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CONTENTS

Bills on Third Reading 521, 534, 537, 542, 551
 Call to Order 518, 537, 587, 588, 589
 Claim Bill Calendar 532
 Co-Introducers 596
 Committee Substitutes, First Reading 589
 House Messages, First Reading 591
 Motions 524, 588, 589
 Motions Relating to Committee Meetings 588
 Motions Relating to Committee Reference 521, 588, 589
 Point of Order 542
 Point of Order Ruling 544
 Reference Changes, Rule 4.7(2) 590
 Reports of Committees 589
 Resolutions 518
 Special Order Calendar 538, 543, 552, 588
 Votes Disclosure 533, 534, 596

CALL TO ORDER

The Senate was called to order by President Atwater at 10:00 a.m. A quorum present—39:

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

Excused: Senator Pruitt

PRAYER

The following prayer was offered by James Bridwell, Youth Pastor, First Baptist Church, Crawfordville:

God, we thank you for the opportunity to gather today and make our country and our state better. You have given us this privilege to oversee the lives of your people. We acknowledge that the decisions being made today will affect generations to come.

So we ask that you, Lord, give us wisdom to make the proper choices. Help our egos and our agenda come second to the good of the people. God, guide us today and may our work be pleasing in your sight. Please also be with our brothers across the nation who have the same task that we do, from the local to the national levels. Bless our troops with safety and a quick return.

Lord, be with our families and keep your hand of protection upon them. Lord, there is no one like you. We praise you for who you are, and thank you for all the good you have brought to our lives. Amen.

PLEDGE

Senate Pages Joshua Brinsley of Miami; Allan Abrantes, Jr. of South Miami; Mary “Tory” Burnett of Jacksonville; Jarrod S. Fleming of Orlando; and Emmittcia “MiMi” Jones of Tallahassee 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. Temple O. Robinson of Tallahassee, sponsored by Senator Lawson, as doctor of the day. Dr. Robinson specializes in Internal Medicine.

ADOPTION OF RESOLUTIONS

On motion by Senator Garcia—

By Senator Garcia—

SR 944—A resolution recognizing April 2009 as “Fair Housing Month.”

WHEREAS, the federal Fair Housing Act prohibits discrimination in the sale, rental, and financing of housing based on race, color, religion, gender, national origin, disability, or familial status, and

WHEREAS, the Florida Legislature enacted the Florida Fair Housing Act in 1983 to ensure that the state makes every effort to provide fair housing opportunities to all persons, and to prohibit discrimination in the sale or rental of housing due to race, color, national origin, gender, or religion, and

WHEREAS, the Florida Legislature subsequently amended the Florida Fair Housing Act to expand the prohibition on discrimination to include familial status and persons with disabilities, and

WHEREAS, according to the United States Department of Housing and Urban Development, one out of every four or five Hispanic, African-American, Asian, or Native-American persons still faces discrimination when attempting to rent, purchase, or finance housing, and

WHEREAS, low-income and disabled persons and the elderly who attempt to purchase, refinance, or secure a reverse mortgage are targets for predatory lending and fraudulent loan practices, and

WHEREAS, the Secretary of the United States Department of Housing and Urban Development has proclaimed April 2009 as “National Fair Housing Month” and, further, has asked communities to remember the past and celebrate 41 years of housing successes, and to ensure justice and housing opportunities for all, and

WHEREAS, Florida has one of the highest foreclosure rates in the country resulting in an alarming number of residents losing their homes and being forced to find alternative housing, and

WHEREAS, thorough and timely investigations conducted by the Florida Commission on Human Relations found that, in 2007-2008, housing discrimination on the basis of disability, race, familial status, and national origin continued to occur in Florida, and

WHEREAS, the Florida Commission on Human Relations continues to expand its efforts to reach out to and educate members of the housing industry on fair housing laws and on industry responsibilities in providing fair housing opportunities, NOW, THEREFORE,

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

That April 2009 is recognized as “Fair Housing Month” in the State of Florida, and the Florida Senate calls upon state and local government leaders, communities within the state, and all of the people of Florida to observe Fair Housing Month through activities and ceremonies that celebrate historical and future efforts to ensure fair and equal access to housing for all people in this state.

—was introduced out of order and read by title. On motion by Senator Garcia, **SR 944** was read the second time in full and adopted.

At the request of Senator Fasano—

By Senator Fasano—

SR 2702—A resolution honoring Captain Scott Michael Bierwiler and extending the sympathy of the members of the Florida Senate to his family and his extended law enforcement family.

WHEREAS, Scott Michael Bierwiler was born in Cold Spring, New York, on March 21, 1966, and

WHEREAS, Captain Bierwiler began work at the Hernando County Sheriff’s Office as a deputy sheriff in October 1986, and rose through the ranks to Sergeant in 1998, to Lieutenant in 2003, and to Captain and Operations Bureau Commander in January 2008, and

WHEREAS, Captain Scott Michael Bierwiler served the residents of Hernando County as special operations section commander and vice and narcotics unit supervisor, he served in the STEP (traffic) unit, the criminal investigations division, and the intelligence unit, and also served as a patrol supervisor, and

WHEREAS, Captain Scott Michael Bierwiler was a graduate of the Command Officer Management School at St. Leo University and the F.B.I. National Academy in Quantico, Virginia, and

WHEREAS, Captain Scott Michael Bierwiler received numerous commendations throughout the course of his law enforcement career, including a Medal of Valor from the Hernando County Sheriff’s Office, a Medal of Valor and the Combat Cross from the Fair Lawn Police Department, citations from the New Jersey Senate and the New Jersey General Assembly, a Meritorious Service Award and Departmental Citation from the Bergen County Prosecutor’s Office and the Bergen County Police Chief’s Association, and a Valor Citation from the Bergen County Conference of the New Jersey State Policeman’s Association, and

WHEREAS, on February 19, 2009, Captain Scott Michael Bierwiler died in the line of duty, just 1 month shy of his 43rd birthday, and

WHEREAS, Captain Scott Michael Bierwiler is survived by his wife of 20 years, Angie, and three children, daughters Kayla, 18, and Kiley, 16, and son Scottie, 9, who are devastated by their loss, but forever grateful for having been loved and inspired by him, NOW, THEREFORE,

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

That the Senate hereby honors Captain Scott Michael Bierwiler for his outstanding and selfless service to the people of Hernando County and the State of Florida, and extends its deepest sympathy to his family and his extended law enforcement family.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Angie, Kayla, Kiley, and Scottie Bierwiler as a tangible token of the sentiments of the Florida Senate.

—**SR 2702** was introduced, read and adopted by publication.

At the request of Senator Pruitt—

By Senator Pruitt—

SR 2734—A resolution honoring the career and life of Judge David Harper.

WHEREAS, Judge David Harper graduated from the University of Southwestern Louisiana in 1967 and from the Tulane University School of Law in 1970, the same year he was admitted to The Florida Bar, and

WHEREAS, in 1971, Judge David Harper was first elected as a Martin County judge, a position he retained through numerous elections throughout his career on the bench, and

WHEREAS, Judge David Harper served his community with fairness, justice, honesty, and humor, and treated every citizen who came through his courtroom with dignity and respect, and

WHEREAS, Judge David Harper was known for his exceedingly down-to-earth manner, treating each member of the courthouse staff as an equal and a friend, and

WHEREAS, Judge Harper’s fellow judges revered him as a statesman and one-of-a-kind jurist, qualities that were reflected through his mentoring of countless young attorneys on the Treasure Coast, and

WHEREAS, Judge David Harper not only gave back to his community through his civic duties, but through volunteering, especially with the Boy Scouts of America, of which he was a devoted champion, and

WHEREAS, Judge David Harper was an avid outdoorsman as a Life Member of the National Rifle Association and Executive Director of the Martin County Sportsmen’s Association, which he founded with Don Lindh in 1978 from the floor of his courtroom, and

WHEREAS, Judge David Harper was a family man, eternally devoted to his children and grandchildren, and

WHEREAS, Judge David Harper was a 38-year veteran of the bench in Martin County and the longest-serving county court judge in the State of Florida, and

WHEREAS, Judge David Harper died on March 17, 2009, at the age of 63, NOW, THEREFORE,

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

That the Senate recognizes the life and passing of Judge David Harper by posthumously commending his numerous contributions and outstanding service to the Nineteenth Judicial Circuit of Florida, the Treasure Coast communities, and the people of Martin County.

—**SR 2734** was introduced, read and adopted by publication.

At the request of Senator Joyner—

By Senator Joyner—

SR 2766—A resolution commending Dr. Walter L. Smith for his accomplishments in the field of education.

WHEREAS, each year, the National Education Association’s Applegate-Dorros Peace and International Understanding Award is presented to an individual whose activities in education contribute to international understanding and cooperation among people and nations of the world, and

WHEREAS, this year’s recipient of the award, Dr. Walter L. Smith, has spent decades as a champion for education both at home and abroad, and

WHEREAS, with a bachelor’s degree and a master’s degree from Florida A & M University, Dr. Smith became a leader in education, serving as Chairman of the Science Department at Hillsborough County’s Marshall High School, bringing about the involvement of the first Black students in the Kennedy Space Center programs, and assisting the United States Office of Education in developing school district desegregation plans and graduate education training centers for Black administrators, and

WHEREAS, after receiving his Ph.D. in Higher Education Organization and Management from Florida State University, Dr. Smith became President of Roxbury Community College in Boston, Massachusetts, and

in 1977 became the seventh President of Florida A & M University and served until 1985, and

WHEREAS, under Dr. Smith's presidency at Florida A & M University, new colleges and graduate education programs were established, the Presidential Scholars Program was created to recruit some of the best and brightest students, student services were improved, and major construction projects were implemented in academic and athletic areas, and

WHEREAS, after leaving the presidency, Dr. Smith was selected as a Senior Fulbright Scholar and, through his research at the University of Malawi in Central Africa, brought about innovation in graduate education at the university, and

WHEREAS, as an outgrowth of his work in Malawi, Dr. Smith established an educational "think tank" at Florida A & M University, called "Peoples and Places Around the World," and

WHEREAS, in 1987, Dr. Smith began providing educational orientation to South African educators in preparation for the transition from apartheid to democracy and led efforts in developing a master plan for the implementation of community colleges in the Republic of South Africa, NOW, THEREFORE,

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

That Dr. Walter L. Smith is commended for his accomplishments in the field of education and congratulated as the recipient of the National Education Association's 2009 Applegate-Dorros Peace and International Understanding Award.

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

—**SR 2766** was introduced, read and adopted by publication.

At the request of Senator Wise—

By Senator Wise—

SR 2784—A resolution calling on the United States Congress to authorize and President Barack Obama to convene a White House Conference on Children and Youth in 2010.

WHEREAS, many children in the United States face serious challenges, including an estimated 3 million reports of child abuse and neglect, and nearly 900,000 reports of child abuse and neglect are substantiated each year, and

WHEREAS, more than 500,000 children and youth are in foster care at the end of the federal fiscal year and nearly 800,000 spend at least some time in care throughout the year, and

WHEREAS, while 50,000 children are adopted from the public child welfare system each year, more than 117,000 children are waiting to be adopted, and

WHEREAS, each year approximately 22,000 youth leave the foster care system not because they have found a permanent family but because they have reached the age at which foster care assistance ends, and

WHEREAS, there is an over-representation of certain populations, including Native Americans and African Americans, within the child welfare system, and

WHEREAS, the number of children being raised by grandparents and other relatives is increasing and should be encouraged, and the Federal Government has recognized through federal law that kinship care is an important permanency and placement option for many children, and

WHEREAS, the state courts are key decisionmakers in the lives of children involved in the child welfare system and should be supported as they determine whether abuse or neglect has occurred, whether a child should be reunified with his or her family, or whether the child should be adopted or placed in another setting, and

WHEREAS, the child welfare system includes a professional workforce in the courts, public and private child welfare agencies, mental health and health care programs, education settings, citizen review panels, and volunteers such as court-appointed special advocates, which should be strengthened, and

WHEREAS, the challenge of child abuse cannot be effectively addressed in a sustained manner until the nation addresses the outcomes for children in a comprehensive way, and

WHEREAS, the White House Conference on Children and Youth had been the oldest White House conference starting in 1909 and continuing every 10 years until the last conference in 1970, and

WHEREAS, these conferences resulted in significant policies over the decades, including the creation of the Children's Bureau and standards of care for children, and focused attention on critical needs of American's children, NOW, THEREFORE,

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

That the Senate respectfully calls on the United States Congress to authorize and President Barack Obama to convene a White House Conference on Children and Youth in 2010.

—**SR 2784** was introduced, read and adopted by publication.

At the request of Senator Storms—

By Senator Storms—

SR 2796—A resolution recognizing the Florida Strawberry Festival for its preservation of community and celebration of harvest.

WHEREAS, the Florida Strawberry Festival originated in 1930 to celebrate Plant City's blessed heritage, including a bountiful harvest of strawberries, and

WHEREAS, the Florida Strawberry Festival continues to preserve and enhance the agricultural and historical legacy of the Florida strawberry, and

WHEREAS, Plant City produces three-fourths of the nation's mid-winter strawberries, which are grown on 8,650 acres, generate an annual revenue of more than \$343 million, and account for 40 percent of Hillsborough County's total agriculture sales, and

WHEREAS, the Florida Strawberry Festival has become one of the best strawberry festivals across the nation and was ranked 35th on the list of "Top 50 North American Fairs" in 2008, and

WHEREAS, the Florida Strawberry Festival is a community-oriented event governed by a devoted board of directors and has never been subsidized by taxpayers, and

WHEREAS, every year the Florida Strawberry Festival holds a pageant and selects a festival queen and court, and

WHEREAS, throughout the years the Florida Strawberry Association has awarded 299 scholarships, totaling \$206,500 for the educational benefit of young people, NOW, THEREFORE,

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

That the Senate recognizes the Florida Strawberry Festival for its preservation of community and celebration of harvest, commends the thousands of volunteers who give of their time to guarantee the success of the festival each year, and encourages all Floridians to visit the Florida Strawberry Festival and join in this celebration of Plant City's rich heritage.

—**SR 2796** was introduced, read and adopted by publication.

At the request of Senator Wise—

By Senator Wise—

SR 2802—A resolution celebrating the 50th Anniversary of the Florida Society of Association Executives (FSAE) and the 25th Anniversary of the Florida Society of Association Executives Foundation on July 10, 2009.

WHEREAS, the Florida Society of Association Executives (FSAE) held its first annual meeting on November 16, 1959, and the FSAE Foundation’s Articles of Incorporation were approved on December 7, 1984, and

WHEREAS, FSAE is the gateway to associations in Florida, with more than 800 executive and associate members, including those who manage trade and professional associations, individual membership societies, charitable organizations, and other not-for-profit organizations, and

WHEREAS, FSAE and its foundation provide education, training, research, and certification for its members to further their professional development and to advance association management, and

WHEREAS, FSAE brings together groups of people who find strength in numbers in sharing common interests of industries, professions, charities, hobbies, or philanthropic action, and

WHEREAS, FSAE was founded upon the principles of democracy, volunteerism, and common interest that are the heart of the American experience and exists for the mutual protection and advancement of its members, and

WHEREAS, FSAE serves associations representing an enormous collective presence, with members’ work woven throughout the fabric of society and a public that has come to depend on the social and economic benefits that their association members afford, and

WHEREAS, were it not for the associations that FSAE represents, government at all levels and the other institutions on which the public relies would face added burdens in the vital activities they perform, with associations providing assistance in setting and enforcing product and safety standards, stimulating and organizing volunteerism, conducting industry research, disseminating valuable information, conducting continuing education and ethics training, funding political campaigns, and organizing and providing community service, and

WHEREAS, the estimate of the direct economic value of FSAE members to the State of Florida is over \$1.7 billion each year, including payroll, rent and mortgage expenses, transportation, printing, office supplies, postage, lodging and facility accommodations, and educational programs, and

WHEREAS, the association community in Florida provides nearly 60,000 white-collar jobs, accommodates more than 3 million meeting attendees, and spends \$122 million at hotels, and

WHEREAS, associations sponsor more than 25,000 events in Florida annually, such as trade shows, committee and board meetings, and conventions and education programs, and

WHEREAS, associations pay nearly \$52 million in taxes each year, and

WHEREAS, association staff and members donate more than 10 million hours of service to their associations and communities each year, NOW, THEREFORE,

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

That the Senate celebrates the 50th anniversary of the Florida Society of Association Executives and the 25th anniversary of the Florida Society of Association Executives Foundation on July 10, 2009.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Florida Society of Association Executives and the Florida Society of Association Executives Foundation as a tangible token of the sentiments of the Florida Senate.

—**SR 2802** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Alexander, by two-thirds vote **CS for SB 2592** was withdrawn from the Committee on Finance and Tax; and **CS for SB 978** was withdrawn from the Policy and Steering Committee on Ways and Means.

On motion by Senator Gaetz, by two-thirds vote **CS for CS for SB 2100** was withdrawn from the Committee on Banking and Insurance; and **CS for SB 1380** was withdrawn from the Committee on Commerce.

