made by the act; amending s. 489.1455, F.S.; deleting provisions requiring certain journeymen licensees to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 489.505, F.S.; revising the term "specialty contractor" to require that the scope of practice of a specialty contractor be established in a category of electrical or alarm system contracting adopted by rule of the Electrical Contractors' Licensing Board; amending s. 489.513, F.S.; deleting a requirement that the local license required for an electrical or alarm system contractor be an occupational license; limiting the licensing and disciplinary actions that local jurisdictions must report to the board to certain actions of registered contractors; deleting provisions requiring the board to establish uniform job scopes for any electrical and alarm system contracting license category; amending s. 489.516, F.S.; authorizing local officials to require a contractor to obtain a business tax receipt; deleting provisions requiring a contractor to pay an occupational license fee; amending s. 489.517, F.S.; deleting provisions requiring electrical and alarm system contractor certificateholders and registrants to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 489.521, F.S.; providing application procedures and requirements for the issuance of a business tax receipt to a business organization; deleting provisions for the issuance of an occupational license to a business organization; amending s. 489.5315, F.S.; specifying that certain electrical or alarm system contractors are not required to obtain a business tax receipt; deleting a provision exempting certain contractors from requirements for an occupational license to conform to changes made by the act; amending s. 489.532, F.S.; revising the circumstances under which a person is considered an unlicensed electrical or alarm system contractor; amending s. 489.537, F.S.; authorizing a county or municipality to collect fees for business tax receipts from electrical and alarm system contractors; deleting a provision authorizing the collection of occupational license fees; amending s. 509.233, F.S.; authorizing local governments to establish, by ordinance, local exemption procedures to allow patrons' dogs within certain desig-

nated outdoor portions of public food service establishments; deleting provisions for a pilot program that limits the authority for such local exemption procedures to a specified time; deleting a provision that provides for the future review and repeal of such pilot program; amending s. 548.002, F.S.; defining the term "event" for regulation of pugilistic exhibitions; amending s. 548.003, F.S.; authorizing the Florida State Boxing Commission to adopt criteria for the approval of certain amateur sanctioning organizations; authorizing the commission to adopt health and safety standards for amateur mixed martial arts; reenacting ss. 468.436(2)(a), 468.832(1)(a), 468.842(1)(a), 471.033(1)(a), 472.033(1)(a), 473.323(1)(a), 475.25(1)(a), 475.624(1), 476.204(1)(h), 477.029(1)(h), 481.225(1)(a), and 481.325(1)(a), F.S., relating to the discipline of community association managers or firms, home inspectors, mold assessors and remediators, engineers, surveyors and mappers, certified public accountants and accounting firms, real estate brokers and sales associates, real estate appraisers, barbers, cosmetologists, architects, and landscape architects, to incorporate the amendment made to s. 455.227, F.S., in references thereto; repealing s. 509.201, F.S., relating to posting and advertising the room rates of a public lodging establishment and related penalties; providing for retroactive application; providing effective dates.

By the Committee on Higher Education; and Senator Constantine—

CS for SB 2318—A bill to be entitled An act relating to postsecondary tuition rates; creating s. 1009.286, F.S.; requiring an additional payment for credit hours exceeding the requirements for completing a baccalaureate degree program; providing exceptions; requiring notice upon a student's initial enrollment in a state university or community college; providing an effective date.

By the Committees on Commerce; and Military Affairs and Domestic Security; and Senators Gaetz, Peaden, and Altman—

CS for CS for SB 2322—A bill to be entitled An act relating to military base closures; creating s. 288.984, F.S.; establishing the Florida Council on Military Base and Mission Support; providing the council's mission; providing for membership; providing for terms of appointment; providing for reappointment of members; providing for election of a council chair and vice chair; providing for members to be reimbursed for expenses; requiring that the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor provide administrative support to the council; requiring that certain agency heads attend council meetings and provide assistance, information, and support as requested by the council; providing for council workgroups and the tasks of the workgroups; providing an annual report to the Legislature and Governor; providing an effective date.

By the Committees on Education Pre-K - 12 Appropriations; and Education Pre-K - 12; and Senator Wise—

CS for CS for SB 2482—A bill to be entitled An act relating to school improvement and accountability; amending s. 1003.413, F.S.; redefining the term "secondary school" to no longer include an elementary school serving students through grade 6 only; repealing s. 1003.413(5), F.S., relating to a requirement that the Commissioner of Education create and implement the Secondary School Improvement Award Program; amending s. 1003.4156, F.S.; correcting a cross-reference; amending s. 1003.429, F.S.; revising provisions relating to accelerated high school graduation; revising the credits for certain courses required under the 3-year standard college preparatory program beginning with students who enter grade 9 in the 2009-2010 school year; amending s. 1003.621, F.S.; requiring that the State Board of Education annually designate school districts as academically high-performing school districts if certain criteria are met; requiring that such designation occur at the next meeting of the State Board of Education on or after a specified date each year; providing that the designation is effective beginning the following school year; revising the information that an academically high-performing school district must include in its annual report to the State Board of Education and the Legislature; amending s. 1008.25, F.S.; requiring that each district school board annually post certain information on its Internet website; revising the date that each district school board is required to report certain information to the State Board of Education; amending s. 1008.36, F.S.; revising the date that school staff and the school advisory council are required to reach an agreement regarding the

distribution of financial awards under the Florida School Recognition Program; providing an effective date.

By the Committee on Environmental Preservation and Conservation; and Senator Baker—

CS for SB 2530—A bill to be entitled An act relating to water resources; amending s. 373.185, F.S.; revising the definition of Florida-friendly landscaping; deleting references to "xeriscape"; requiring water management districts to provide model Florida-friendly landscaping ordinances to local governments; revising eligibility criteria for certain incentive programs of the water management districts; requiring certain local government ordinances and amendments to include certain design standards and identify specified invasive exotic plant species; requiring water management districts to consult with additional entities for activities relating to Florida-friendly landscaping practices; specifying programs for the delivery of educational programs relating to such practices; providing legislative findings; providing that certain regulations prohibiting the implementation of Florida-friendly landscaping or conflicting with provisions governing the permitting of consumptive uses of water are prohibited; providing that the act does not limit the authority of the department or the water management districts to require Florida-friendly landscaping ordinances or practices as a condition of certain permit; creating s. 373.187, F.S.; requiring water management districts to implement Florida-friendly landscaping practices on specified properties; requiring districts to develop specified programs for implementing such practices on other specified properties; amending s. 373.228, F.S.; requiring water management districts to work with specified entities to develop certain standards; requiring water management districts to consider certain information in evaluating water use applications from public water suppliers; conforming provisions to changes made by the act; amending s. 373.323, F.S.; revising application requirements for water well contractor licensure; requiring applicants to provide specified documentation; amending s. 373.333, F.S.; authorizing an administrative fine to be imposed for each occurrence of unlicensed well water contracting; amending ss. 125.568, 166.048, 255.259, 335.167, 380.061, 388.291, 481.303, and 720.3075, F.S.; conforming provisions to changes made by the act; revising provisions requiring the use of Florida-friendly landscaping for specified public properties and highway construction and maintenance projects; providing an effective date.

By the Committees on Education Pre-K - 12 Appropriations; and Education Pre-K - 12; and Senator Detert—

CS for CS for SB 2538—A bill to be entitled An act relating to supplemental educational services; amending s. 1008.331, F.S.; requiring that each supplemental educational services provider report certain information to the Department of Education regarding services to public school students in the district by a specified date each year; requiring that the department post a uniform survey on its Internet website to be completed online by principals and school districts; requiring that the department evaluate each provider based on such information and assign a service designation; providing an exception for such designation; requiring that the department adopt rules specifying the threshold requirements for such designation; requiring that the department report the service designations to the providers, the school districts, parents, and the public by a specified date each year; authorizing school districts to use certain funds to meet the requirements in the act; requiring that the State Board of Education adopt rules; requiring that the board's rules include an internal complaint procedure; providing guidelines for such procedure; requiring that the department approve certain methods for measuring student learning gains; requiring that a provider use acceptable methods for measuring student learning gains as a condition for state approval; requiring that a provider report data on individual student learning gains to the department; providing an exception; requiring that the report contain certain information; providing an effective date.

By the Committee on Regulated Industries; and Senator Gardiner—

CS for SB 2604—A bill to be entitled An act relating to residential properties; amending s. 718.112, F.S.; requiring that each newly elected director certify certain information to the secretary of the association; providing that a failure to timely file the statement of certification automatically disqualifies the director from service on the association's board of directors; requiring that the secretary of the association retain a