On motion by Senator Haridopolos, by two-thirds vote **CS for CS for SB 1666** was withdrawn from the Committee on Governmental Oversight and Accountability.

On motion by Senator King, by two-thirds vote **CS for SB 1680** was withdrawn from the Committee on Education Pre-K - 12; **CS for SB 2018** was withdrawn from the Committee on Health Regulation; **SB 1136, CS for SB 1418, SB 1566,** and **CS for CS for SB 2040** were withdrawn from the Committee on Higher Education; and **CS for SB 968** was withdrawn from the Committee on Judiciary.

On motion by Senator Villalobos, by two-thirds vote **SM 1330, CS for CS for SB 440, CS for SB 1824, CS for SB 1838,** and **CS for SB 2032** were withdrawn from the Committee on Rules.

BILLS ON THIRD READING

On motion by Senator Bennett, by unanimous consent—

HB 767—A bill to be entitled An act relating to mental health and substance abuse services; creating s. 394.4996, F.S.; authorizing the Agency for Health Care Administration to license facilities that provide services as an integrated adult mental health crisis stabilization unit and addictions receiving facility; providing eligibility criteria for treatment services; requiring the Department of Children and Family Services to adopt rules; providing an effective date.

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

On motion by Senator Bennett, **HB 767** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

On motion by Senator Bennett, by unanimous consent—

CS for CS for SB 1552—A bill to be entitled An act relating to lis pendens; amending s. 48.23, F.S.; permitting property to be sold exempt from claims asserted in an action when the lis pendens has expired or been withdrawn or discharged; requiring a notice of lis pendens to include the date of the action or the case number of the action; extending the time in which the holder of an unrecorded interest or lien may intervene in a pending action; providing for the control and discharge of a lis pendens that no longer affects the property; providing an effective date.

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

On motion by Senator Bennett, **CS for CS for SB 1552** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

On motion by Senator Bennett, by unanimous consent—

CS for CS for SB 2150—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; requiring that applications for all recreational activity licenses include a provision for the license applicant to make a voluntary contribution to Southeastern Guide Dogs, Inc.; providing for the use of funds raised by such contributions; providing an effective date.

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

On motion by Senator Bennett, **CS for CS for SB 2150** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

On motion by Senator Gaetz, by unanimous consent—

CS for CS for CS for SB 1986—A bill to be entitled An act relating to health care; providing legislative findings; designating Miami-Dade County as a health care fraud area of concern; amending s. 68.085, F.S.; allocating certain funds recovered under the Florida False Claims Act to fund rewards for persons who report and provide information relating to Medicaid fraud; amending s. 68.086, F.S.; providing that a defendant who prevails in an action under the Florida False Claims Act may be awarded attorney's fees and costs against the person bringing the action under certain circumstances; amending s. 400.471, F.S.; prohibiting the Agency for Health Care Administration from renewing a license of a home health agency in certain counties if the agency has been sanctioned for certain misconduct; providing limitations on licensing of home health agencies in certain counties; amending s. 400.474, F.S.; authorizing the Agency for Health Care Administration to deny, revoke, or suspend the license of or fine a home health agency that provides remuneration to certain facilities or bills the Medicaid program for medically unnecessary services; providing that certain discounts, compensations, waivers of payments, or payment practices; exempting nurse registries that meet

certain conditions from a prohibition; creating s. 408.8065, F.S.; providing additional licensure requirements for home health agencies, home medical equipment providers, and health care clinics; requiring the posting of a surety bond in a specified minimum amount under certain circumstances; amending s. 400.506, F.S.; exempting certain items from a prohibition against providing remuneration to certain persons by a nurse registry; imposing criminal penalties against a person who knowingly submits misleading information to the Agency for Health Care Administration in connection with applications for certain licenses; amending ss. 395.602 and 408.07, F.S.; revising the definition of the term "rural hospital" relating to hospital licensing and regulation and health care administration; amending s. 408.040, F.S.; providing an exception to the termination of certain certificates of need; creating s. 408.8065, F.S.; amending s. 408.810, F.S.; revising provisions relating to information required for licensure; requiring certain licensees to provide clients with a description of Medicaid fraud and the statewide toll-free telephone number for the central Medicaid fraud hotline; amending s. 408.815, F.S.; providing additional grounds to deny an application for a license; amending s. 409.905, F.S.; authorizing the Agency for Health Care Administration to require prior authorization of care based on utilization rates; requiring a home health agency to submit a plan of care and documentation of a recipient's medical condition to the Agency for Health Care Administration when requesting prior authorization; prohibiting the Agency for Health Care Administration from paying for home health services unless specified requirements are satisfied; amending s. 409.907, F.S.; providing for certain out-of-state providers to enroll as Medicaid providers; amending s. 409.912, F.S.; requiring that certain entities that provide comprehensive behavioral health care services to certain Medicaid recipients be licensed or authorized; requiring the Agency for Health Care Administration to establish norms for the utilization of Medicaid services; requiring the agency to submit a report relating to the overutilization of Medicaid services; revising the requirement for an entity that contracts on a prepaid or fixed-sum basis to meet certain surplus requirements; deleting the requirement that an entity maintain certain investments and restricted funds or deposits; revising the circumstances in which the agency must prohibit the entity from engaging in certain activities, cease to process new enrollments, and not renew the entity's contract; amending s. 409.913, F.S.; requiring that the annual report submitted by the Agency for Health Care Administration and the Medicaid Fraud Control Unit of the Department of Legal Affairs recommend changes necessary to prevent and detect Medicaid fraud; requiring the Agency for Health Care Administration to monitor patterns of overutilization of Medicaid services; requiring the agency to deny payment or require repayment for Medicaid services under certain circumstances; requiring the Agency for Health Care Administration to immediately terminate a Medicaid provider's participation in the Medicaid program as a result of certain adjudications against the provider or certain affiliated persons; requiring the Agency for Health Care Administration to suspend or terminate a Medicaid provider's participation in the Medicaid program if the provider or certain affiliated persons participating in the Medicaid program have been suspended or terminated by the Federal Government or another state; providing that a provider is subject to sanctions for violations of law as the result of actions or inactions of the provider or certain affiliated persons; requiring that the agency provide notice of certain administrative sanctions to other regulatory agencies within a specified period; requiring the Agency for Health Care Administration to withhold or deny Medicaid payments under certain circumstances; requiring the agency to terminate a provider's participation in the Medicaid program if the provider fails to repay certain overpayments from the Medicaid program; requiring the agency to provide at least annually information on Medicaid fraud in an explanation of benefits letter; requiring the Agency for Health Care Administration to post a list on its website of Medicaid providers and affiliated persons of providers who have been terminated or sanctioned; requiring the agency to take certain actions to improve the prevention and detection of health care fraud through the use of technology; amending s. 409.920, F.S.; defining the term "managed care organization"; providing criminal penalties and fines for Medicaid fraud; granting civil immunity to certain persons who report suspected Medicaid fraud; creating s. 409.9203, F.S.; authorizing the payment of rewards to persons who report and provide information relating to Medicaid fraud; amending s. 456.004, F.S.; amending s. 456.053, F.S.; excluding referrals to a sleep care provider for sleep related testing to the definition of a referral; requiring the Department of Health to work cooperatively with the Agency for Health Care Administration and the judicial system to recover overpayments by the Medicaid program; amending s. 456.041, F.S.; requiring the Department of

Health to include a statement in the practitioner profile if a practitioner has been terminated from participating in the Medicaid program; creating s. 456.0635, F.S.; prohibiting Medicaid fraud in the practice of health care professions; requiring the Department of Health or boards within the department to refuse to admit to exams and to deny licenses, permits, or certificates to certain persons who have engaged in certain acts; requiring health care practitioners to report allegations of Medicaid fraud; specifying that acceptance of the relinquishment of a license in anticipation of charges relating to Medicaid fraud constitutes permanent revocation of a license; amending s. 456.072, F.S.; creating additional grounds for the Department of Health to take disciplinary action against certain applicants or licensees for misconduct relating to a Medicaid program or to health care fraud; amending s. 456.074, F.S.; requiring the Department of Health to issue an emergency order suspending the license of a person who engages in certain criminal conduct relating to the Medicaid program; amending s. 465.022, F.S.; authorizing partnerships and corporations to obtain pharmacy permits; requiring applicants or certain persons affiliated with an applicant for a pharmacy permit to submit a set of fingerprints for a criminal history records check and pay the costs of the criminal history records check; requiring the Department of Health or Board of Pharmacy to deny an application for a pharmacy permit for certain misconduct by the applicant; or persons affiliated with the applicant; amending s. 465.023, F.S.; authorizing the Department of Health or the Board of Pharmacy to take disciplinary action against a permittee for certain misconduct by the permittee, or persons affiliated with the permittee; amending s. 825.103, F.S.; redefining the term "exploitation of an elderly person or disabled adult"; amending s. 921.0022, F.S.; revising the severity level ranking of Medicaid fraud under the Criminal Punishment Code; creating a pilot project to monitor and verify the delivery of home health services and provide for electronic claims for home health services; requiring the Agency for Health Care Administration to issue a report evaluating the pilot project; creating a pilot project for home health care management in Miami-Dade County; amending ss. 400.0077 and 430.608, F.S.; conforming cross-references to changes made by the act; repealing s. 395.0199, F.S., relating to private utilization review of health care services; amending ss. 395.405 and 400.0712, F.S.; conforming cross-references; repealing s. 400.118(2), F.S.; removing provisions requiring quality-of-care monitors for nursing facilities in agency district offices; amending s. 400.141, F.S.; deleting a requirement that licensed nursing home facilities provide the agency with a monthly report on the number of vacant beds in the facility; amending s. 400.147, F.S.; revising the definition of the term "adverse incident" for reporting purposes; requiring abuse, neglect, and exploitation to be reported to the agency and the Department of Children and Family Services; deleting a requirement that the agency submit an annual report on nursing home adverse incidents to the Legislature; amending s. 400.162, F.S.; revising requirements for policies and procedures regarding the safekeeping of a resident's personal effects and property; amending s. 400.191, F.S.; revising the information on the agency's Internet site regarding nursing homes; deleting the provision that requires the agency to provide information about nursing homes in printed form; amending s. 400.195, F.S.; conforming a cross-reference; amending s. 400.23, F.S.; deleting the requirement of the agency to adopt rules regarding the eating assistance provided to residents; amending s. 400.9935, F.S.; revising accreditation requirements for clinics providing magnetic resonance imaging services; amending s. 400.995, F.S.; revising agency responsibilities with respect to agency administrative penalties; amending s. 408.803, F.S.; revising definitions applicable to part II of ch. 408, F.S., the "Health Care Licensing Procedures Act"; amending s. 408.806, F.S.; revising contents of and procedures relating to health care provider applications for licensure; providing an exception from certain licensure inspections for adult family-care homes; authorizing the agency to provide electronic access to certain information and documents; amending s. 408.808, F.S.; providing for a provisional license to be issued to applicants applying for a change of ownership; providing a time limit on provisional licenses; amending s. 408.809, F.S.; revising provisions relating to background screening of specified employees; requiring health care providers to submit to the agency an affidavit of compliance with background screening requirements at the time of license renewal; deleting a provision to conform to changes made by the act; amending s. 408.811, F.S.; providing for certain inspections to be accepted in lieu of complete licensure inspections; granting agency access to records requested during an offsite review; providing timeframes for correction of certain deficiencies and submission of plans to correct the deficiencies; amending s. 408.813, F.S.; providing classifications of violations of part II of ch. 408, F.S.; providing for fines; amending s. 408.820, F.S.; revising applicability of certain exemptions from specified

requirements of part II of ch. 408, F.S.; creating s. 408.821, F.S.; requiring entities regulated or licensed by the agency to designate a liaison officer for emergency operations; authorizing entities regulated or licensed by the agency to temporarily exceed their licensed capacity to act as receiving providers under specified circumstances; providing requirements that apply while such entities are in an overcapacity status; providing for issuance of an inactive license to such licensees under specified conditions; providing requirements and procedures with respect to the issuance and reactivation of an inactive license; authorizing the agency to adopt rules; amending s. 408.831, F.S.; deleting provisions relating to the authorization for entities regulated or licensed by the agency to exceed their licensed capacity to act as receiving facilities and issuance and reactivation of inactive licenses; amending s. 408.918, F.S.; revising the requirements of a provider to participate in the Florida 211 network; requiring the Public Service Commission to request the Federal Communications Commission to direct the revocation of a 211 number under certain circumstances; deleting the requirement for the Agency for Health Care Administration to seek assistance in resolving jurisdictional disputes related to 211 numbers; providing that the Florida Alliance of Information and Referral Services is the collaborative organization for the state; amending s. 409.221, F.S.; conforming a cross-reference; amending s. 409.901, F.S.; redefining the term "change of ownership" as it relates to Medicaid providers; repealing s. 429.071, F.S., relating to the intergenerational respite care assisted living facility pilot program; amending s. 429.08, F.S.; authorizing the agency to provide information regarding licensed assisted living facilities on its Internet website; abolishing local coordinating workgroups established by agency field offices; amending s. 429.14, F.S.; conforming a reference; amending s. 429.19, F.S.; revising agency procedures for imposition of fines for violations of part I of ch. 429, F.S., the "Assisted Living Facilities Act"; amending s. 429.23, F.S.; redefining the term "adverse incident" for reporting purposes; requiring abuse, neglect, and exploitation to be reported to the agency and the Department of Children and Family Services; deleting a requirement that the agency submit an annual report on assisted living facility adverse incidents to the Legislature; repealing s. 429.26(9), F.S., relating to the removal of the requirement for a resident of an assisted living facility to undergo examinations and evaluations under certain circumstances; amending s. 430.80, F.S.; conforming a cross-reference; amending ss. 435.04 and 435.05, F.S.; requiring employers of certain employees to submit an affidavit of compliance with level 2 screening requirements at the time of license renewal; amending s. 483.031, F.S.; revising a provision relating to the exemption of certain clinical laboratories, to conform to changes made by the act; amending s. 483.041, F.S.; redefining the term "waived test" as it is used in part I of ch. 483, F.S., the "Florida Clinical Laboratory Law"; repealing s. 483.106, F.S., relating to applications for certificates of exemption by clinical laboratories that perform certain tests; amending ss. 483.172, F.S.; conforming provisions; amending s. 627.4239, F.S.; revising the term "standard reference compendium" for purposes of regulating the insurance coverage of drugs used in the treatment of cancer; requiring a carrier to submit an annual report regarding the coverage of routine patient care costs to the Office of Insurance Regulation under certain circumstances; requiring the Office of Insurance Regulation to provide the annual report to the Governor, Legislature, and the Secretary of Health Care Administration; providing a definition; amending s. 651.118, F.S.; conforming a cross-reference; creating s. 409.91207; requiring the agency to develop a plan to create a medical home pilot project; providing waiver authority for the agency; providing an exception; requiring each medical home network to provide specified services; providing responsibilities of the agency; requiring the Secretary of the agency to appoint a task force; requiring the agency to submit a medical home implementation plan; specifying that implementation of the medical home pilot project is contingent upon legislative approval; authorizing the agency to develop rules; providing an effective date.

—as amended April 23 was taken up out of order and read the third time by title.

MOTION

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

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

Amendment 1 (162158) (with title amendment)—Between lines 440 and 441 insert:

Section 4. Subsection (6) of section 395.003, Florida Statutes, is amended to read:

395.003 Licensure; denial, suspension, and revocation.—

(6) A ~~no~~ specialty hospital ~~may not shall~~ provide any service or regularly serve any population group beyond those services or groups specified in its license. *A specialty-licensed children's hospital that is authorized to provide pediatric cardiac catheterization and pediatric open heart surgery services may provide cardiovascular service to adults who, as children, were previously served by the hospital for congenital heart disease, or to those patients who are referred for a specialized procedure only for congenital heart disease by an adult hospital, without obtaining additional licensure as a provider of adult cardiovascular services. The agency may request documentation as needed to support patient selection and treatment. This subsection does not apply to a specialty-licensed children's hospital that is already licensed to provide adult cardiovascular services.*

And the title is amended as follows:

Delete line 12 and insert: certain circumstances; amending s. 395.003, F.S.; authorizing a specialty-licensed children's hospital to provide cardiology services to adults for congenital heart disease under certain circumstances without obtaining additional licensure as a provider of adult cardiology services; providing an exception; amending s. 400.471, F.S.;

MOTION

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

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

Amendment 2 (480586) (with directory and title amendments)—Delete lines 4161-4190.

And the directory clause is amended as follows:

Delete lines 4148-4150 and insert:

627.4239, Florida Statutes, is amended to read:

And the title is amended as follows:

Delete lines 307-313 and insert: amending

On motion by Senator Gaetz, further consideration of **CS for CS for CS for SB 1986** as amended was deferred.

MOTION

On motion by Senator Villalobos, the rules were waived and the Claim Bill Calendar was scheduled for consideration at 11:30 a.m.

SENATOR BENNETT PRESIDING

CS for CS for SB 456—A bill to be entitled An act relating to mental illness; amending s. 394.455, F.S.; defining the term “electronic means”; amending s. 394.462, F.S.; requiring a law enforcement agency that transports persons to a receiving facility to have a memorandum of understanding with the facility; requiring that custody of a person who is transported to a receiving or treatment facility be relinquished to a responsible person at the facility; amending ss. 394.4655 and 394.467, F.S.; specifying that a psychiatric examination by certain personnel be conducted face-to-face, in person or by electronic means; providing an effective date.

—was read the third time by title.

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

Amendment 1 (762318)—Delete lines 45-160 and insert:

(2) INVOLUNTARY OUTPATIENT PLACEMENT.—

(a)1. A patient *who is being recommended for involuntary outpatient placement by* ~~may be retained by a receiving facility upon the recommendation of the administrator of the a receiving facility where the patient has been examined~~ *may be retained by the facility and* after adherence to the notice ~~of hearing~~ procedures provided in s. 394.4599. The recommendation must be supported by the opinion of a psychiatrist and the second opinion of a clinical psychologist or another psychiatrist, both of whom have personally examined the patient within the preceding 72 hours, that the criteria for involuntary outpatient placement are met. However, in a county having a population of fewer than 50,000, if the administrator certifies that ~~a no~~ psychiatrist or clinical psychologist is *not* available to provide the second opinion, the second opinion may be provided by a licensed physician who has postgraduate training and experience in diagnosis and treatment of mental and nervous disorders or by a psychiatric nurse ~~as defined in this chapter~~. *Any second opinion authorized in this subparagraph may be conducted through a face-to-face examination, in person or by electronic means.* Such a recommendation must be entered on an involuntary outpatient placement certificate *that authorizes, which certificate must authorize* the receiving facility to retain the patient pending completion of a hearing. The certificate shall be made a part of the patient's clinical record.

2. If the patient has been stabilized and no longer meets the criteria for involuntary examination pursuant to s. 394.463(1), the patient must be released from the receiving facility while awaiting the hearing for involuntary outpatient placement. ~~Before~~ ~~Prior to~~ filing a petition for involuntary outpatient treatment, the administrator of a receiving facility or a designated department representative *must shall* identify the service provider that will have primary responsibility for service provision under an order for involuntary outpatient placement, unless the person is otherwise participating in outpatient psychiatric treatment and is not in need of public financing for that treatment, in which case the individual, if eligible, may be ordered to involuntary treatment pursuant to the existing psychiatric treatment relationship.

3. The service provider shall prepare a written proposed treatment plan in consultation with the patient or the patient's guardian advocate, if appointed, for the court's consideration for inclusion in the involuntary outpatient placement order. The service provider shall also provide a copy of the proposed treatment plan to the patient and the administrator of the receiving facility. The treatment plan must specify the nature and extent of the patient's mental illness. ~~The treatment plan must~~ address the reduction of symptoms that necessitate involuntary outpatient placement, and include measurable goals and objectives for the services and treatment that are provided to treat the person's mental illness and ~~to~~ assist the person in living and functioning in the community or to ~~attempt to~~ prevent a relapse or deterioration. Service providers may select and ~~supervise~~ *provide supervision to* other individuals to implement specific aspects of the treatment plan. The services in the treatment plan must be deemed ~~to be~~ clinically appropriate by a physician, clinical psychologist, psychiatric nurse, mental health counselor, marriage and family therapist, or clinical social worker, ~~as defined in this chapter~~, who consults with, or is employed or contracted by, the service provider. The service provider must certify to the court in the proposed treatment plan whether sufficient services for improvement and stabilization are currently available and whether the service provider agrees to provide those services. If the service provider certifies that the services in the proposed treatment plan are not available, the petitioner may not file the petition.

(b) If a patient in involuntary inpatient placement meets the criteria for involuntary outpatient placement, the administrator of the treatment facility may, before the expiration of the period during which the treatment facility is authorized to retain the patient, recommend involuntary outpatient placement. The recommendation must be supported by the opinion of a psychiatrist and the second opinion of a clinical psychologist or another psychiatrist, both of whom have personally examined the patient within the preceding 72 hours, that the criteria for involuntary outpatient placement are met. However, in a county having a population of fewer than 50,000, if the administrator certifies that ~~a no~~ psychiatrist or clinical psychologist is *not* available to provide the second opinion, the second opinion may be provided by a

licensed physician who has postgraduate training and experience in diagnosis and treatment of mental and nervous disorders or by a psychiatric nurse as defined in s. 394.455(23). Any second opinion authorized in this subparagraph may be conducted through a face-to-face examination, in person or by electronic means. Such a recommendation must be entered on an involuntary outpatient placement certificate, and the certificate must ~~shall~~ be made a part of the patient's clinical record.

Section 4. Subsection (2) of section 394.467, Florida Statutes, is amended to read:

394.467 Involuntary inpatient placement.—

(2) ADMISSION TO A TREATMENT FACILITY.—A patient may be retained by a receiving facility or involuntarily placed in a treatment facility upon the recommendation of the administrator of the a receiving facility where the patient has been examined and after adherence to the notice and hearing procedures provided in s. 394.4599. The recommendation must be supported by the opinion of a psychiatrist and the second opinion of a clinical psychologist or another psychiatrist, both of whom have personally examined the patient within the preceding 72 hours, that the criteria for involuntary inpatient placement are met. However, in a county that has a population of fewer ~~counties of less~~ than 50,000 population, if the administrator certifies that a ~~no~~ psychiatrist or clinical psychologist is not available to provide the second opinion, the ~~such~~ second opinion may be provided by a licensed physician who has with postgraduate training and experience in diagnosis and treatment of mental and nervous disorders or by a psychiatric nurse as defined in s. 394.455(23). Any second opinion authorized in this subsection may be conducted through a face-to-face examination, in person or by electronic means. Such recommendation shall be entered on an involuntary inpatient placement certificate that authorizes, ~~which certificate shall authorize~~ the receiving facility to retain the patient pending transfer to a treatment facility or completion of a hearing.

On motion by Senator Gaetz, **CS for CS for SB 456** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for CS for SB 770—A bill to be entitled An act relating to area agencies on aging; amending s. 20.41, F.S.; revising provisions relating to the Department of Elderly Affairs; deleting references to the boards of area agencies on aging; designating area agencies on aging as non-governmental not-for-profit corporations; amending s. 430.203, F.S.; extending the period of designation as a lead agency; requiring that each area agency on aging, rather than the department, develop request for proposals for a community care for the elderly lead agency; providing for the development of a dispute resolution mechanism relating to the request-for-proposal process developed by the area agencies; amending s. 430.2053, F.S.; conforming cross-references; providing an effective date.

—was read the third time by title.

An amendment was considered and adopted to conform **CS for CS for SB 770** to **CS for CS for CS for HB 935**.

Pending further consideration of **CS for CS for SB 770** as amended, on motion by Senator Fasano, by two-thirds vote **CS for CS for CS for**

HB 935 was withdrawn from the Committees on Children, Families, and Elder Affairs; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

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

CS for CS for CS for HB 935—A bill to be entitled An act relating to area agencies on aging; amending s. 20.41, F.S.; requiring the Department of Elderly Affairs to contract with area agencies on aging to fulfill programmatic and funding requirements; revising responsibilities of the governing body of an area agency on aging and the executive director of the agency; amending s. 430.203, F.S.; revising the definition of “lead agency”; removing obsolete language; revising requirements with respect to the request for proposal process for the designation of a lead agency for community care for the elderly; requiring the Department of Elderly Affairs to create a dispute resolution mechanism by rule; providing requirements with respect to the dispute resolution mechanism; specifying required standards for a bid protest; providing for specified entitlement of litigants when certain lead agency designations are the subject matter of litigation; eliminating provisions that require an area agency on aging to exempt specified providers from the competitive bid process; amending s. 430.2053, F.S.; conforming a cross-reference; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 770** as amended and by two-thirds vote read the second time by title.

On motion by Senator Fasano, by two-thirds vote **CS for CS for CS for HB 935** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

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.

—was read the third time by title.

MOTION

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

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

Amendment 1 (606868) (with title amendment)—Delete lines 68-72 and insert: valued at \$300 or more, that is taken from a facility licensed under chapter 395 or from an aircraft or vehicle permitted under chapter 401; or

4. The property stolen is law enforcement equipment, valued at \$300 or more, that is taken from an authorized emergency

And the title is amended as follows:

Delete lines 3-6 and insert: increasing the

On motion by Senator Joyner, **CS for CS for SB 1548** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Altman	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	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—1

Aronberg

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 that good cause for allowing an interdistrict transfer includes, but is not limited to, geographic proximity to a charter school; providing for charter schools to be included in requests for federal stimulus funds and federal competitive grants; revising provisions relating to certain administrative and educational services provided by sponsors to charter schools; 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.; requiring that the State Board of Education adopt rules to implement a charter model application form, evaluation instrument, and charter and charter renewal formats; 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; requiring that the State Board of Education adopt rules to implement a charter model application form and an evaluation instrument relating to charter technical career centers; 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 nonrenewal of a charter; providing an effective date.

—as amended April 23 was read the third time by title.

On motion by Senator Gaetz, **CS for CS for SB 278** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

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; requiring that the Office of Program Policy Analysis and Government Accountability review and provide a report on workforce education programs for occupations not included on specific occupation lists and on funding options; requiring that such report be submitted to the Governor and the Legislature by a specified date; providing requirements for the report; providing an effective date.

—as amended April 23 was read the third time by title.

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

Amendment 1 (156970)—Delete line 169 and insert: professional academy program under ss. 1003.491, 1003.492, and

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

Yeas—39

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

Nays—None

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 State Board of Education 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.

—as amended April 23 was read the third time by title.

On motion by Senator Detert, **CS for CS for SB 2538** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bennett	Gelber	Ring
Bullard	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—Mr. President

The Senate resumed consideration of—

CS for CS for CS for SB 1986—A bill to be entitled An act relating to health care; providing legislative findings; designating Miami-Dade County as a health care fraud area of concern; amending s. 68.085, F.S.; allocating certain funds recovered under the Florida False Claims Act to fund rewards for persons who report and provide information relating to Medicaid fraud; amending s. 68.086, F.S.; providing that a defendant who prevails in an action under the Florida False Claims Act may be awarded attorney’s fees and costs against the person bringing the action under certain circumstances; amending s. 400.471, F.S.; prohibiting the Agency for Health Care Administration from renewing a license of a home health agency in certain counties if the agency has been sanctioned for certain misconduct; providing limitations on licensing of home health agencies in certain counties; amending s. 400.474, F.S.; authorizing the Agency for Health Care Administration to deny, revoke, or suspend the license of or fine a home health agency that provides remuneration to certain facilities or bills the Medicaid program for medically unnecessary services; providing that certain discounts, compensations, waivers of payments, or payment practices; exempting nurse registries that meet certain conditions from a prohibition; creating s. 408.8065, F.S.; providing additional licensure requirements for home health agencies, home medical equipment providers, and health care clinics; requiring the posting of a surety bond in a specified minimum amount under certain circumstances; amending s. 400.506, F.S.; exempting certain items from a prohibition against providing remuneration to certain persons by a nurse registry; imposing criminal penalties against a person who knowingly submits misleading information to the Agency for Health Care Administration in connection with applications for certain licenses; amending ss. 395.602 and 408.07, F.S.; revising the definition of the term “rural hospital” relating to hospital licensing and regulation and health care administration; amending s. 408.040, F.S.; providing an exception to the termination of certain certificates of need; creating s. 408.8065, F.S.; amending s. 408.810, F.S.; revising provisions relating to information required for licensure; requiring certain licensees to provide clients with a description of Medicaid fraud and the statewide toll-free telephone number for the central Medicaid fraud hotline; amending s. 408.815, F.S.; providing additional grounds to deny an application for a license; amending s. 409.905, F.S.; authorizing the Agency for Health Care Administration to require prior authorization of care based on utilization rates; requiring a home health agency to submit a plan of care and documentation of a recipient’s medical condition to the Agency for Health Care Administration when requesting prior authorization; prohibiting the Agency for Health Care Administration from paying for home health services unless specified requirements are satisfied; amending s. 409.907, F.S.; providing for certain out-of-state providers to enroll as Medicaid providers; amending s. 409.912, F.S.; requiring that certain entities that provide comprehensive behavioral health care services to certain Medicaid recipients be licensed or authorized; requiring the Agency for Health Care Administration to establish norms for the utilization of Medicaid services; requiring the agency to submit a report relating to the overutilization of Medicaid services; revising the requirement for an entity that contracts on a prepaid or fixed-sum basis to meet certain surplus requirements; deleting the requirement that an entity maintain certain investments and restricted funds or deposits; revising the circumstances in which the agency must prohibit the entity from engaging in certain activities, cease to process new enrollments, and not renew the entity’s contract; amending s. 409.913, F.S.; requiring that the annual report submitted by the Agency for Health Care Administration and the Medicaid Fraud Control Unit of the Department of Legal Affairs recommend changes necessary to prevent and detect Medicaid fraud; requiring the Agency for Health Care Administration to monitor patterns of overutilization of Medicaid services; requiring the agency to deny payment or require repayment for Medicaid services under certain circumstances; requiring the Agency for Health Care Administration to immediately terminate a Medicaid provider’s participation in the Medicaid program as a result of certain adjudications against the provider or certain affiliated persons; requiring the Agency for Health Care Administration to suspend or terminate a Medicaid provider’s participation in the Medicaid program if the provider or certain affiliated persons participating in the Medicaid program have been suspended or terminated by the Federal Government or another state; providing that a provider is subject to sanctions for violations of law as the result of actions or inactions of the provider or certain affiliated persons; requiring that the agency provide notice of certain administrative sanctions to other regulatory agencies within a specified period; requiring the Agency for Health Care Administration to withhold or

deny Medicaid payments under certain circumstances; requiring the agency to terminate a provider's participation in the Medicaid program if the provider fails to repay certain overpayments from the Medicaid program; requiring the agency to provide at least annually information on Medicaid fraud in an explanation of benefits letter; requiring the Agency for Health Care Administration to post a list on its website of Medicaid providers and affiliated persons of providers who have been terminated or sanctioned; requiring the agency to take certain actions to improve the prevention and detection of health care fraud through the use of technology; amending s. 409.920, F.S.; defining the term "managed care organization"; providing criminal penalties and fines for Medicaid fraud; granting civil immunity to certain persons who report suspected Medicaid fraud; creating s. 409.9203, F.S.; authorizing the payment of rewards to persons who report and provide information relating to Medicaid fraud; amending s. 456.004, F.S.; amending s. 456.053, F.S.; excluding referrals to a sleep care provider for sleep related testing to the definition of a referral; requiring the Department of Health to work cooperatively with the Agency for Health Care Administration and the judicial system to recover overpayments by the Medicaid program; amending s. 456.041, F.S.; requiring the Department of Health to include a statement in the practitioner profile if a practitioner has been terminated from participating in the Medicaid program; creating s. 456.0635, F.S.; prohibiting Medicaid fraud in the practice of health care professions; requiring the Department of Health or boards within the department to refuse to admit to exams and to deny licenses, permits, or certificates to certain persons who have engaged in certain acts; requiring health care practitioners to report allegations of Medicaid fraud; specifying that acceptance of the relinquishment of a license in anticipation of charges relating to Medicaid fraud constitutes permanent revocation of a license; amending s. 456.072, F.S.; creating additional grounds for the Department of Health to take disciplinary action against certain applicants or licensees for misconduct relating to a Medicaid program or to health care fraud; amending s. 456.074, F.S.; requiring the Department of Health to issue an emergency order suspending the license of a person who engages in certain criminal conduct relating to the Medicaid program; amending s. 465.022, F.S.; authorizing partnerships and corporations to obtain pharmacy permits; requiring applicants or certain persons affiliated with an applicant for a pharmacy permit to submit a set of fingerprints for a criminal history records check and pay the costs of the criminal history records check; requiring the Department of Health or Board of Pharmacy to deny an application for a pharmacy permit for certain misconduct by the applicant; or persons affiliated with the applicant; amending s. 465.023, F.S.; authorizing the Department of Health or the Board of Pharmacy to take disciplinary action against a permittee for certain misconduct by the permittee, or persons affiliated with the permittee; amending s. 825.103, F.S.; redefining the term "exploitation of an elderly person or disabled adult"; amending s. 921.0022, F.S.; revising the severity level ranking of Medicaid fraud under the Criminal Punishment Code; creating a pilot project to monitor and verify the delivery of home health services and provide for electronic claims for home health services; requiring the Agency for Health Care Administration to issue a report evaluating the pilot project; creating a pilot project for home health care management in Miami-Dade County; amending ss. 400.0077 and 430.608, F.S.; conforming cross-references to changes made by the act; repealing s. 395.0199, F.S., relating to private utilization review of health care services; amending ss. 395.405 and 400.0712, F.S.; conforming cross-references; repealing s. 400.118(2), F.S.; removing provisions requiring quality-of-care monitors for nursing facilities in agency district offices; amending s. 400.141, F.S.; deleting a requirement that licensed nursing home facilities provide the agency with a monthly report on the number of vacant beds in the facility; amending s. 400.147, F.S.; revising the definition of the term "adverse incident" for reporting purposes; requiring abuse, neglect, and exploitation to be reported to the agency and the Department of Children and Family Services; deleting a requirement that the agency submit an annual report on nursing home adverse incidents to the Legislature; amending s. 400.162, F.S.; revising requirements for policies and procedures regarding the safekeeping of a resident's personal effects and property; amending s. 400.191, F.S.; revising the information on the agency's Internet site regarding nursing homes; deleting the provision that requires the agency to provide information about nursing homes in printed form; amending s. 400.195, F.S.; conforming a cross-reference; amending s. 400.23, F.S.; deleting the requirement of the agency to adopt rules regarding the eating assistance provided to residents; amending s. 400.9935, F.S.; revising accreditation requirements for clinics providing magnetic resonance imaging services; amending s. 400.995, F.S.; revising agency responsibilities with respect to agency administrative pen-