director's certification for inspection by the members for a specified period after a director's election; amending s. 720.303, F.S.; revising provisions relating to homeowners' association board meetings, inspection and copying of records, and reserve accounts of budgets; prohibiting certain association personnel from receiving a salary or compensation; providing exceptions; conforming a cross-reference to changes made by the act; amending s. 720.305, F.S.; authorizing fines assessed against members in excess of a specified amount to become a lien against a parcel; amending s. 720.306, F.S.; providing requirements for secret ballots; requiring newly elected members of a board of directors to make certain certifications in writing to the association; providing for disqualification for failure to make such certifications; requiring that an association retain certifications for a specified period; creating s. 720.315, F.S.; prohibiting the board of directors of a homeowners' association from passing more than one special assessment per calendar year under certain circumstances; requiring that each special assessment be adopted at a board meeting conducted solely for the purpose of discussing and adopting such assessment; requiring that the board provide a notice for a specified period before such meeting; providing procedures for providing such notice; requiring that such notice contain certain information; requiring that the meeting be held in the same county in which the association is located; limiting the amount of a special assessment and restricting the manner in which moneys collected pursuant thereto may be used; providing that lots or units owned by the developer are subject to the same payment requirements and deadlines as those owned by members; providing exceptions; prohibiting a developer from delaying payment of a special assessment based on the use of a developer's guarantee; requiring that a board of directors initiate or authorize collection efforts against units owned by a developer under certain circumstances; providing that failure of the board to take certain action constitutes a defense to nonpayment of a special assessment for certain members of the association; amending s. 720.401, F.S.; requiring that the disclosure summary to prospective parcel owners include additional provisions; amending s. 34.01, F.S.; correcting a cross-reference to conform to changes made by the act; amending s. 720.302, F.S.; correcting a cross-reference to conform to changes made by the act; providing legislative intent; repealing s. 720.311, F.S., relating to a procedure for dispute resolution in homeowners' associations; creating part IV of ch. 720, F.S., relating to dispute resolution; creating s. 720.501, F.S.; providing a short title; creating s. 720.502, F.S.; providing legislative findings; creating s. 720.503, F.S.; providing applicability of provisions for mediation and arbitration applicable to disputes in homeowners' associations; providing exceptions; providing for applicability; tolling applicable statutes of limitations; creating s. 720.504, F.S.; requiring that a notice of dispute be delivered before referral to mediation or arbitration; creating s. 720.505, F.S.; creating a statutory notice form for referral to mediation; requiring delivery by certified mail or personal delivery; setting deadlines; requiring that parties share certain costs; requiring the selection of a mediator and meeting times; providing penalties for failure to mediate; creating s. 720.506, F.S.; providing an opt-out provision; creating s. 720.507, F.S.; providing a statutory notice form for referral to arbitration; requiring delivery by certified mail or personal delivery; providing deadlines; requiring that parties share certain costs; requiring the selection of an arbitrator and meeting times; providing penalties for failure to arbitrate; creating s. 720.508, F.S.; providing rules of procedure; providing for confidentiality; providing that settlement agreements resulting from a mediation or arbitration proceeding do not have precedential value in other proceedings involving other parties; providing that arbitration awards have precedential value under specified conditions; creating s. 720.509, F.S.; setting qualifications for mediators and arbitrators; creating s. 720.510, F.S.; providing for the enforcement of mediation agreements and arbitration awards; providing an effective date.

By the Committee on Regulated Industries; and Senator Pruitt—

CS for SB 2606—A bill to be entitled An act relating to stormwater management system design; establishing a task force to develop recommendations relating to stormwater management system design; specifying study criteria; providing for task force membership, meetings, and expiration; requiring the task force to submit findings and legislative recommendations to the Legislature by a specified date; providing an effective date.

By the Committees on Health Regulation; and Children, Families, and Elder Affairs; and Senator Wise—

CS for CS for SB 2612—A bill to be entitled An act relating to substance abuse and mental health services; amending s. 212.055, F.S.; conforming a cross-reference; amending s. 394.67, F.S.; redefining the term "residential treatment center for children and adolescents"; amending s. 394.674, F.S.; establishing priority populations of persons who are eligible for services funded by the Department of Children and Family Services; amending s. 394.908, F.S.; conforming terminology to changes made by the act; amending s. 394.9085, F.S.; conforming a cross-reference; amending s. 397.301, F.S.; deleting an obsolete provision; amending s. 397.305, F.S.; revising the legislative intent, purpose, and findings; amending s. 397.311, F.S.; revising definitions; amending s. 397.321, F.S.; revising the duties of the Department of Children and Family Services; deleting a provision that authorizes the department to establish a pilot project to serve certain persons who qualify to receive substance abuse or mental health services in a specified district; amending s. 397.331, F.S.; revising the term "substance abuse programs and services" or "drug control"; amending s. 397.401, F.S.; providing that it is unlawful for an unlicensed agency to act as a substance abuse service provider; amending s. 397.403, F.S.; revising requirements for a license application; amending s. 397.405, F.S.; providing that physician assistants are exempt from licensing requirements under ch. 397, F.S.; providing that a crisis stabilization unit is exempt from licensure; conforming a cross-reference; authorizing the department to adopt certain rules; providing that ch. 397, F.S., does not limit the practice of a physician assistant or an advanced registered nurse practitioner who provides substance abuse treatment under certain circumstances; amending s. 397.406, F.S.; providing that substance abuse programs operated directly or under contract by the Department of Juvenile Justice are subject to licensure and regulation; amending s. 397.407, F.S.; conforming a cross-reference; revising the licensure process; authorizing the Department of Children and Family Services to issue probationary, regular, and interim licenses; providing requirements for probationary, regular, and interim licenses; repealing s. 397.409, F.S., relating to probationary, regular, and interim licenses; amending s. 397.411, F.S.; requiring the department to notify certain applicable agencies of any licensure inspections of service providers; amending s. 397.415, F.S.; requiring that fines collected as administrative penalties be deposited in the Operations and Maintenance Trust Fund of the department rather than the Substance Abuse Impairment Provider Licensing Trust Fund; revising requirements for suspending or revoking a license; amending s. 397.416, F.S.; conforming a cross-reference; amending s. 397.419, F.S.; renaming quality assurance programs to "quality improvement programs"; conforming provisions to changes made by the act; providing that certain records are not admissible in any civil or administrative action except in disciplinary proceedings by the Department of Health, and not the Department of Business and Professional Regulation; revising minimum guidelines for a service provider's quality improvement program; providing additional requirements for a quality improvement program; deleting a provision that requires a quality assurance program to incorporate a peer review process; amending s. 397.427, F.S.; specifying that medication treatment service providers are providers of medication-assisted treatment services for opiate addiction; conforming provisions to changes made by the act; requiring the department to determine the need for establishing medication-assisted treatment services for other substance-use disorders; requiring service providers that provide medication-assisted treatment for other substance-use disorders to provide counseling services; requiring the department to adopt rules to administer medication-assisted treatment services; authorizing a physician assistant, registered nurse, an advanced registered nurse practitioner, and a licensed practical nurse to deliver medication, other than methadone, for the purpose of medication-assisted treatment for opiate addiction under certain conditions; authorizing a physician assistant to deliver takeout medication for opiate treatment to certain persons; requiring a licensed service provider that provides medication-assisted treatment to adopt written protocols; providing requirements for the protocols; requiring a licensed service provider that provides medication-assisted treatment to maintain and have ready for inspection medical records and protocols; amending s. 397.431, F.S.; conforming provisions to changes made by the act; amending s. 397.451, F.S.; providing that inmate substance abuse programs are exempt from level 2 background screenings; clarifying that certain personnel employed in an inmate substance abuse program are exempt from fingerprinting and background check requirements; amending ss. 397.471, 397.501, 397.581, 397.601, 397.6751, 397.6752, 397.6758, 397.6773, 397.6797,