alties; amending s. 408.803, F.S.; revising definitions applicable to part II of ch. 408, F.S., the "Health Care Licensing Procedures Act"; amending s. 408.806, F.S.; revising contents of and procedures relating to health care provider applications for licensure; providing an exception from certain licensure inspections for adult family-care homes; authorizing the agency to provide electronic access to certain information and documents; amending s. 408.808, F.S.; providing for a provisional license to be issued to applicants applying for a change of ownership; providing a time limit on provisional licenses; amending s. 408.809, F.S.; revising provisions relating to background screening of specified employees; requiring health care providers to submit to the agency an affidavit of compliance with background screening requirements at the time of license renewal; deleting a provision to conform to changes made by the act; amending s. 408.811, F.S.; providing for certain inspections to be accepted in lieu of complete licensure inspections; granting agency access to records requested during an offsite review; providing timeframes for correction of certain deficiencies and submission of plans to correct the deficiencies; amending s. 408.813, F.S.; providing classifications of violations of part II of ch. 408, F.S.; providing for fines; amending s. 408.820, F.S.; revising applicability of certain exemptions from specified requirements of part II of ch. 408, F.S.; creating s. 408.821, F.S.; requiring entities regulated or licensed by the agency to designate a liaison officer for emergency operations; authorizing entities regulated or licensed by the agency to temporarily exceed their licensed capacity to act as receiving providers under specified circumstances; providing requirements that apply while such entities are in an overcapacity status; providing for issuance of an inactive license to such licensees under specified conditions; providing requirements and procedures with respect to the issuance and reactivation of an inactive license; authorizing the agency to adopt rules; amending s. 408.831, F.S.; deleting provisions relating to the authorization for entities regulated or licensed by the agency to exceed their licensed capacity to act as receiving facilities and issuance and reactivation of inactive licenses; amending s. 408.918, F.S.; revising the requirements of a provider to participate in the Florida 211 network; requiring the Public Service Commission to request the Federal Communications Commission to direct the revocation of a 211 number under certain circumstances; deleting the requirement for the Agency for Health Care Administration to seek assistance in resolving jurisdictional disputes related to 211 numbers; providing that the Florida Alliance of Information and Referral Services is the collaborative organization for the state; amending s. 409.221, F.S.; conforming a cross-reference; amending s. 409.901, F.S.; redefining the term "change of ownership" as it relates to Medicaid providers; repealing s. 429.071, F.S., relating to the intergenerational respite care assisted living facility pilot program; amending s. 429.08, F.S.; authorizing the agency to provide information regarding licensed assisted living facilities on its Internet website; abolishing local coordinating workgroups established by agency field offices; amending s. 429.14, F.S.; conforming a reference; amending s. 429.19, F.S.; revising agency procedures for imposition of fines for violations of part I of ch. 429, F.S., the "Assisted Living Facilities Act"; amending s. 429.23, F.S.; redefining the term "adverse incident" for reporting purposes; requiring abuse, neglect, and exploitation to be reported to the agency and the Department of Children and Family Services; deleting a requirement that the agency submit an annual report on assisted living facility adverse incidents to the Legislature; repealing s. 429.26(9), F.S., relating to the removal of the requirement for a resident of an assisted living facility to undergo examinations and evaluations under certain circumstances; amending s. 430.80, F.S.; conforming a cross-reference; amending ss. 435.04 and 435.05, F.S.; requiring employers of certain employees to submit an affidavit of compliance with level 2 screening requirements at the time of license renewal; amending s. 483.031, F.S.; revising a provision relating to the exemption of certain clinical laboratories, to conform to changes made by the act; amending s. 483.041, F.S.; redefining the term "waived test" as it is used in part I of ch. 483, F.S., the "Florida Clinical Laboratory Law"; repealing s. 483.106, F.S., relating to applications for certificates of exemption by clinical laboratories that perform certain tests; amending ss. 483.172, F.S.; conforming provisions; amending s. 627.4239, F.S.; revising the term "standard reference compendium" for purposes of regulating the insurance coverage of drugs used in the treatment of cancer; requiring a carrier to submit an annual report regarding the coverage of routine patient care costs to the Office of Insurance Regulation under certain circumstances; requiring the Office of Insurance Regulation to provide the annual report to the Governor, Legislature, and the Secretary of Health Care Administration; providing a definition; amending s. 651.118, F.S.; conforming a cross-reference; creating s. 409.91207; requiring the agency to develop a plan to create a medical home pilot

project; providing waiver authority for the agency; providing an exception; requiring each medical home network to provide specified services; providing responsibilities of the agency; requiring the Secretary of the agency to appoint a task force; requiring the agency to submit a medical home implementation plan; specifying that implementation of the medical home pilot project is contingent upon legislative approval; authorizing the agency to develop rules; providing an effective date.

—which was previously considered and amended this day.

MOTION

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

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

Amendment 3 (180402)—In title, between lines 43 and 44 insert: providing additional licensure requirements for home health agencies, home medical equipment providers, and health care clinics; requiring the posting of a surety bond in a specified minimum amount under certain circumstances; providing a penalty;

On motion by Senator Gaetz, **CS for CS for CS for SB 1986** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

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.

—was read the third time by title.

On motion by Senator Dean, **CS for SB 554** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Peaden	Siplin	Villalobos
Rich	Smith	Wilson
Richter	Sobel	Wise
Ring	Storms	

Nays—None

Vote after roll call:

Yea—Gelber

Consideration of **CS for CS for SB 762** was deferred.

HB 7121—A bill to be entitled An act relating to postsecondary distance learning; creating s. 1004.091, F.S.; establishing the Florida Distance Learning Consortium to facilitate collaboration among public postsecondary educational institutions in the use of distance learning; providing for oversight of the consortium and administrative services; providing duties of the consortium; amending ss. 1009.23 and 1009.24, F.S.; defining a distance learning course for purposes of assessing distance learning course user fees for community college and state university students; providing requirements for the link to the Florida Higher Education Distance Learning Catalog on an institution’s website; providing an effective date.

—was read the third time by title.

On motion by Senator Oelrich, **HB 7121** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for SB 2096—A bill to be entitled An act relating to nonpublic postsecondary educational institutions; amending s. 1005.32, F.S.; revising the criteria for licensure by means of accreditation for an independent postsecondary educational institution; requiring that, in order to maintain its license, an institution file a report with the Commission for Independent Education which includes the results of a site visit performed by an accrediting agency; requiring that each institution request such site visits; authorizing the commission to request a site visit performed by an accrediting agency; providing an effective date.

—was read the third time by title.

On motion by Senator Oelrich, **CS for SB 2096** was passed and certified to the House. The vote on passage was:

Yeas—39

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

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

Nays—None

CS for CS for SB 2682—A bill to be entitled An act relating to the Florida College System; amending s. 20.15, F.S.; renaming the Division of Community Colleges as the Division of Florida Colleges; amending s. 1000.21, F.S.; defining the terms “Florida college” and “community college”; specifying the counties served by each Florida college; renaming specified Florida colleges; amending s. 1001.60, F.S.; providing that the Florida College System consists of specified Florida colleges; authorizing a Florida college to change the institution’s name to include “college” or “state college” under specified circumstances; requiring the district board of trustees to seek statutory codification of name changes; conforming provisions to changes made by the act; amending s. 1004.65, F.S.; providing that each Florida college shall be governed by a district board of trustees; defining a Florida college district; providing that the open-door admission policy of Florida colleges applies to lower-division programs; providing that the primary mission of Florida colleges includes the provision of upper-level instruction and baccalaureate degrees as authorized by law; conforming provisions to changes made by the act; repealing s. 1004.73, F.S., relating to St. Petersburg College; repealing s. 1004.875, F.S., relating to the State College Pilot Project; amending s. 1007.23, F.S.; providing that associate in arts graduates of Florida colleges must be granted admission to the upper division of a Florida college and shall receive priority for such admission over out-of-state students; requiring specified publications of Florida colleges and state universities to include certain information; conforming provisions to changes made by the act; amending s. 1007.33, F.S.; providing a definition for the term “district”; providing that Florida colleges may offer specified baccalaureate degree programs through agreements with regionally accredited postsecondary educational institutions; authorizing Florida colleges to offer baccalaureate degree programs authorized by law prior to the act’s effective date; requiring State Board of Education approval for baccalaureate degree programs proposed by a Florida college after the act’s effective date; specifying the purposes for which a baccalaureate degree program may be proposed; providing an exemption from the requirement for State Board of Education approval for specified baccalaureate degree programs offered by St. Petersburg College; authorizing the Division of Florida Colleges to accept and review applications from Florida colleges to obtain an exemption from the requirement for State Board of Education approval if certain conditions are met; providing eligibility criteria for such exemption; requiring that the division recommend an institution for exemption to the board; requiring that the board review such recommendation for approval or disapproval; requiring that all Florida Colleges engage in need, demand, and impact discussions; requiring that documentation, data, and other information be provided to certain educational entities; providing for a compliance review of approved baccalaureate degree programs; specifying the approval process for baccalaureate degree programs; specifying contents of a proposal for a baccalaureate degree program; specifying requirements for Florida colleges offering baccalaureate degree programs; requiring that the State Board of Education adopt specified rules; conforming provisions to changes made by the act; amending ss. 120.65, 288.8175, 1001.61, 1004.70, 1004.87, and 1009.23, F.S.; conforming provisions to changes made by the act; providing an effective date.

—as amended April 23 was read the third time by title.

MOTION

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

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

Amendment 1 (665798) (with directory amendment)—Between lines 598 and 599 insert:

(k) Florida-Mexico Institute (Florida International University and Polk State ~~Community~~ College).

And the directory clause is amended as follows:

Delete line 589 and insert:

Section 9. Paragraphs (c), (i), and (k) of subsection (5) of

Amendment 2 (112268)—Delete line 131 and insert:

(u) Polk State College, *which serves Polk County.*

On motion by Senator Lynn, **CS for CS for SB 2682** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for CS for CS for CS for SB 462—A bill to be entitled An act relating to prescription drugs; creating s. 893.055, F.S.; providing definitions; requiring the Department of Health to establish a comprehensive electronic database system to monitor the prescribing and dispensing of certain controlled substances; requiring specified prescribing and dispensing information to be reported to the electronic database system; requiring the department to establish policies and procedures for the system; requiring the department, in consultation with the Office of Drug Control and specified organizations, to adopt by rules appropriate for the prescription drug monitoring program; providing reporting requirements; providing a reporting period; providing exemptions from participation in the system; authorizing the department to establish when to suspend and when to resume reporting requirements during declared emergencies; requiring all nonexempt, dispensing pharmacists and practitioners to submit information in a specified format; providing that the cost to the dispenser in submitting the required information may not be material or extraordinary; specifying costs that are not material or extraordinary; providing access to information reported to the system under certain circumstances; providing that information in the database for the electronic prescription drug monitoring system is not discoverable or admissible in any civil or administrative action; providing exceptions; providing for the use of data for specified purposes; providing requirements for verification of information requested; requiring data transmission to comply with state and federal privacy and security laws; authorizing an agency or person to maintain the data for a specified period if the data is pertinent to active health care or law enforcement investigation or prosecution; requiring the annual reporting of certain performance measures to the Governor and Legislature; providing performance measure criteria; providing criminal penalties for violations; requiring that all costs incurred by the department for the program be funded through federal grants or available private funding sources; providing requirements for seeking funding and procuring goods or services; authorizing the Office of Drug Control, in coordination with the department, to establish a direct-support organization; providing a definition; providing for a board of directors appointed by the director of the office; requiring the director to provide guidance to the board regarding acceptance of moneys from appropriate sources; requiring the direct-support organization to operate under written contract with the office; providing contract requirements; providing requirements for the direct-support organization’s collecting, expending, and providing of funds; requiring department approval of activities of the direct-support

organization; authorizing the office to adopt rules for the use of certain facilities and services; providing for audits; prohibiting the direct-support organization from exercising certain powers; establishing that a prescriber or dispenser is not liable for good faith use of the department-provided controlled substance prescription information of a patient; requiring the department, in collaboration with the office, to study the feasibility of enhancing the prescription drug monitoring program for specified purposes to the extent that funding is provided for such purpose; requiring certain persons to present specified identification in order to obtain controlled substances; providing for recordkeeping for certain transactions; requiring the Agency for Health Care Administration to continue the promotion of electronic prescribing and an electronic prescribing clearinghouse; requiring the department to adopt rules; establishing a Program Implementation and Oversight Task Force; providing for membership; providing for reimbursement of certain member expenses; providing for meetings; providing the purpose of the task force; requiring reports to the Governor and Legislature; providing for the creation, membership, and duties of subcommittees; authorizing the direct-support organization to collect, expend, and provide funds and other assistance to the department; providing for a final report and the termination of the task force; amending ss. 458.309 and 459.005, F.S.; requiring certain physicians who engage in pain management to register their clinics with the department by a specified date; providing an exception; prohibiting certain physicians from practicing in a pain-management clinic that has not registered with the department; requiring the department to inspect each facility; providing for exceptions; requiring the physician seeking to register the clinic to pay the costs of registration and inspection or accreditation; requiring the Board of Medicine and the Board of Osteopathic Medicine to adopt rules setting forth standards of practice for certain physicians who engage in pain management; providing criteria for the rules; providing an effective date.

—as amended April 23 was read the third time by title.

On motion by Senator Fasano, **CS for CS for CS for CS for SB 462** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Consideration of **SB 902** was deferred.

CS for SB 948—A bill to be entitled An act relating to emergency medical services; amending s. 401.2701, F.S.; revising requirements for the field internship experience in paramedic programs; authorizing the Department of Health to adopt rules; amending s. 401.281, F.S.; revising the documented requirements for a driver of an emergency vehicle; providing an effective date.

—was read the third time by title.

On motion by Senator Jones, **CS for SB 948** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Altman	Baker
Alexander	Aronberg	Bennett

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

Nays—None

SB 1050—A bill to be entitled An act relating to Medicaid; requiring the Agency for Health Care Administration to report to the Governor and the Legislature regarding Medicaid’s refusal to provide reimbursement for preventable medical errors; requiring the agency to identify preventable medical errors that are not reimbursed by Medicaid programs in other states, the Medicare program, and private insurers and recommend to the Governor and the Legislature an expanded list of preventable medical errors for which the Medicaid program may refuse reimbursement; providing an effective date.

—was read the third time by title.

On motion by Senator Joyner, **SB 1050** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for CS for SB 1144—A bill to be entitled An act relating to prescription drugs; amending s. 499.003, F.S.; revising the definition of the term “manufacturer” for purposes of the Florida Drug and Cosmetic Act; requiring certain manufacturers to disclose the names of affiliated group members to the Department of Health; amending s. 499.01, F.S.; revising requirements for a prescription drug manufacturer permit, non-resident prescription drug manufacturer permit, and health care clinic establishment permit; amending s. 499.0121, F.S.; clarifying that a wholesale distributor is required to maintain pedigree papers separately from other records of prescription drugs under certain circumstances; amending s. 499.01212, F.S.; revising requirements for a pedigree paper; providing an effective date.

—as amended April 23 was read the third time by title.

On motion by Senator Peaden, **CS for CS for SB 1144** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

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

Nays—None

SENATOR VILLALOBOS PRESIDING

HB 7077—A bill to be entitled An act relating to trust funds; amending s. 20.425, F.S.; providing an additional source of funds for the Grants and Donations Trust Fund within the Agency for Health Care Administration; amending s. 215.5601, F.S., relating to the Lawton Chiles Endowment Fund; revising the date of reversion of undisbursed balances in the fund; amending s. 400.179, F.S.; requiring that a leasehold licensee fee be deposited into the Grants and Donations Trust Fund of the agency; amending s. 409.916, F.S.; requiring that funds from nursing home facility quality assessments, certain grants and donations, and leasehold licensee fees be deposited into the Grant and Donations Trust Fund of the agency; amending ss. 893.165 and 938.23, F.S.; requiring that certain assessments for alcohol and drug abuse treatment programs collected by clerks of the circuit courts be deposited into the Grants and Donations Trust Fund of the Department of Children and Family Services; providing an effective date.

—was read the third time by title.

On motion by Senator Peaden, **HB 7077** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for SB 1592—A bill to be entitled An act relating to nurse registries and companion-homemaker organizations; creating s. 400.510, F.S.; requiring nurse registries and organizations that provide companion or homemaker services to provide notice to patients or clients; specifying the contents of the notice; requiring the notice to be kept for a specified number of years; providing an exception; requiring the Agency for Health Care Administration to develop a form for the notice; providing an effective date.

—was read the third time by title.

On motion by Senator Lynn, **CS for SB 1592** was passed and certified to the House. The vote on passage was:

Yeas—36

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

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

Nays—2

Aronberg Deutch

Vote after roll call:

Nay—Bullard

SENATOR BENNETT PRESIDING

Pursuant to the motion by Senator Villalobos, the hour of 11:30 a.m. having arrived, the Senate proceeded to consideration of—

CLAIM BILL CALENDAR

SB 30—A bill to be entitled An act for the relief of Sheila and John Forehand by the City of Jacksonville; providing for an appropriation to compensate them for injuries and damages sustained as a result of the negligence of an employee of the City of Jacksonville; providing a limitation on the payment of fees and costs; providing an effective date.

—was read the second time by title.

The Committee on Community Affairs offered the following amendment which was moved by Senator Hill and adopted:

Amendment 1 (335670)—Delete lines 74-78 and insert:

Section 2. *The City of Jacksonville is authorized and directed to appropriate from funds of the city not otherwise appropriated and to draw warrants, payable to Sheila and John Forehand, as compensation for injuries and damages sustained, as follows:*

(1) \$250,000 upon this act becoming a law; and

(2) \$250,000 on October 1, 2009.

On motions by Senator Hill, by two-thirds vote **SB 30** 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—34

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

Nays—5

Bennett	King	Wise
Gaetz	Oelrich	

CS for SB 40—A bill to be entitled An act for the relief of Angela Isham by the City of Ft. Lauderdale; providing for an appropriation to compensate Angela Isham, individually, and as co-personal representative of the Estate of David Isham, deceased, for the death of Mr. Isham which was due to the negligence of employees of the City of Ft.

Lauderdale; providing for attorney’s fees and costs; providing a limitation on the payment of fees and costs; providing an effective date.

—was read the second time by title. On motion by Senator Deutch, by two-thirds vote **CS for SB 40** was read the third time by title. On motion by Senator Deutch further consideration of **CS for SB 40** was deferred.

CS for SB 46—A bill to be entitled An act for the relief of Raul Otero by the South Broward Hospital District; providing for an appropriation to compensate him for injuries sustained as a result of the negligence of Memorial Regional Hospital; providing a limitation on the payment of fees and costs; providing an effective date.

—was read the second time by title. On motions by Senator Ring, by two-thirds vote **CS for SB 46** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—33

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

Nays—6

Bennett	Gaetz	Oelrich
Crist	King	Wise

The Senate resumed consideration of—

CS for SB 40—A bill to be entitled An act for the relief of Angela Isham by the City of Ft. Lauderdale; providing for an appropriation to compensate Angela Isham, individually, and as co-personal representative of the Estate of David Isham, deceased, for the death of Mr. Isham which was due to the negligence of employees of the City of Ft. Lauderdale; providing for attorney’s fees and costs; providing a limitation on the payment of fees and costs; providing an effective date.

—which was previously considered this day.

On motions by Senator Deutch **CS for SB 40** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—34

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

Nays—4

Bennett	Crist	Oelrich
Wise		

Vote after roll call:

Yea to Nay—Gaetz, King

CS for SB 52—A bill to be entitled An act for the relief of Eric Brody by the Broward County Sheriff’s Office; providing for an appropriation to compensate Eric Brody for injuries sustained as a result of the negligence of the Broward County Sheriff’s Office; authorizing the Sheriff of Broward County to execute an assignment to the legal guardians of Eric Brody of all claims the Broward County Sheriff’s Office has against its insurer arising out of its handling of the claim against the Broward County Sheriff’s Office; providing that the Broward County Sheriff’s Office has a complete and absolute covenant on the part of Eric Brody and his legal guardians never to enforce the act, any award pursuant to the act, or the Brody’s final judgment and cost judgment directly against the Broward County Sheriff’s Office under certain circumstances; requiring the legal guardians to execute a satisfaction and release under certain conditions; providing legislative intent to permit the prosecution of a bad faith claim; providing a limitation on the payment of fees and costs; providing an exception to that limitation on the payment of fees and costs related to the prosecution of an assigned claim; providing an effective date.

—was read the second time by title. On motions by Senator Deutch, by two-thirds vote **CS for SB 52** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—32

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

Nays—4

Crist	Gaetz	King
Wise		

Votes Recorded:

April 28, 2009: Yea—Gelber

DISCLOSURE

I am an attorney in the law firm Johnson, Anselmo, Murdoch, Burke, Piper & Hochman, P.A.

My firm represented the Broward County Sheriff’s Office in the lawsuit underlying claim bill **SB 52**.

Therefore, I believe that, in abundance of caution, I should disclose the above facts pursuant to Senate Rule 1.39.

Senator Christopher L. Smith, District 29

CS for SB 522—A bill to be entitled An act for the relief of Vincent Merriweather by the Palm Beach County School Board; providing for an appropriation to compensate Vincent Merriweather for injuries sustained as a result of the negligence of a bus driver of the Palm Beach County School District; providing a limitation on the payment of fees and costs; providing an effective date.

—was read the second time by title. On motions by Senator Smith, by two-thirds vote **CS for SB 522** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—32

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

Nays—6

Bennett	Gaetz	Oelrich
Crist	King	Wise

Vote after roll call:

Yea—Storms

SB 524—A bill to be entitled An act for the relief of Joseph Fatta, Jr., and Josephine Fatta by the Broward County Sheriff's Office; providing for an appropriation to compensate them for the death of their son, Deputy Todd Fatta, as a result of the negligence of the Broward County Sheriff's Office; providing a limitation on the payment of fees and costs; providing an effective date.

—was read the second time by title. On motions by Senator Smith, by two-thirds vote **SB 524** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—30

Mr. President	Diaz de la Portilla	Lawson
Alexander	Dockery	Lynn
Altman	Fasano	Peaden
Aronberg	Garcia	Rich
Baker	Gardiner	Richter
Bullard	Haridopolos	Ring
Constantine	Hill	Siplin
Dean	Jones	Smith
Detert	Joyner	Sobel
Deutch	Justice	Wilson

Nays—6

Bennett	Gaetz	Oelrich
Crist	King	Wise

Vote after roll call:

Yea—Storms

DISCLOSURE

I am of counsel at Akerman Senterfitt, a large law firm with more than 500 attorneys and consultants who provide legal services to clients in offices around the United States.

One of the firm's clients is Grossman & Roth, P.A., the attorneys representing the plaintiffs in the referenced claims bill, **SB 524**.

Even though I believe that Rule 1.39 disclosure in the Senate Journal is not required under these circumstances, in an abundance of caution and to avoid even a perception of impropriety, I am hereby disclosing said relationship and recusing myself from any legislative function relating to this bill.

Senator J. Alex Villalobos, District 38

DISCLOSURE

I am of counsel at Akerman Senterfitt, a large law firm with more than 500 attorneys and consultants who provide legal services to clients in offices around the United States.

One of the firm's clients is Grossman & Roth, P.A., the attorneys representing the plaintiffs in the referenced claims bill, **SB 524**.

Even though I believe that Rule 1.39 disclosure in the Senate Journal is not required under these circumstances, in an abundance of caution and to avoid even a perception of impropriety, I am hereby disclosing said relationship and recusing myself from any legislative function relating to this bill.

Senator Dan Gelber, District 35

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

BILLS ON THIRD READING

SB 1628—A bill to be entitled An act relating to long-term care services; amending s. 430.707, F.S.; requiring the Agency for Health Care Administration, in consultation with the Department of Elderly Affairs, to accept and forward to the Centers for Medicare and Medicaid Services an application for expansion of a pilot project from an entity that provides certain benefits under a federal program; providing an effective date.

—was read the third time by title.

On motion by Senator Gelber, **SB 1628** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

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.

—as amended April 23 was read the third time by title.

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

Amendment 1 (448248) (with title amendment)—Delete lines 28-86.

And the title is amended as follows:

Delete lines 2-10 and insert: An act relating to prescribed drugs;

Amendment 2 (422628) (with title amendment)—Between lines 122 and 123 insert:

Section 5. Section 465.1901, Florida Statutes, is created to read:

465.1901 Practice of orthotics and pedorthics.—The provisions of chapter 468 relating to orthotics or pedorthics do not apply to any licensed pharmacist or to any person acting under the supervision of a licensed pharmacist. The practice of orthotics or pedorthics by a pharmacist or any of the pharmacist's employees acting under the supervision of a pharmacist shall be construed to be within the meaning of the term "practice of the profession of pharmacy" as set forth in s. 465.003(13), and shall be subject to regulation in the same manner as any other pharmacy practice. The Board of Pharmacy shall develop rules regarding the practice of orthotics and pedorthics by a pharmacist. Any pharmacist or person under the supervision of a pharmacist engaged in the practice of orthotics or pedorthics is not precluded from continuing that practice pending adoption of these rules.

Section 6. Subsection (3) of section 468.812, Florida Statutes, is repealed.

And the title is amended as follows:

Delete lines 2-17 and insert: An act relating to the practice of pharmacy; 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; creating s. 465.1901, F.S.; providing that provisions of ch. 468, F.S., relating to orthotics and pedorthics do not apply to pharmacists; requiring the Board of Pharmacy to develop rules regarding the practice of orthotics and pedorthics by a pharmacist; repealing s. 468.812(3), F.S., relating to the practice of orthotics and pedorthics; amending s. 893.04, F.S.; authorizing

On motion by Senator Peaden, **CS for CS for SB 1868** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Consideration of **SB 1896** was deferred.

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.

—was read the third time by title.

MOTION

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

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

Amendment 1 (625522)—Delete line 257 and insert: *property is situated, or that he or she has performed or reviewed a title*

On motion by Senator Crist, **CS for SB 412** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for HB 599—A bill to be entitled An act relating to administration of estates; amending s. 731.201, F.S.; revising definitions; amending s. 732.108, F.S.; providing for nonapplication of certain limitations of actions provisions to certain paternity determinations; amending s.

732.2025, F.S.; revising a definition; amending s. 732.2045, F.S.; expanding an exclusion from application of certain provisions of law; amending s. 732.2075, F.S.; revising provisions for satisfaction of an elective share; providing additional requirements; amending s. 732.2085, F.S.; correcting a cross-reference; amending s. 732.2135, F.S.; revising criteria for time of an election; providing for award of attorney fees and costs for elections made in bad faith; amending s. 732.402, F.S.; revising criteria for certain household items, motor vehicles, and tuition programs as exempt property; amending s. 733.201, F.S.; revising a criterion for proof of wills to conform; amending s. 733.504, F.S.; revising a criterion for removal of a personal representative to conform; amending s. 733.602, F.S.; removing a cross-reference; amending s. 735.203, F.S.; revising requirements for a petition for summary administration; amending s. 739.102, F.S.; revising a definition; amending s. 739.104, F.S.; excluding from court approval certain disclaimers of interests in property; amending s. 739.201, F.S.; providing an additional rule applicable to disclaimers of interests in property; amending s. 739.207, F.S.; limiting a criterion for effectiveness of a disclaimer of power held in a fiduciary capacity; amending s. 739.402, F.S.; correcting terminology; amending s. 739.501, F.S.; preserving application of certain provisions to effectiveness of certain disclaimers or transfers; amending ss. 660.417, 736.0802, and 895.02, F.S.; correcting cross-references to conform; providing an effective date.

—was read the third time by title.

On motion by Senator Aronberg, **CS for HB 599** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for HB 965—A bill to be entitled An act relating to trust administration; amending s. 736.0103, F.S.; revising a definition to exclude certain interests as beneficial interests; providing construction; amending s. 736.0105, F.S.; providing an additional limitation on terms of a trust prevailing over provisions of the Florida Trust Code; amending s. 736.0302, F.S.; revising representation authority for holders of a power of appointment; providing a definition; amending s. 736.0306, F.S.; authorizing trust instruments to authorize certain persons to designate one or more persons to represent and bind a beneficiary and receive certain information; amending s. 736.0703, F.S.; authorizing a cotrustee to delegate investment decisions to a cotrustee; revising provisions for absence of liability of excluded trustees under certain circumstances; amending s. 736.0807, F.S.; providing that a cotrustee who has delegated investment functions is not liable for investment decisions; amending s. 736.1106, F.S.; revising a definition applicable to antilapse of a trust distribution; providing an effective date.

—was read the third time by title.

On motion by Senator Gelber, **CS for HB 965** was passed and certified to the House. The vote on passage was:

Yeas—39

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

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

Nays—None

CS for SB 110—A bill to be entitled An act relating to community redevelopment; amending s. 163.340, F.S.; expanding the definition of the term “blighted area” to include land previously used as a military facility; providing an effective date.

—was read the third time by title.

On motion by Senator Bullard, **CS for SB 110** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Consideration of **CS for CS for SB 148** was deferred.

CS for SB 306—A bill to be entitled An act relating to vessel safety; amending s. 327.39, F.S.; revising certain requirements for operating personal watercraft; amending s. 327.54, F.S.; revising the requirements relating to the boating safety course required for leasing or renting a personal watercraft from a livery; providing an effective date.

—was read the third time by title.

On motion by Senator Rich, further consideration of **CS for SB 306** was deferred.

Consideration of **CS for CS for CS for SB 1004** was deferred.

CS for CS for SB 1078—A bill to be entitled An act relating to the limitation of liability of water management districts; amending s. 373.1395, F.S.; applying the limitation of liability of a water management district to the water areas of the district; providing that certain commercial activities do not terminate the limitation of liability of a water management district; providing that the protections, immunities, and limitations of liability provided to a water management district apply regardless of whether any claimant or person was engaged in an outdoor recreational purpose at the time of an accident or occurrence; providing liability protection to an owner of private land used as an easement or other right by a water management district for the purpose of providing access to lands or water areas that the water management district makes available to the public for outdoor recreational activities; defining the term “park area, district or other lands, or water areas”; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **CS for CS for SB 1078** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—1

Ring

HB 255—A bill to be entitled An act relating to pest control; creating s. 570.345, F.S.; enacting the Pest Control Compact; requiring the Commissioner of Agriculture to administer the compact; requiring that an application for assistance under the compact be made by the commissioner; providing findings; providing definitions; providing for the establishment of the Pest Control Insurance Fund to finance pest-control operations under the compact; providing for the fund to be administered by a governing board and executive committee; providing for the internal operations and management of the governing board; requiring an annual report to the governor and legislature of each state participating in the compact; providing for the administration of the fund; providing procedures to apply for expenditures from the fund; providing for a determination regarding expenditures from the fund and for review of such expenditures; authorizing the governing board to establish advisory and technical committees; providing for an application for assistance from the fund on behalf of a nonparty state; providing requirements for the fund regarding budgets and maintaining financial assets; prohibiting a pledge of the assets of a state that is a party to the compact; providing for the compact to enter into force upon its enactment by five or more states; providing a procedure for a state to withdraw from the compact; providing for construction and severability; providing an effective date.

—was read the third time by title.

On motion by Senator Dean, **HB 255** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Consideration of **SB 2656** was deferred.

RECESS

On motion by Senator Villalobos, the Senate recessed at 12:11 p.m. to reconvene at 1:11 p.m.

AFTERNOON SESSION

The Senate was called to order by Senator Bennett at 1:22 p.m. A quorum present—39:

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

BILLS ON THIRD READING

The Senate resumed consideration of—

CS for SB 306—A bill to be entitled An act relating to vessel safety; amending s. 327.39, F.S.; revising certain requirements for operating personal watercraft; amending s. 327.54, F.S.; revising the requirements relating to the boating safety course required for leasing or renting a personal watercraft from a livery; providing an effective date.

—which was previously considered this day.