397.6799, 397.6819, 397.6821, 397.6822, 397.697, 397.6971, 397.6975, 397.6977, 397.702, 397.706, 397.801, 397.821, 397.94, 397.95, 397.97, 397.99, F.S.; conforming provisions to changes made by the act; amending s. 440.102, F.S.; conforming a cross-reference; amending s. 766.101, F.S.; redefining the term “medical review committee” to include a committee to review mental health and substance abuse treatment services provided by the department; repealing s. 394.9081, F.S., relating to target groups for substance abuse and mental health services; providing an effective date.

By the Committees on Commerce; and Communications, Energy, and Public Utilities; and Senators Haridopolos, Ring, Oelrich, Smith, Bennett, Gaetz, Altman, Pruitt, and Baker—

CS for CS for SB 2626—A bill to be entitled An act relating to telecommunications companies; creating the “Consumer Choice and Protection Act”; providing legislative findings and intent; authorizing the Department of Management Services to engage in certain activities related to assessing the need for broadband Internet service in the state, planning for such service, and encouraging the statewide deployment of such service; authorizing the department to apply for and accept certain funds; authorizing the department to enter into contracts; authorizing the department to establish committees or workgroups; authorizing the department to adopt rules; amending s. 364.013, F.S.; providing for local interconnection rights regardless of technology; amending s. 364.02, F.S.; redefining the terms “basic local telecommunications service,” “nonbasic service,” and “telecommunications company”; amending s. 364.04, F.S.; requiring each telecommunications company to publish through electronic or physical media the company’s schedules showing its rates, tolls, rentals, contracts, and charges; authorizing a telecommunications company to file the published schedules with the Public Service Commission or to publish the schedules through other reasonably publicly accessible means, including on a website; deleting standards for printing schedules and notices; amending s. 364.051, F.S.; removing a limitation on eligibility to request an increase in basic rates due to storm damage; revising provisions that allow for an increase in rates for nonbasic services under certain circumstances; deleting provisions relating to rate increases for nonbasic services; amending s. 364.08, F.S.; prohibiting a telecommunications company from charging or receiving compensation for any service other than for the charge applicable to the service as specified in its schedule on file or otherwise published; providing an exception for employee concessions; repealing s. 364.09, F.S., relating to the illegal giving of rebates or special rates by a telecommunications company; amending s. 364.10, F.S.; providing the conditions that require a telecommunications carrier to provide Lifeline services to eligible customers; amending s. 364.15, F.S.; requiring that the Public Service Commission order only those repairs and improvements to telecommunications facilities which are authorized under law; amending s. 364.33, F.S.; providing that a certificate of necessity may be transferred from a person holding a certificate to another, and a person holding a certificate may acquire ownership or control of a telecommunications facility without prior approval of the commission; amending ss. 364.335 and 364.345, F.S.; conforming provisions to changes made in the act; amending s. 364.3376, F.S.; requiring providers of telephone operator services to comply with certain enumerated criteria; requiring the operator services to bill for services in accordance with published schedules; amending s. 364.3382, F.S.; requiring each local exchange telecommunications company to advise each residential customer of the least-cost service available to that customer when the residential customer initially requests basic local telecommunications service; amending s. 364.603, F.S.; providing procedures for resolving complaints regarding preferred carrier freezes on local exchange service; amending ss. 364.059 and 364.105, F.S.; conforming cross-references; providing an effective date.

REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

By the Committees on Banking and Insurance; and Health Regulation; and Senator Ring—

CS for CS for SB 308—A bill to be entitled An act relating to developmental disabilities; creating s. 381.986, F.S.; requiring that a physician refer a minor to an appropriate specialist for screening for autism spectrum disorder or other developmental disability and inform the parent or legal guardian of the right to direct access to that specialist

under certain circumstances; defining the term “appropriate specialist”; amending ss. 627.6686 and 641.31098, F.S.; defining the term “developmental disability”; providing health insurance coverage for individuals with developmental disabilities; requiring certain insurers and health maintenance organizations to provide direct patient access to an appropriate specialist for screening, evaluation of, or diagnosis for autism spectrum disorder or other developmental disabilities; defining the term “direct patient access”; requiring the insurer’s policy or the health maintenance organization’s contract to provide a minimum number of visits per year for the screening, evaluation, or diagnosis for autism spectrum disorder or other developmental disabilities; providing an effective date.

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

By the Committee on Community Affairs; and Senators Bennett and Gaetz—

CS for SB 364—A bill to be entitled An act relating to regulatory reform; creating s. 282.801, F.S.; providing legislative findings and intent; requiring the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor to design and construct the E-SHOP FLORIDA Internet website; requiring specified state agencies and water management districts to appoint representatives to participate in the development of the policies, procedures, and standards for permitting and licensing; providing requirements for the website; providing definitions; requiring the website to provide access to permits, licenses, and approvals issued by specified state agencies and water management districts; requiring each state agency that issues permits, licenses, or approvals to develop a protocol to allow participation in the E-SHOP FLORIDA system; directing certain state agencies to develop online licensing and permitting if feasible; authorizing such agencies to competitively procure and contract for necessary services; providing application-review requirements for applications submitted through the E-SHOP FLORIDA system; requiring each state agency and water management district that participates in the E-SHOP FLORIDA system to maintain certain records; requiring a report to the Legislature; authorizing a reduction in permit fees under certain conditions; amending ss. 373.036, 373.4135, and 373.4136, F.S.; conforming cross-references; amending s. 373.414, F.S.; providing that a permit application that is signed by certain registered professionals is presumed to be in compliance with permitting requirements; providing the burden of proof that is required in proving noncompliance; authorizing the Department of Environmental Protection or the water management district to forward a complaint against a registered professional to the regulatory board; prohibiting a registered professional who is sanctioned from preparing and signing permit applications; amending s. 403.814, F.S.; directing the Department of Environmental Protection and the water management districts to expand the use of Internet-based self-certification; requiring the department and the districts to identify general permits for which expedited review may be implemented through the use of professional certifications; providing for a report; repealing s. 288.109, F.S., relating to the One-Stop Permitting System; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; Regulated Industries; Governmental Oversight and Accountability; and Transportation and Economic Development Appropriations.

By the Committee on Community Affairs; and Senator Bennett—

CS for SB 2016—A bill to be entitled An act relating to environmental permitting; amending s. 373.4144, F.S.; providing legislative intent; requiring the Department of Environmental Protection to pursue the issuance of a state programmatic permit or regional general permits from the United States Army Corps of Engineers; revising provisions requiring the Department of Environmental Protection to develop and use a mechanism consolidating federal and state wetland permitting programs; authorizing implementation of a state programmatic general permit or regional general permits by the department and water management districts for certain dredge and fill activities; specifying conditions applicable to such permits; amending s. 373.4211, F.S.; delaying the effective date of a rule adding slash pine and gallberry to the list of facultative plants; revising provisions concerning the methodologies used to delineate the landward extent of wetlands and surface waters;

revising provisions concerning the vegetative index used to delineate the landward extent of wetlands and surface waters; providing for permit modification under certain circumstances; providing for certain declaratory statements or formal jurisdictional determinations from the department or a water management district; providing exemptions for certain permit petitions and applications relating to specified activities; creating ss. 125.0112, F.S.; providing that the construction and operation of a biofuel processing facility or a renewable energy generating facility and the cultivation and production of bioenergy may be considered a valid industrial, agricultural, and silvicultural use for purposes of any local comprehensive plan; providing for a local government to establish an expedited review process under certain circumstances; providing that local expedited review does not obligate a local government to approve proposed uses; providing for alternative state review of certain plan amendments; providing the construction and operation of certain facilities may not affect classification of property for ad valorem tax purposes; amending s. 373.236, F.S.; requiring that a permit for the use of water for cultivating agricultural products and renewable energy be granted for a specified number of years if certain conditions are met; providing requirements for permittees; providing an exemption; amending s. 403.973, F.S.; providing for the expedited review of permit applications for projects resulting in the production of biofuels or in the construction of a biofuel or biodiesel processing facility or renewable energy generating facility; clarifying provisions relating to memoranda of agreement which establish regional teams for the expedited review of such applications; providing an effective date.

—was referred to the Committees on Communications, Energy, and Public Utilities; Agriculture; Governmental Oversight and Accountability; and General Government Appropriations.