MOTION

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

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

Amendment 1 (951490) (with directory and title amendments)—Between lines 43 and 44 insert:

(7) This section does not apply to:

(a) A performer engaged in a professional exhibition or a person preparing to participate or participating in a regatta, race, marine parade, tournament, or exhibition held in compliance with s. 327.48; or

(b) *An operator of a personal watercraft between the ages of 14 and 16, inclusive, who has completed a state-approved boating safety course or is in possession of a boating safety certificate on or before July 1, 2009.*

And the directory clause is amended as follows:

Delete lines 12-13 and insert:

Section 1. Subsections (5), (6), and (7) of section 327.39, Florida Statutes, are amended, to read:

And the title is amended as follows:

Delete line 4 and insert: personal watercraft; providing that the certain provisions relating to vessel safety do not apply to certain persons; amending s. 327.54, F.S.;

On motion by Senator Rich, by two-thirds vote **CS for SB 306** as amended was read the third time by title and failed to pass. The vote was:

Yeas—15

Altman	Gelber	Rich
Aronberg	Hill	Ring
Detert	Joyner	Siplin
Deutch	Justice	Sobel
Dockery	Lawson	Wilson

Nays—19

Alexander	Fasano	Lynn
Baker	Gaetz	Oelrich
Bennett	Garcia	Peaden
Constantine	Gardiner	Richter
Crist	Haridopolos	Wise
Dean	Jones	
Diaz de la Portilla	King	

Vote after roll call:

Yea—Smith

Nay—Bullard, Storms

SPECIAL ORDER CALENDAR

On motion by Senator Aronberg, by unanimous consent—

SB 68—A bill to be entitled An act relating to equine activities; providing a short title; providing legislative intent; defining the term “equine”; requiring a child younger than a specified age to wear a helmet when riding an equine in certain locations; providing requirements for helmets; requiring a person renting or leasing an equine for riding by a child younger than a specified age to provide a helmet if the child does not have a helmet; prohibiting a parent or guardian of a child younger than a specified age from authorizing or permitting the child to engage in certain conduct; providing a penalty; providing exceptions; providing an effective date.

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

Senator Aronberg moved the following amendments which were adopted:

Amendment 1 (720400) (with title amendment)—Delete line 26 and insert:

Section 3. Section 773.06, Florida Statutes, is created to read:

773.06 *Helmet requirements; penalties.*—

And the title is amended as follows:

Delete line 3 and insert: short title; providing legislative intent; creating s. 773.06, F.S.; defining

Amendment 2 (827340)—Delete lines 35-36 and insert:(a) *A public roadway or right-of-way;***Amendment 3 (682544)**—Delete lines 55-57 and insert:(a) *Practicing for or competing or performing in shows or events, including, but not limited to, rodeos and parades, where helmets are not historically a part of the show or event;*(b) *Riding on privately owned land even if the land is occasionally separated by a public road or right-of-way that must be crossed; or*Pursuant to Rule 4.19, **SB 68** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.**SENATOR ARONBERG PRESIDING**

On motion by Senator King—

CS for SB 342—A bill to be entitled An act relating to license plates; amending ss. 320.08056 and 320.08058, F.S.; creating the St. Johns River license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 342** was placed on the calendar of Bills on Third Reading.

CS for SB 642—A bill to be entitled An act relating to license plates; amending ss. 320.08056 and 320.08058, F.S.; revising authorized uses of proceeds received from the sale of the United We Stand license plate; creating a Fraternal Order of Police license plate; establishing an annual use fee for the plate; creating an Autism license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

—was read the second time by title.

Senator Ring moved the following amendment which was adopted:

Amendment 1 (326570) (with title amendment)—Between lines 135 and 136 insert:

Section 3. Paragraph (sss) is added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(sss) *Go Green Florida license plate, \$25.*

Section 4. Subsection (71) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(71) *GO GREEN FLORIDA LICENSE PLATES.*—(a) *The department shall develop a Go Green Florida license plate as provided in this section. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Go Green Florida” must appear at the bottom of the plate. The Go Green Florida emblem or logo must appear on the plate.*(b) *The requirements of s. 320.08053 must be met before the issuance of the plate.*(c) *The proceeds from the sale of the plate shall be distributed to the Coalition for Renewable Energy Solutions, Inc. After reimbursement for documented costs expended to establish the plates and for annual auditing costs, the coalition shall use the proceeds of the annual use fees in the following manner:*1. *A maximum of 5 percent shall be used for administrative costs directly associated with the management and distribution of the proceeds.*2. *A maximum of 25 percent shall be used for the continuing statewide promotion and marketing of the plate.*3. *Seventy percent shall be used to fund the Renewable Energy and Energy Efficient Technology Grants program pursuant to s. 377.804, the Solar Energy System Incentives program pursuant to s. 377.806, under the Florida Energy and Climate Commission, or other educational programs dedicated to providing effective alternative energy practices.*(d) *The coalition shall comply with the financial audit requirements of s. 320.08062.*(e) *The Go Green Florida emblem or logo may be used as a decal by the department in recognition of energy-efficient vehicle usage and practices. However, the display of the decal is not a substitute for a license plate.*

And the title is amended as follows:

Delete line 9 and insert: creating the Go Green Florida license plate; establishing an annual fee for the plate; providing for the distribution of use fees received

Senator Garcia moved the following amendment which was adopted:

Amendment 2 (458180) (with title amendment)—Between lines 135 and 136 insert:

Section 3. Paragraph (sss) is added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(sss) *Catch Me, Release Me license plate, \$25.*

Section 4. Subsection (71) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(71) *CATCH ME, RELEASE ME LICENSE PLATES.*—

(a) *The department shall develop a Catch Me, Release Me license plate as provided in this section. The plates must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Catch Me, Release Me” must appear at the bottom of the plate.*

(b) *The annual use fees shall be distributed to the Guy Harvey Ocean Foundation, Inc., which shall administer the fees as follows:*

1. *The foundation shall retain the first \$60,000 of the annual use fees as direct reimbursement for administrative costs, startup costs, and costs incurred in the development and approval of the plates. Thereafter, up to 15 percent of the annual use fees may be used for administrative costs directly associated with the operation of the foundation and up to 10 percent may be used for promotion and marketing of the plate.*

2. *Any remaining funds shall be used by the foundation to fund scientific research related to marine issues, including research of free-ranging pelagic marine species that inhabit, use, or migrate through the waters of this state, and to fund conservation initiatives and education and public outreach programs for school-aged children.*

And the title is amended as follows:

Delete line 9 and insert: creating the Catch Me, Release Me license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received

Senator Baker moved the following amendment:

Amendment 3 (497548) (with title amendment)—Between lines 135 and 136 insert:

Section 3. Paragraph (h) is added to subsection (15) of section 320.02, Florida Statutes, to read:

320.02 Registration required; application for registration; forms.—

(15)

(h) *The application form for motor vehicle registration and renewal of registration must include language permitting a voluntary contribution of \$1 to Ronald McDonald Houses of Florida. Such contributions must be distributed by the department each month to Ronald McDonald House Charities Tampa Bay, Inc., a not-for-profit organization.*

For the purpose of applying the service charge provided in s. 215.20, contributions received under this subsection are not income of a revenue nature.

Section 4. Paragraph (cc) of subsection (4) of section 320.08056, Florida Statutes, is amended, and paragraphs (sss) and (ttt) are added that section, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(cc) Choose Life license plate, \$25 ~~\$20~~.

(sss) *Florida Horse Park license plate, \$25.*

(ttt) *Let’s Go Surfing license plate, \$25.*

Section 5. Subsection (29) of section 320.08058, Florida Statutes, is amended, and subsections (71) and (72) are added to that section, to read:

320.08058 Specialty license plates.—

(29) **CHOOSE LIFE LICENSE PLATES.**—

(a) The department shall develop a Choose Life license plate as provided in this section. The word “Florida” must appear at the bottom of the plate, and the words “Choose Life” must appear at the top of the plate.

(b) The annual use fees shall be distributed *quarterly to Choose Life, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, along with a list of annually to each county in the ratio that the annual use fees collected by each county bears to the total fees collected for the plates within the state.*

(c) *Up to 20 percent of the fees may be used for administrative costs directly associated with the operations of Choose Life, Inc., and activities by Choose Life, Inc., to promote adoption and to market the license plate in the state. Choose Life, Inc., shall administer distribution of the remaining. Each county shall distribute the funds to nongovernmental, not-for-profit agencies whose within the county, which agencies’ services primarily consist of are limited to counseling and meeting the physical needs of pregnant women who are considering committed to placing their children for adoption.*

1. Funds may not be distributed to any agency that is involved or associated with abortion activities, including counseling for or referrals to abortion clinics, providing medical abortion-related procedures, or proabortion advertising, and funds may not be distributed to any agency that charges women for services received.

2. *Choose Life license plate funds generated in counties that do not have a qualified service provider shall be distributed by Choose Life, Inc., to qualified service providers in other counties. For purposes of this subparagraph, the term “qualified service provider” means an entity that provides medically accurate materials, with reference sources for any and all statements of a medical nature. Sources may include, but are not limited to, entities such as the Centers for Disease Control, the American College of Obstetricians and Gynecologists, and peer-reviewed health science journals, such as the Journal of the American Medical Association.*

3. *Funds may not be removed from a county that has active qualified service providers for distribution to service providers in other counties unless the year-end unused fund balance exceeds 20 percent of the county’s annual Choose Life license plate revenues for 3 consecutive years. If a year-end fund balance exceeds 20 percent of a county’s annual revenues for 3 consecutive years, such balance may be distributed by Choose Life, Inc., to qualified service providers in other counties.*

4. ~~1-~~ Agencies that receive the funds must use at least 70 percent of the funds to provide for the material needs of pregnant women who are considering ~~committed to~~ placing their children for adoption, including clothing, housing, medical care, food, utilities, and transportation. Such funds may also be expended on infants awaiting placement with adoptive parents.

5. ~~2-~~ A maximum of 30 percent of the ~~remaining~~ funds may be used for adoption, counseling, training, or advertising, but may not be used for administrative expenses, legal expenses, or capital expenditures.

6. ~~3-~~ Each service provider ~~agency~~ that receives such funds must submit an annual attestation to *Choose Life, Inc., which shall, upon request, make copies available to a state agency charged with auditing the*

county. Any unused funds that exceed 10 percent of the funds received by an agency during its fiscal year must be returned to the county, which shall distribute them to other qualified agencies.

7. Choose Life license plate use fees generated in this state may be spent only on activities within the state.

(d)1. Within 90 days after October 1, 2009, county commissions that have never distributed Choose Life funds shall forward such funds to Choose Life, Inc., for distribution.

2. Within 180 days after October 1, 2009, county commissions that have been distributing Choose Life funds shall forward fund balances to Choose Life, Inc., for distribution.

(71) FLORIDA HORSE PARK LICENSE PLATES.—

(a) The department shall develop a Florida Horse Park license plate as provided in this section. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate and the words “Discover Florida’s Horses” must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the Florida Agriculture Center and Horse Park Authority created by s. 570.952, which shall retain all proceeds until the startup costs to develop and establish the plates have been recovered. Thereafter, the proceeds shall be used as follows:

1. A maximum of 10 percent of the proceeds may be used to administer the license plate program.

2. A maximum of 15 percent of the proceeds may be used to promote and market the license plates.

3. The remaining fees shall be used by the authority to promote the Florida Agriculture Center and Horse Park located in Marion County; to support continued development of the park, including the construction of additional educational facilities, barns, and other structures; to provide improvements to the existing infrastructure at the park; and to provide for operational expenses of the park.

(72) LET’S GO SURFING LICENSE PLATES.—

(a) This subsection may be cited as the “Erik Jersted Memorial Act.”

(b) The department shall develop a Let’s Go Surfing license plate as provided in this section. Let’s Go Surfing license plates must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Let’s Go Surfing” must appear at the bottom of the plate.

(c) The license plate annual use fees shall be distributed to East Coast Surfing Hall of Fame and Museum, Inc., to fund activities, programs, and projects to promote Florida’s surfing-related tourism, preserve Florida’s surfing history and heritage, preserve Florida’s surf and shores, and honor lifeguards who patrol Florida’s surf and shores to protect beachgoers, surfers, and others. East Coast Surfing Hall of Fame and Museum, Inc., may retain all revenue from the annual use fees until all startup costs for developing and establishing the plate have been recovered. Thereafter, up to 25 percent of the annual use fee revenue may be used for administration, promotion, and marketing of the plate, including costs of the annual audit and compliance affidavit.

And the title is amended as follows:

Delete line 10 and insert: from the sale of such plates; amending s. 320.02, F.S.; requiring the application form for motor vehicle registration and renewal of registration to include language permitting a voluntary contribution to the Ronald McDonald Houses of Florida; revising the annual use fee for the Choose Life license plate; revising provisions for distribution of such use fees; creating the Florida Horse Park license plate and the Let’s Go Surfing license plate; establishing an annual use fee for the plates; providing for the distribution of use fees received from the sale of such plates; providing an effective

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

Amendment 3A (514904)—Delete line 20 and insert:

Section 4. Effective September 1, 2009, paragraph (cc) of subsection(4) of section

MOTION

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

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

Amendment 3B (174266) (with directory and title amendments)—Delete lines 34-105 and insert:

(c) Choose Life license plate funds generated in counties that do not have a qualified service provider or have not submitted an attestation within the last 12 months shall be redistributed by the department, in an equitable manner, to counties having a qualified service provider.

And the directory clause is amended as follows:

Delete lines 29-30 and insert:

Section 5. Paragraph (c) of subsection (29) of section 320.08058, Florida Statutes, is added, and subsections (71) and (72) are added to

And the title is amended as follows:

Delete lines 160-162 and insert: Ronald McDonald Houses of Florida; revising provisions for distribution of such use fees; creating

Amendment 3 as amended was adopted.

Senator Altman moved the following amendment which was adopted:

Amendment 4 (710366) (with title amendment)—Between lines 135 and 136 insert:

Section 3. Paragraph (sss) is added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(sss) Endless Summer license plate, \$25.

Section 4. Subsection (71) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(71) ENDLESS SUMMER LICENSE PLATES.—

(a) The department shall develop an Endless Summer license plate as provided in this section. Endless Summer license plates must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Endless Summer” must appear at the bottom of the plate.

(b) The license plate annual use fees shall be distributed to Surfing’s Evolution & Preservation Corporation to fund its activities, programs, and projects aimed at preserving the sport of surfing. Surfing’s Evolution & Preservation Corporation may retain all revenue from the annual use fees until all startup costs for developing and establishing the plate have been recovered. Thereafter, up to 25 percent of the annual use fee revenue may be used for promotion and marketing of the specialty license plate and administrative costs directly associated with the corporation’s programs and the specialty license plate. Surfing’s Evolution & Preservation Corporation shall use the remaining funds as follows:

1. To fund the proposed Surfing’s Evolution & Preservation Experience project.

2. To provide funds for the provision of lifeguards or the building of artificial reefs.

3. To provide funds to organizations that house the history and artifacts of surfing or promote the sport through exhibits, lectures, and events.

4. To support programs and events of other organizations that support beaches and oceans and promote education on beach safety, coastal pollution, and beach ecology.

And the title is amended as follows:

Delete line 9 and insert: creating an Endless Summer license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received

MOTION

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

Senator Altman moved the following amendment which was adopted:

Amendment 5 (887888) (with title amendment)—Delete line 136 and insert:

Section 3. This act shall take effect July 1, 2009, except that provisions amending s. 320.08058(32), Florida Statutes, relating to the United We Stand license plates shall take effect September 1, 2009.

And the title is amended as follows:

Delete lines 10-11 and insert: from the sale of such plates: providing effective dates.

MOTION

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

Senator King moved the following amendment which was adopted:

Amendment 6 (784040) (with title amendment)—Between lines 135 and 136 insert:

Section 3. Paragraph (sss) is added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(sss) *St. Johns River license plate, \$25.*

Section 4. Subsection (71) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(71) *ST. JOHNS RIVER LICENSE PLATES.—*

(a) *The department shall develop a St. Johns River license plate as provided in this section. The St. Johns River license plates must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “St. Johns River” must appear at the bottom of the plate.*

(b) *The requirements of s. 320.08053 must be met prior to the issuance of the plate. Thereafter, the license plate annual use fees shall be distributed to the St. Johns River Alliance, Inc., a 501(c)(3) nonprofit organization, which shall administer the fees as follows:*

1. *The St. Johns River Alliance, Inc., shall retain the first \$60,000 of the annual use fees as direct reimbursement for administrative costs, startup costs, and costs incurred in the development and approval process. Thereafter, up to 10 percent of the annual use fee revenue may be used for administrative costs directly associated with education programs, conservation, research, and grant administration of the organization and up to 10 percent may be used for promotion and marketing of the specialty license plate.*

2. *At least 30 percent of the fees shall be available for competitive grants for targeted community-based or county-based research or projects for which state funding is limited or not currently available. The re-*

maining 50 percent shall be directed toward community outreach and access programs. The competitive grants shall be administered and approved by the board of directors of the St. Johns River Alliance, Inc. A grant advisory committee shall be composed of six members chosen by the St. Johns River Alliance board members.