By the Committees on Environmental Preservation and Conservation; and Community Affairs; and Senator Altman—

CS for CS for SB 2026—A bill to be entitled An act relating to regulatory reform; providing for an extension and renewal of certain permits, development orders, or other land use approvals; providing for retroactive application of the extension and renewal; amending s. 120.569, F.S.; providing for an electronic notice of hearing rights; amending s. 120.60, F.S., relating to additional information for license applications; providing for an agency to process a permit application under certain circumstances; amending s. 125.022, F.S.; providing that counties may not require certain permits or approvals as a condition of approving a development permit; creating s. 161.032, F.S.; providing for review of applications; providing requirements for timely submittal of additional information requested; providing circumstances in which an application may be denied; amending s. 166.033, F.S.; providing that municipalities may not require certain permits or approvals as a condition of approving a development permit; amending s. 253.034, F.S.; providing for the deposition of dredged material on state-owned submerged lands in certain circumstances and for certain purposes; amending s. 373.026, F.S.; providing for the expansion of Internet-based self-certification for exemptions and general permits; amending s. 373.441, F.S.; restricting the authority of the Department of Environmental Protection and the appropriate water management district to regulate certain activities delegated to a county, municipality, or local pollution control program; providing exceptions; amending s. 373.4141, F.S.; providing requirements for requests for additional information; amending s. 373.079, F.S.; requiring the water management district governing boards to delegate certain permitting responsibilities to the district executive directors; amending s. 373.083, F.S.; requiring the delegation of certain authority by the governing board to the executive director of the water management district; providing an exception to requirements of ch. 120, F.S.; providing a prohibition; amending s. 373.118, F.S.; providing for the delegation of general permit authority by a water management district governing board to the district executive director; providing an exception to the requirements of ch. 120, F.S.; amending s. 373.236, F.S.; providing for 50-year consumptive use permits in certain circumstances; providing requirements for issuance of a permit; providing for certain permits to be granted for terms of at least 25 years; requiring reports by the permittees; amending s. 373.243, F.S.; providing that certain permits may not be revoked unless nonuse of the water supply allowed by the permit is for 4 years or more; amending s. 373.406, F.S.; providing a permit exemption for certain public use facilities on county-owned natural areas; creating s. 373.4061, F.S.; providing requirements for noticed general permits for counties; providing

requirements, restrictions, and limitations; amending s. 403.061, F.S.; amending the powers and duties of the Department of Environmental Protection; providing that department rules may include criteria for approval of certain dock facilities; authorizing the department to maintain certain lists of projects or activities that meet specified mitigation or public-interest requirements; providing an exception; providing restrictions; requiring the department of implement a project management plan to implement e-permitting; providing project requirements; requiring the department to submit the plan to the President of the Senate and the Speaker of the House of Representatives by January 15, 2010; authorizing the department to expand the use of Internet-based self-certification services for appropriate exemptions and general permits; providing restrictions on local governments relating to method or form of documentation; amending s. 403.813, F.S., relating to permits issued at district centers; providing exceptions; amending s. 403.814, F.S.; directing the Department of Environmental Protection to expand the use of Internet-based self-certification services for exemptions and general permits; requiring the submission of a report to the President of the Senate and the Speaker of the House of Representatives; amending s. 403.973, F.S., relating to expedited permitting and comprehensive plan amendments; specifying that certain biofuel projects are eligible for expedited permitting; transferring certain responsibilities from the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor to the Secretary of Environmental Protection; revising the time by which certain final orders must be issued; providing additional requirements for recommended orders; amending s. 258.42, F.S.; authorizing the placement of roofs on certain slips and private residential single-family docks; providing that such roofs may not be included in the calculation to determine the square footage of the terminal platform; providing for retroactive application of specified provisions; creating part IV of ch. 369, F.S.; providing a short title; providing legislative findings and intent with respect to the need to protect and restore springs and ground water; providing definitions; requiring the Department of Environmental Protection to delineate the springsheds of specified springs; requiring the department to adopt spring protection zones by secretarial order; requiring the department to adopt total maximum daily loads and basin management action plans for spring systems; providing effluent requirements for domestic wastewater treatment facilities; providing requirements for onsite sewage treatment and disposal systems; providing requirements for agricultural operations; authorizing the Department of Environmental Protection, the Department of Health, and the Department of Agriculture and Consumer Services to adopt rules; amending s. 163.3177, F.S.; requiring certain local governments to adopt a springs protection element as one of the required elements of the comprehensive plan by a specified date; providing that certain design principles be included in the element; requiring the Department of Environmental Protection and the state land planning agency to make information available concerning best-management practices; prohibiting a local government that fails to adopt a springs protection element from amending its comprehensive plan; amending s. 403.1835, F.S.; including certain areas of critical state concern and the spring protection zones established by the act among projects that are eligible for certain financial assistance; requiring the Department of Environmental Protection, the Department of Agriculture and Consumer Services, and water management districts to assess nitrogen loading and begin implementing management plans within the spring protection zones by a specified date; amending s. 381.0065, F.S.; requiring the Department of Health to implement a statewide onsite sewage treatment and disposal system inspection program; providing a 10-year phase-in cycle; requiring inspection; providing specific exemptions; providing fee requirements; providing disposition of fees; amending s. 259.105, F.S.; providing priority under the Florida Forever Act for projects within a springs protection zone; creating s. 403.9335, F.S.; providing legislative findings; providing for model ordinances for the protection of urban and residential environments and water; requiring the Department of Environmental Protection to adopt a model ordinance by a specified date; requiring municipalities and counties having impaired water bodies or segments to adopt the ordinance; creating s. 403.9337, F.S.; providing definitions; prohibiting use of certain fertilizers after a specified date; providing for exemptions; transferring by a type II transfer the Bureau of Onsite Sewage from the Department of Health to the Department of Environmental Protection; amending s. 369.317, F.S.; clarifying mitigation offsets in the Wekiva Study Area; amending s. 373.185, F.S.; revising the definition of Florida-friendly landscaping; deleting references to “xeriscape”; requiring water management districts to provide model Florida-friendly landscaping ordinances to local governments;

revising eligibility criteria for certain incentive programs of the water management districts; requiring certain local government ordinances and amendments to include certain design standards and identify specified invasive exotic plant species; requiring water management districts to consult with additional entities for activities relating to Florida-friendly landscaping practices; specifying programs for the delivery of educational programs relating to such practices; providing legislative findings; providing that certain regulations prohibiting the implementation of Florida-friendly landscaping or conflicting with provisions governing the permitting of consumptive uses of water are prohibited; providing that the act does not limit the authority of the department or the water management districts to require Florida-friendly landscaping ordinances or practices as a condition of certain permit; creating s. 373.187, F.S.; requiring water management districts to implement Florida-friendly landscaping practices on specified properties; requiring districts to develop specified programs for implementing such practices on other specified properties; amending s. 373.228, F.S.; requiring water management districts to work with specified entities to develop certain standards; requiring water management districts to consider certain information in evaluating water use applications from public water suppliers; conforming provisions to changes made by the act; amending s. 373.323, F.S.; revising application requirements for water well contractor licensure; requiring applicants to provide specified documentation; amending s. 373.333, F.S.; authorizing an administrative fine to be imposed for each occurrence of unlicensed well water contracting; amending ss. 125.568, 166.048, 255.259, 335.167, 380.061, 388.291, 481.303, and 720.3075, F.S.; conforming provisions to changes made by the act; revising provisions requiring the use of Florida-friendly landscaping for specified public properties and highway construction and maintenance projects; establishing a task force to develop recommendations relating to stormwater management system design; specifying study criteria; providing for task force membership, meetings, and expiration; requiring the task force to submit findings and legislative recommendations to the Legislature by a specified date; providing effective dates.

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

By the Committee on Communications, Energy, and Public Utilities; and Senator King—

CS for SB 2092—A bill to be entitled An act relating to broadband Internet service; providing legislative findings and intent; authorizing the Department of Management Services to engage in certain activities related to assessing the need for broadband Internet service in the state, planning for such service, and encouraging the statewide deployment of such service; authorizing the department to apply for and accept certain funds; authorizing the department to enter into contracts; authorizing the department to establish committees or workgroups; authorizing the department to adopt rules; providing an effective date.

—was referred to the Committee on Governmental Oversight and Accountability; and the Policy and Steering Committee on Ways and Means.

By the Committee on Communications, Energy, and Public Utilities; and Senator King—

CS for SB 2126—A bill to be entitled An act relating to public records; providing an exemption from public-records requirements for specified proprietary business information obtained from a communications company or broadband company by the Department of Management Services; providing for future review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Governmental Oversight and Accountability; and Rules.

By the Committee on Regulated Industries; and Senator Gardiner—

CS for SB 2604—A bill to be entitled An act relating to residential properties; amending s. 718.112, F.S.; requiring that each newly elected director certify certain information to the secretary of the association;