3. *Any remaining funds shall be distributed with the approval of and accountability to the board of directors of the St. Johns River Alliance, Inc., and shall be used to support activities contributing to education, outreach, and springs conservation.*

And the title is amended as follows:

Delete line 9 and insert: creating the St. Johns River license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received

MOTION

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

Senator Storms moved the following amendment:

Amendment 7 (290226) (with title amendment)—Delete lines 15-135 and insert:

Section 1. Paragraphs (qqq), (rrr), and (sss) are added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(qqq) *Fraternal Order of Police license plate, \$25.*

(rrr) *Autism license plate, \$25.*

(sss) *“I Believe” license plate, \$25.*

Section 2. Paragraph (b) of subsection (32) of section 320.08058, Florida Statutes, is amended, and subsections (69), (70), and (71) are added to that section, to read:

320.08058 Specialty license plates.—

(32) *UNITED WE STAND LICENSE PLATES.—*

(b) *The department shall retain all revenues from the sale of such plates until all startup costs for developing and issuing the plates have been recovered. Thereafter, notwithstanding the provisions of s. 332.14, 100 percent of the annual use fee shall be distributed to the Department of Transportation SAFE Council for the development and implementation of programs to fund a grant program to enhance security at airports throughout the state, pursuant to s. 332.14. Up to 10 percent of the annual use fee revenue may be used for administration, promotion, and marketing of the plate, including the annual audit and compliance affidavit costs.*

(69) *FRATERNAL ORDER OF POLICE LICENSE PLATES.—*

(a)1. *The department shall develop a Fraternal Order of Police license plate as provided in this section. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate and the words “Fraternal Order of Police” must appear at the bottom of the plate.*

2. *The department may issue the plate only to an applicant who submits a notarized letter from the Florida State Lodge of the Fraternal Order of Police stating that the applicant is a member of the lodge in good standing or a member of a lodge member’s family, together with other fees and documents required for a specialty plate.*

(b) *The annual use fees shall be distributed to the Florida State Lodge of the Fraternal Order of Police, which shall retain all proceeds until the startup costs to develop and establish the plate have been recovered. Thereafter, the proceeds shall be distributed to the Florida State Lodge*

Memorial Foundation of the Fraternal Order of Police and used as follows:

1. A maximum of 25 percent of the proceeds may be used to promote and market the plate, to administer the license plate program, and to pay administrative costs directly associated with the state Fraternal Order of Police Law Enforcement Memorial.

2. The remaining fees shall be used by the foundation to fund projects, programs, or events related to the memorial or to fund improvements, maintenance, or other support for the memorial.

(70) **AUTISM LICENSE PLATES.**—

(a) The department shall develop an Autism license plate as provided in this section. Autism license plates must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Support Autism Programs” must appear at the bottom of the plate.

(b) The proceeds from the license plate annual use fee shall be distributed to Achievement and Rehabilitation Centers, Inc., to fund service programs for autism and related disabilities throughout the state and to operate and establish programs to support individuals with autism and related disabilities through direct services, evaluation, training, and awareness. Achievement and Rehabilitation Centers, Inc., shall establish an Autism Services Grant Council whose membership shall be drawn from among stakeholders throughout the state who represent the interests of individuals with autism and related disabilities. The grant council shall provide grants from available Autism license plate proceeds to nonprofit organizations throughout the state to establish or operate direct services and programs for individuals with autism and related disabilities and their families or to market the Autism license plate. Consideration for participation in such services and programs shall be given to applicants who are children or adults with autism and related disabilities and their families and shall include those who are on the Agency for Persons with Disabilities waiting lists for services. Achievement and Rehabilitation Centers, Inc., shall also establish an Autism License Plate Fund. Moneys in the fund shall be used by the grant council as provided in this paragraph. All funds received under this subsection must be used in this state.

(c) Achievement and Rehabilitation Centers, Inc., may retain all proceeds from the annual use fee up to \$85,000 until all documented startup costs for developing and establishing the plate have been recovered. Thereafter, the proceeds from the annual use fee shall be used as follows:

1. Achievement and Rehabilitation Centers, Inc., may use up to 10 percent of the proceeds from the annual use fee for all administrative costs associated with the operation of the Autism Services Grant Council, the Autism License Plate Fund, and the programs established and operated as provided in subparagraph 2., including the costs of an annual audit or compliance affidavit.

2. Achievement and Rehabilitation Centers, Inc., may use up to 25 percent of the proceeds from the annual use fee to establish and operate programs statewide to support individuals with autism and related disabilities and their families through direct services, evaluation, and training.

3. Achievement and Rehabilitation Centers, Inc., shall disburse 15 percent of the proceeds from the annual use fee to the Center for Autism and Related Disabilities at the University of Miami for distribution to the seven regional autism centers created under s. 1004.55. To the extent possible, the director of the Center for Autism and Related Disabilities at the University of Miami shall distribute funds proportionately among the regional centers. The regional centers shall use the funds to support the services they provide.

4. Achievement and Rehabilitation Centers, Inc., shall disburse 50 percent of the proceeds from the annual use fee to the Autism Services Grant Council, which shall provide grants to nonprofit organizations throughout the state to establish or operate direct services and programs for individuals with autism and related disabilities and their families or to market the Autism license plate.

All grant recipients, the Achievement and Rehabilitation Centers, Inc., and the Center for Autism and Related Disabilities at the University of Miami shall provide to the Autism Services Grant Council an annual program and financial report regarding the use of the proceeds from the annual use fee. The report shall be made available to the public.

(71) **“I BELIEVE” LICENSE PLATES.**—Notwithstanding s. 320.08053, the department shall develop an “I Believe” license plate as provided in this section.

(a) “I Believe” license plates must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “I Believe” must appear at the bottom of the plate.

(b) The requirements of s. 320.08053 must be met before the issuance of the plate. Thereafter, the license plate annual use fees shall be distributed to Faith in Teaching, Inc., to fund activities, programs, and projects that promote faith-based education for youth within the state. Faith in Teaching, Inc., may retain all revenue from the annual use fees until all startup costs for developing and establishing the plate have been recovered. Thereafter, up to 10 percent of the annual use fee revenue may be used for administrative, promotional, and marketing costs.

And the title is amended as follows:

Delete line 10 and insert: from the sale of such plates; creating an “I Believe” license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of such plates; providing an effective

POINT OF ORDER

Senator Rich raised a point of order that **Amendment 7** contained language which had not been reported favorably by a Senate committee this year and was therefore out of order.

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

On motion by Senator Altman, further consideration of **CS for SB 642** as amended with pending **Amendment 7 (290226)** and pending point of order was deferred.

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

BILLS ON THIRD READING

RECONSIDERATION OF BILL

On motion by Senator Gaetz, the rules were waived and the Senate reconsidered the vote by which—

CS for CS for SB 456—A bill to be entitled An act relating to mental illness; amending s. 394.455, F.S.; defining the term “electronic means”; amending s. 394.462, F.S.; requiring a law enforcement agency that transports persons to a receiving facility to have a memorandum of understanding with the facility; requiring that custody of a person who is transported to a receiving or treatment facility be relinquished to a responsible person at the facility; amending ss. 394.4655 and 394.467, F.S.; specifying that a psychiatric examination by certain personnel be conducted face-to-face, in person or by electronic means; providing an effective date.

—as amended passed this day.

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

Amendment 2 (803406) (with title amendment)—Before line 17 insert:

Section 1. *This act may be cited as the “Deputy Anthony Forgione Act.”*

And the title is amended as follows:

Delete line 2 and insert: An act relating to mental illness; providing a short title; amending s.

On motion by Senator Gaetz, **CS for CS for SB 456** was passed as amended, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SPECIAL ORDER CALENDAR, continued

On motion by Senator Garcia—

CS for SB 650—A bill to be entitled An act relating to license plates; amending ss. 320.08056 and 320.08058, F.S.; creating the Catch Me, Release Me license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of the plate; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 650** was placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

CS for SB's 674 and 1422—A bill to be entitled An act relating to construction contracting; amending s. 489.103, F.S.; requiring that owners of property acting as their own contractor and providing direct, onsite supervision of all work not performed by licensed contractors read and sign a disclosure statement before a permit is issued; requiring that the disclosure statement contain certain statements and provisions; amending ss. 489.128 and 489.532, F.S.; providing that certain individuals or business organizations may not be considered unlicensed for failure to have a required local jurisdiction license; providing for retro-active application; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB's 674 and 1422** was placed on the calendar of Bills on Third Reading.

On motion by Senator Jones—

CS for CS for SB 714—A bill to be entitled An act relating to condominiums; creating s. 627.714, F.S.; requiring that coverage under a unit owner's policy for certain assessments include at least a minimum amount of loss assessment coverage; requiring that every property insurance policy to an individual unit owner contain a specified provision; amending s. 718.111, F.S.; requiring that adequate property insurance be based upon the replacement cost of the property to be insured as determined by an independent appraisal or update of a prior appraisal; requiring that such replacement cost be determined at least once within a specified period; providing means by which an association may provide adequate property insurance; providing that certain property insurance policies or programs are not subject to review and approval by the Office of Insurance Regulation; prohibiting such coverage or program from existing beyond a specified date; authorizing an association to consider

deductibles when determining an adequate amount of property insurance; providing that failure to maintain adequate property insurance constitutes a breach of fiduciary duty by the members of the board of directors of an association; revising the procedures for the board to establish the amount of deductibles; requiring that an association controlled by unit owners operating as a residential condominium use its best efforts to obtain and maintain adequate property insurance to protect the association and certain property; requiring that every property insurance policy issued or renewed on or after a specified date provide certain coverage; excluding certain items from such requirement; providing that excluded items and any insurance thereupon are the responsibility of the unit owner; requiring that condominium unit owner's policies conform to certain provisions of state law; deleting provisions relating to certain hazard and casualty insurance policies; conforming provisions to changes made by the act; amending s. 718.112, F.S.; conforming cross-references; revising requirements for the re-appointment of certain board members; revising board eligibility requirements; revising notice requirements for board candidates; establishing requirements for newly elected board members; extending the period during which condominium common areas do not have to be retrofitted with sprinkler systems; providing that certain directors and officers delinquent in the payment of any fee, fine, or regular or special assessments shall be deemed to have abandoned their office; providing an effective date.

—was read the second time by title.

Senator Ring moved the following amendment which was adopted:

Amendment 1 (709212) (with title amendment)—Between lines 74 and 75 insert:

Section 2. Subsection (13) is added to section 633.0215, Florida Statutes, to read:

633.0215 Florida Fire Prevention Code.—

(13) A condominium that is one or two stories in height and has an exterior means of egress corridor is exempt from installing a manual fire alarm system as required in s. 9.6 of the most recent edition of the Life Safety Code adopted in the Florida Fire Prevention Code.

And the title is amended as follows:

Delete line 7 and insert: unit owner contain a specified provision; amending s. 633.0215, F.S.; providing an exemption for certain condominiums from installing a manual fire alarm system as required in the Life Safety Code if certain conditions are met; amending s.

Senator Jones moved the following amendments which were adopted:

Amendment 2 (520052)—Delete lines 359-374 and insert: election is required. *Except in a timeshare condominium*, the terms of all members of the board shall expire at the annual meeting and such board members may stand for reelection unless otherwise permitted by the bylaws. In the event that the bylaws permit staggered terms of no more than 2 years and upon approval of a majority of the total voting interests, the association board members may serve 2-year staggered terms. ~~If the number no person is interested in or demonstrates an intention to run for the position of a board members member whose terms have term has expired according to the provisions of this subparagraph exceeds the number of eligible members showing interest in or demonstrating an intention to run for the vacant positions, each such board member whose term has expired shall become eligible for reappointment be automatically reappointed~~ to the board of administration and need not stand for reelection. In a condominium association of more than 10 units or in a condominium association that does not include timeshare units, coowners of a

Amendment 3 (799524) (with title amendment)—Between lines 621 and 622 insert:

Section 4. *Subsection (2) of section 553.509, Florida Statutes, is repealed.*

And the title is amended as follows:

Delete line 50 and insert: abandoned their office; repealing s. 553.509(2), F.S., relating to the requirement that certain residential

family dwellings have at least one public elevator that is capable of operating on an alternate power source for emergency purposes; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for SB 714** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Altman—

SB 860—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; creating an Endless Summer license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 860** was placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

SB 872—A bill to be entitled An act relating to fictitious names; repealing s. 15.16(6), F.S., relating to a conditional waiver by the Department of State of the requirement that an applicant to do business under a fictitious name advertise the intention to register such fictitious name in a newspaper in the county in which the principal place of business will be located; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 872** was placed on the calendar of Bills on Third Reading.

On motion by Senator Altman, by two-thirds vote **CS for CS for HB 405** was withdrawn from the Committees on Transportation; Community Affairs; Commerce; and Transportation and Economic Development Appropriations.

On motion by Senator Altman—

CS for CS for HB 405—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.

—a companion measure, was substituted for **CS for CS for CS for SB 1088** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 405** was placed on the calendar of Bills on Third Reading.

On motion by Senator Villalobos, by unanimous consent—

CS for SB 1576—A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.055, F.S.; allowing each charter county to levy a voter-approved surtax for a community college in the county; providing restrictions on the sources of funds to pay for expenses for a referendum relating to such surtax; requiring notice of the referendum; defining the term “community college”; providing a maximum rate of the surtax; providing requirements for the ordinance imposing the surtax; providing purposes for which the proceeds of the surtax may be used; providing for the investment of proceeds collected from the surtax; providing for the automatic expiration of such a surtax unless it is reenacted by ordinance; requiring that the proceeds be deposited in a separate fund and promptly disbursed to a board of trustees; providing that state funding may not be reduced because a community college has received such proceeds; providing for liberal construction; providing an effective date.

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

Senator Villalobos moved the following amendment which was adopted:

Amendment 1 (580724)—Delete line 79 and insert: *be used for the purposes listed in this subsection as directed by*

Pursuant to Rule 4.19, **CS for SB 1576** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

CS for SB 642—A bill to be entitled An act relating to license plates; amending ss. 320.08056 and 320.08058, F.S.; revising authorized uses of proceeds received from the sale of the United We Stand license plate; creating a Fraternal Order of Police license plate; establishing an annual use fee for the plate; creating an Autism license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

—which was previously considered and amended this day with pending **Amendment 7 (290226)** by Senator Storms and pending point of order by Senator Rich.

RULING ON POINT OF ORDER

Senator Villalobos, Chair of the Committee on Rules, recommended that the point is not well taken since the language is not the subject of a bill in committee. The President ruled the point not well taken.

Pending **Amendment 7 (290226)** by Senator Storms was adopted.

Senator Siplin moved the following amendment which was adopted:

Amendment 8 (303282) (with title amendment)—Between lines 135 and 136 insert:

Section 3. Paragraphs (sss), (ttt), and (uuu) are added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(sss) *Florida Biodiversity Foundation license plate, \$25.*

(ttt) *Preserving the Past license plate, \$25.*

(uuu) *Trinity license plate, \$25.*

Section 4. Subsections (71), (72), and (73) are added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(71) **FLORIDA BIODIVERSITY FOUNDATION LICENSE PLATES.**—

(a) *The department shall develop a Florida Biodiversity Foundation license plate as provided in this section. Florida Biodiversity Foundation license plates must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Save Wild Florida” must appear at the bottom of the plate.*

(b) *The annual use fees shall be distributed to the Florida Biodiversity Foundation, Inc., which shall retain 50 percent of the proceeds until the startup costs to develop and establish the plates have been recovered. Thereafter, the proceeds shall be used as follows:*

1. *A maximum of 25 percent of the proceeds may be used to fund the administrative, promotion, and marketing costs of the license plate program and the foundation.*

2. *The remaining fees shall be used by the foundation to fund research, education, and scientific study of the diversity of animals and plants and to aid in the preservation, study, conservation, and recovery of imperiled organisms.*

(72) PRESERVING THE PAST LICENSE PLATES.—

(a) The department shall develop a Preserving the Past license plate as provided in this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Preserving the Past" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the Toomey Foundation for the Natural Sciences, Inc., which shall retain 50 percent of the proceeds until the startup costs to develop and establish the plates have been recovered. Thereafter, the proceeds shall be used as follows:

1. A maximum of 25 percent of the proceeds may be used to fund the administrative, promotion, and marketing costs of the license plate program and the foundation.

2. The remaining fees shall be used by the foundation to acquire, manage, and preserve properties that are of scientific importance to paleontologists, archeologists, or geologists for the purposes of research and education, and to promote and protect the unique natural sciences of this state.

(73) TRINITY LICENSE PLATES.—

(a) The department shall develop a Trinity license plate as provided in this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate and the words "Sunshine State" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the Toomey Foundation for the Natural Sciences, Inc., which shall retain 50 percent of the proceeds until the startup costs to develop and establish the plates have been recovered. Thereafter, the proceeds shall be used as follows:

1. A maximum of 25 percent of the proceeds may be used to fund the administrative, promotion, and marketing costs of the license plate program and the foundation.

2. The remaining fees shall be used by the foundation to support educational, research, and scientific activities in this state, including the distribution of funds to qualified entities in furtherance of the stated purposes of the foundation.