providing that a failure to timely file the statement of certification automatically disqualifies the director from service on the association's board of directors; requiring that the secretary of the association retain a director's certification for inspection by the members for a specified period after a director's election; amending s. 720.303, F.S.; revising provisions relating to homeowners' association board meetings, inspection and copying of records, and reserve accounts of budgets; prohibiting certain association personnel from receiving a salary or compensation; providing exceptions; conforming a cross-reference to changes made by the act; amending s. 720.305, F.S.; authorizing fines assessed against members in excess of a specified amount to become a lien against a parcel; amending s. 720.306, F.S.; providing requirements for secret ballots; requiring newly elected members of a board of directors to make certain certifications in writing to the association; providing for disqualification for failure to make such certifications; requiring that an association retain certifications for a specified period; creating s. 720.315, F.S.; prohibiting the board of directors of a homeowners' association from passing more than one special assessment per calendar year under certain circumstances; requiring that each special assessment be adopted at a board meeting conducted solely for the purpose of discussing and adopting such assessment; requiring that the board provide a notice for a specified period before such meeting; providing procedures for providing such notice; requiring that such notice contain certain information; requiring that the meeting be held in the same county in which the association is located; limiting the amount of a special assessment and restricting the manner in which moneys collected pursuant thereto may be used; providing that lots or units owned by the developer are subject to the same payment requirements and deadlines as those owned by members; providing exceptions; prohibiting a developer from delaying payment of a special assessment based on the use of a developer's guarantee; requiring that a board of directors initiate or authorize collection efforts against units owned by a developer under certain circumstances; providing that failure of the board to take certain action constitutes a defense to nonpayment of a special assessment for certain members of the association; amending s. 720.401, F.S.; requiring that the disclosure summary to prospective parcel owners include additional provisions; amending s. 34.01, F.S.; correcting a cross-reference to conform to changes made by the act; amending s. 720.302, F.S.; correcting a cross-reference to conform to changes made by the act; providing legislative intent; repealing s. 720.311, F.S., relating to a procedure for dispute resolution in homeowners' associations; creating part IV of ch. 720, F.S., relating to dispute resolution; creating s. 720.501, F.S.; providing a short title; creating s. 720.502, F.S.; providing legislative findings; creating s. 720.503, F.S.; providing applicability of provisions for mediation and arbitration applicable to disputes in homeowners' associations; providing exceptions; providing for applicability; tolling applicable statutes of limitations; creating s. 720.504, F.S.; requiring that a notice of dispute be delivered before referral to mediation or arbitration; creating s. 720.505, F.S.; creating a statutory notice form for referral to mediation; requiring delivery by certified mail or personal delivery; setting deadlines; requiring that parties share certain costs; requiring the selection of a mediator and meeting times; providing penalties for failure to mediate; creating s. 720.506, F.S.; providing an opt-out provision; creating s. 720.507, F.S.; providing a statutory notice form for referral to arbitration; requiring delivery by certified mail or personal delivery; providing deadlines; requiring that parties share certain costs; requiring the selection of an arbitrator and meeting times; providing penalties for failure to arbitrate; creating s. 720.508, F.S.; providing rules of procedure; providing for confidentiality; providing that settlement agreements resulting from a mediation or arbitration proceeding do not have precedential value in other proceedings involving other parties; providing that arbitration awards have precedential value under specified conditions; creating s. 720.509, F.S.; setting qualifications for mediators and arbitrators; creating s. 720.510, F.S.; providing for the enforcement of mediation agreements and arbitration awards; providing an effective date.

—was referred to the Committees on Judiciary; Finance and Tax; and General Government Appropriations.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of section 114.05, Florida Statutes, certificates subject to confirmation by the Senate have been prepared for the following:

Office and Appointment

*For Term
Ending*

Central Florida Regional Planning Council, Region 7	
Appointees: Goodman, Marshall, Lakeland	10/01/2010
Keene, William S., Sr., Okeechobee	10/01/2010
Rada-Pilkington, Erlinda "Linda", Lake Wales	10/01/2009
Tuck, Andy, Sebring	10/01/2009
Tucker, Jacqueline W., Arcadia	10/01/2010

Referred to the Committee on Ethics and Elections.

**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 CS for HB 185, HB 741, HB 7001 and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

By Health Care Regulation Policy Committee and Representative(s) Hudson and others—

CS for HB 185—A bill to be entitled An act relating to access to health care; amending s. 624.91, F.S.; expanding the membership of the board of directors of the Florida Healthy Kids Corporation; amending s. 636.035, F.S.; specifying certain provider arrangement contract prohibitions or restrictions; prohibiting prepaid limited health service organizations from specifying certain contract continuation or renewal conditions; providing for voiding of certain contracts; specifying absence of liability for certain criminal penalties; amending s. 641.315, F.S.; providing for application to health maintenance organizations of the prohibition against specifying certain contract continuation or renewal conditions; amending s. 766.1116, F.S.; revising time requirements for a health care practitioner's waiver of license renewal fees and continuing education requirements; providing an effective date.

—was referred to the Committees on Health Regulation; Banking and Insurance; and Health and Human Services Appropriations.

By Representative(s) Patterson and others—

HB 741—A bill to be entitled An act relating to insurance premium financing; amending s. 627.902, F.S.; specifying nonapplication of certain provisions to certain discounts; specifying such discounts as not related to premium financing; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Finance and Tax.

By Government Accountability Act Council and Representative(s) Grimsley—

HB 7001—A bill to be entitled An act relating to a review of the Department of Citrus and Florida Citrus Commission under the Florida Government Accountability Act; reenacting ss. 20.29, 601.04, and 601.05, F.S., relating to the Department of Citrus and the Florida Citrus Commission; repealing s. 601.154, F.S., relating to the Citrus Stabilization Act; providing an effective date.

—was referred to the Committees on Agriculture; Governmental Oversight and Accountability; and General Government Appropriations.

RETURNING MESSAGES — FINAL ACTION

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed SB 318.

Robert L. "Bob" Ward, Clerk

The bill contained in the foregoing message was ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 14 was corrected and approved.

CO-INTRODUCERS

Senators Aronberg—CS for SB's 1646 and 1038; Baker—CS for CS for SB 2626; Gaetz—CS for SB 364; Haridopolos—CS for CS for SB 1796; Hill—CS for SB 810; Justice—SB 792; Lawson—CS for SB 918; Smith—CS for SB 918; Wilson—SB 220, SB 310

RECESS

On motion by Senator Villalobos, the Senate recessed at 3:49 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Wednesday, April 22 or upon call of the President.