And the title is amended as follows:

Delete line 9 and insert: creating a Florida Biodiversity Foundation license plate, a Preserving the Past license plate, and a Trinity license plate; establishing an annual use fee for the plates; providing for the distribution of use fees received

The vote was:

Yeas—22

Alexander	Fasano	Peaden
Altman	Gaetz	Richter
Baker	Gardiner	Siplin
Bennett	Haridopolos	Storms
Bullard	Hill	Villalobos
Crist	Justice	Wise
Dean	King	
Diaz de la Portilla	Lawson	

Nays—13

Aronberg	Joyner	Smith
Deutch	Lynn	Sobel
Dockery	Oelrich	Wilson
Gelber	Rich	
Jones	Ring	

Pursuant to Rule 4.19, CS for SB 642 as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

SB 1398—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; creating the Fraternal Order of Police license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

—was read the second time by title.

The Committee on Transportation and Economic Development Appropriations recommended the following amendment which was moved by Senator Fasano and adopted:

Amendment 1 (710040) (with title amendment)—Delete every-thing after the enacting clause and insert:

Section 1. Paragraphs (qqq) and (rrr) are added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(qqq) Fraternal Order of Police license plate, \$25.

(rrr) Autism license plate, \$25.

Section 2. Subsections (69) and (70) are added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(69) FRATERNAL ORDER OF POLICE LICENSE PLATES.—

(a)1. The department shall develop a Fraternal Order of Police license plate as provided in this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate and the words "Fraternal Order of Police" must appear at the bottom of the plate.

2. The department may issue the plate only to an applicant who submits a notarized letter from the Florida State Lodge of the Fraternal Order of Police stating that the applicant is a member of the lodge in good standing or a member of a lodge member's family, together with other fees and documents required for a specialty plate.

(b) The annual use fees shall be distributed to the Florida State Lodge of the Fraternal Order of Police, which shall retain all proceeds until the startup costs to develop and establish the plate have been recovered. Thereafter, the proceeds shall be distributed to the Florida State Lodge Memorial Foundation of the Fraternal Order of Police and used as follows:

1. A maximum of 25 percent of the proceeds may be used to promote and market the plate, to administer the license plate program, and to pay administrative costs directly associated with the state Fraternal Order of Police Law Enforcement Memorial.

2. The remaining fees shall be used by the foundation to fund projects, programs, or events related to the memorial or to fund improvements, maintenance, or other support for the memorial.

(70) AUTISM LICENSE PLATES.—

(a) The department shall develop an Autism license plate as provided in this section. Autism license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Support Autism Programs" must appear at the bottom of the plate.

(b) The proceeds from the license plate annual use fee shall be distributed to Achievement and Rehabilitation Centers, Inc., to fund service programs for autism and related disabilities throughout the state and to operate and establish programs to support individuals with autism and related disabilities through direct services, evaluation, training, and awareness. Achievement and Rehabilitation Centers, Inc., shall establish an Autism Services Grant Council whose membership shall be drawn

from among stakeholders throughout the state who represent the interests of individuals with autism and related disabilities. The grant council shall provide grants from available Autism license plate proceeds to nonprofit organizations throughout the state to establish or operate direct services and programs for individuals with autism and related disabilities and their families or to market the Autism license plate. Consideration for participation in such services and programs shall be given to applicants who are children or adults with autism and related disabilities and their families and shall include those who are on the Agency for Persons with Disabilities waiting lists for services. Achievement and Rehabilitation Centers, Inc., shall also establish an Autism License Plate Fund. Moneys in the fund shall be used by the grant council as provided in this paragraph. All funds received under this subsection must be used in this state.

(c) Achievement and Rehabilitation Centers, Inc., may retain all proceeds from the annual use fee up to \$85,000 until all documented startup costs for developing and establishing the plate have been recovered. Thereafter, the proceeds from the annual use fee shall be used as follows:

1. Achievement and Rehabilitation Centers, Inc., may use up to 10 percent of the proceeds from the annual use fee for all administrative costs associated with the operation of the Autism Services Grant Council, the Autism License Plate Fund, and the programs established and operated as provided in subparagraph 2., including the costs of an annual audit or compliance affidavit.

2. Achievement and Rehabilitation Centers, Inc., may use up to 25 percent of the proceeds from the annual use fee to establish and operate programs statewide to support individuals with autism and related disabilities and their families through direct services, evaluation, and training.

3. Achievement and Rehabilitation Centers, Inc., shall disburse 15 percent of the proceeds from the annual use fee to the Center for Autism and Related Disabilities at the University of Miami for distribution to the seven regional autism centers created under s. 1004.55. To the extent possible, the director of the Center for Autism and Related Disabilities at the University of Miami shall distribute funds proportionately among the regional centers. The regional centers shall use the funds to support the services they provide.

4. Achievement and Rehabilitation Centers, Inc., shall disburse 50 percent of the proceeds from the annual use fee to the Autism Services Grant Council, which shall provide grants to nonprofit organizations throughout the state to establish or operate direct services and programs for individuals with autism and related disabilities and their families or to market the Autism license plate.

All grant recipients, the Achievement and Rehabilitation Centers, Inc., and the Center for Autism and Related Disabilities at the University of Miami shall provide to the Autism Services Grant Council an annual program and financial report regarding the use of the proceeds from the annual use fee. The report shall be made available to the public.

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

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; creating a Fraternal Order of Police license plate and an Autism license plate; establishing an annual use fee for the plates; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

Pursuant to Rule 4.19, **SB 1398** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for CS for SB 1404—A bill to be entitled An act relating to child-restraint requirements; amending s. 316.613, F.S.; providing child-restraint requirements for children ages 4 through 7; providing exceptions; redefining the term “motor vehicle” to exclude certain vehicles from such requirements; providing a grace period; providing exceptions; providing effective dates.

—was read the second time by title.

MOTION

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

Senator Altman moved the following amendment which was adopted:

Amendment 1 (412944)—Delete lines 25-26 and insert: *height and weight of the child unless the child is*

MOTION

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

Senators Aronberg and Altman offered the following amendments which were moved by Senator Altman and adopted:

Amendment 2 (223368)—Delete line 73 and insert: *that provision, as amended January 1, 2011, shall be issued a*

Amendment 3 (590236)—Delete lines 50-55 and insert:

2. *Transporting the child gratuitously and in good faith in response to a declared emergency situation or an immediate emergency involving the child; or*

3. *Transporting a child whose medical condition*

On motion by Senator Altman, further consideration of **CS for CS for SB 1404** as amended was deferred.

On motion by Senator Baker—

CS for SB 582—A bill to be entitled An act relating to transportation; providing legislative findings with respect to the need to preserve investments in transportation infrastructure and reduce congestion; creating the Florida Transportation Revenue Study Commission for the purpose of studying the state’s transportation needs and developing recommendations; requiring that the commission submit a report to the Legislature by a specified date; establishing powers and duties of the commission; providing for membership and authorizing the reimbursement of members for per diem and travel expenses; providing requirements for meetings of the commission; requiring the Center for Urban Transportation Research at the University of South Florida to provide staff support to the commission; providing funding for the commission through federal funds for metropolitan transportation planning; providing an effective date.

—was read the second time by title.

Senator Baker moved the following amendment which was adopted:

Amendment 1 (364136) (with title amendment)—Between lines 91 and 92 insert:

Section 2. *The Department of Transportation shall direct a study to be conducted and funded by the authority created in chapter 349, Florida Statutes, for the purpose of recommending to the Legislature the framework for a regional transportation authority for the northeast region of Florida, composed of the following counties and each of the municipalities located therein: Baker, Clay, Duval, Flagler, Nassau, Putnam, and St. Johns. The study shall include, at a minimum, the existing powers and duties of the authority, as well as the additional powers and duties necessary for the agency to plan, design, finance, construct, operate, and maintain transportation facilities providing a safe, adequate, and efficient surface transportation network for the region, consistent with the statewide transportation network. In addition, the study shall address agency revenue sources, governance, coordination of work plans, and coordination with local comprehensive plans for all transportation facilities of the agency. Recommendations shall be delivered to the President of the Senate and Speaker of the House of Representatives no later than February 1, 2010.*

And the title is amended as follows:

Delete line 16 and insert: Florida to provide staff support to the commission; requiring that the Department of Transportation direct a study for certain purposes; requiring that such study include and address certain elements; requiring that recommendations be delivered to the President of the Senate and the Speaker of the House of Representatives by a specified date;

Senator Peaden moved the following amendment which was adopted:

Amendment 2 (210492) (with title amendment)—Between lines 99 and 100 insert:

Section 3. (1) *The Northwest Florida Regional Transportation Planning Organization, an interlocal agency under part I of chapter 163, Florida Statutes, is authorized to study the feasibility of advance-funding the costs of capacity projects in its member counties and making recommendations to the Legislature by February 1, 2010. The Department of Transportation may assist the organization in conducting the study.*

(2) *Results of any study authorized by this section shall be provided to the Governor, the President of the Senate, the Speaker of the House of Representatives, the department, any metropolitan planning organization in any county served by the organization, and the counties served by the organization and shall discuss the financial feasibility of advance-funding the costs of capacity projects in the Northwest Florida Regional Transportation Planning Organization's member counties. The study must be based on the following assumptions:*

(a) *Any advanced projects must be consistent with the Northwest Florida Regional Transportation Planning Organization's 5-year plan and the department's work program.*

(b) *Any bonds shall have a maturity not to exceed 30 years.*

(c) *A maximum of 25 percent of the department's capacity funds allocated annually to the counties served by the Northwest Florida Regional Transportation Planning Organization may be used to pay debt service on the bonds.*

(d) *Bond proceeds may only be used for the following components of a construction project on a state road: planning, engineering, design, right-of-way acquisition, and construction.*

(e) *The cost of the projects must be balanced with the proceeds available from the bonds.*

(f) *The department shall have final approval of the projects financed through the sale of bonds.*

(3) *The study shall contain:*

(a) *An analysis of the financial feasibility of advancing capacity projects in the Northwest Florida Regional Transportation Planning Organization's member counties.*

(b) *A long-range, cost-feasible finance plan that identifies the project cost, revenues by source, financing, major assumptions, and a total cash flow analysis beginning with implementation of the project and extending through final completion of the project.*

(c) *A tentative list of capacity projects and the priority in which they would be advanced. These projects must be consistent with the criteria in s. 339.135(2)(b), Florida Statutes.*

(d) *A 5-year work program of the projects to be advanced. This program must be consistent with chapter 339, Florida Statutes.*

(e) *A report of any statutory changes, including a draft bill, needed to give the Northwest Florida Regional Transportation Planning Organization the ability to advance construction projects. The draft bill language shall address, at a minimum:*

1. *Developing a list of road projects to be advanced, consistent with the organization's 5-year plan.*

2. *Giving the department the authority to review projects to determine consistency with its current work program.*

3. *Giving the organization the authority to issue bonds with a maturity of not greater than 30 years.*

4. *Requiring proceeds of the bonds to be delivered to the department to pay the cost of completing the projects.*

5. *Requiring the road projects to be consistent with the organization's 5-year plan.*

6. *Permitting any participating county to elect to undertake responsibility for the payment of a portion of the cost of any project in the county pursuant to an agreement with the organization and the department.*

7. *Providing that, in each year that the bonds are outstanding, no more than 25 percent of the state transportation funds appropriated for capacity projects advanced pursuant to the terms of this section and within the area of operation of the organization shall be paid over to the organization for the purpose of paying debt service on bonds the organization issued for such capacity projects. Such payments shall be made in lieu of programming any new projects in the work program.*

8. *In the event that the capacity funds allocated to the member counties of the organization are less than the amount needed to satisfy the payment requirements under the contract, the department shall defer the funded capacity on any other projects in the member counties of the organization to the extent necessary to make up such deficiency, so as to enable the organization to make the required debt service payments on the bonds or to replenish the reserves established for the bonds which may have been used to make up such deficiency. Under no circumstances shall the department provide any funds for these capacity projects in excess of the amount that would be allocated to the member counties pursuant to statutory formula and legislative appropriation.*

9. *Providing that the bonds shall state on their face that they do not constitute a pledge of the full faith or taxing power of the state, and no holder of any bond shall have the right to compel payment of the bonds from any funds of the state, other than amounts required to be paid to the organization under the contract. The bonds shall be limited and special obligations payable solely from the sources described herein.*

10. *Establishing such other terms and provisions as may be deemed reasonable and necessary to enable the organization to market the bonds at the most advantageous rates possible.*

(4) *The Legislature may authorize the implementation of the Northwest Florida Regional Transportation Planning Organization's study after a satisfactory showing that these prerequisites have been met and that any source of funding for any bonds to be issued has been approved by the Department of Transportation.*

And the title is amended as follows:

Delete line 19 and insert: authorizing the Northwest Florida Regional Transportation Planning Organization to conduct a study on advancing funds for certain construction projects; authorizing the Department of Transportation to assist with the study; requiring results of the study to be provided to the Governor, the Legislature, and certain entities; providing principles for the study; providing for content of the study; providing for legislative authorization prior to implementation of the study; providing an effective date.

Senator Baker moved the following amendment:

Amendment 3 (407758) (with title amendment)—Between lines 99 and 100 insert:

Section 3. Subsection (5) of section 316.535, Florida Statutes, is amended to read:

316.535 Maximum weights.—

(5) With respect to those highways not in the Interstate Highway System, in all cases in which it exceeds state law in effect on January 4, 1975, the overall gross weight on the vehicle or combination of vehicles, including all enforcement tolerances, shall be as determined by the following formula:

$$W = 500(LN \div (N-1)) + 12N + 36$$

where W = overall gross weight of the vehicle to the nearest 500 pounds; L = distance in feet between the extreme of the external axles; and N = number of axles on the vehicle. However, such overall gross weight of any vehicle or combination of vehicles may not exceed 80,000 pounds ~~including all enforcement tolerances~~. *The scale tolerance provided in s. 316.545(2) shall be applicable to all weight limitations of this subsection. Except when a vehicle exceeds the posted weight limit on a bridge, fines for violations of the total gross weight limitations provided for in this subsection shall be based on the amount by which the actual weight of the vehicle and load exceeds the allowable maximum weight determined under this subsection plus the scale tolerance provided in s. 316.545(2).*

Section 4. Subsection (2) of section 337.0261, Florida Statutes, is amended to read:

337.0261 Construction aggregate materials.—

(2) LEGISLATIVE INTENT.—The Legislature finds that there is a strategic and critical need for an available supply of construction aggregate materials within the state and that a disruption of the supply would cause a significant detriment to the state's construction industry, transportation system, and overall health, safety, and welfare. *In addition, the Legislature recognizes that construction aggregate materials mining is an industry of critical importance to the state and that the mining of construction aggregate materials is in the public interest.*

Section 5. Subsections (1) and (4) of section 339.2818, Florida Statutes, are amended to read:

339.2818 Small County Outreach Program.—

(1) There is created within the Department of Transportation the Small County Outreach Program. The purpose of this program is to assist small county governments in *repairing or rehabilitating county bridges, paving unpaved roads, addressing road-related drainage improvements, resurfacing or reconstructing county roads or in constructing capacity or safety improvements to county roads.*

(4)(a) Small counties shall be eligible to compete for funds that have been designated for the Small County Outreach Program for projects on county roads. The department shall fund 75 percent of the cost of projects on county roads funded under the program.

(b) In determining a county's eligibility for assistance under this program, the department may consider whether the county has attempted to keep county roads in satisfactory condition *which may be evidenced through an established pavement management plan.*

(c) The following criteria shall be used to prioritize road projects for funding under the program:

1. The primary criterion is the physical condition of the road as measured by the department.

2. As secondary criteria the department may consider:

- a. Whether a road is used as an evacuation route.
- b. Whether a road has high levels of agricultural travel.
- c. Whether a road is considered a major arterial route.
- d. Whether a road is considered a feeder road.

e. Information as evidenced to the department through an established pavement management plan

f. e. Other criteria related to the impact of a project on the public road system or on the state or local economy as determined by the department.

And the title is amended as follows:

Between lines 18 and 19 insert: amending s. 316.535, F.S.; requiring specified scale tolerances to be applied to weight limits for vehicles on highways that are not in the Interstate Highway System; amending s. 337.0261, F.S.; recognizing that construction aggregate materials mining is an industry of critical importance and that the mining of construction aggregate materials is in the public interest; amending s.

339.2818, F.S., relating to the Small County Outreach Program; revising the purpose of the program to include certain program types; revising eligibility and prioritization criteria;

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

Amendment 3A (822820) (with title amendment)—Delete lines 30-42.

And the title is amended as follows:

Delete lines 84-88 and insert: highways that are not in the Interstate Highway System; amending s. 339.2818, F.S.; relating to the Small

Amendment 3 as amended was adopted.

Senator Baker moved the following amendment which was adopted:

Amendment 4 (463268) (with title amendment)—Between lines 99 and 100 insert:

Section 3. Subsection (3) of section 316.545, Florida Statutes, is amended to read:

316.545 Weight and load unlawful; special fuel and motor fuel tax enforcement; inspection; penalty; review.—

(3) Any person who violates the overloading provisions of this chapter shall be conclusively presumed to have damaged the highways of this state by reason of such overloading, which damage is hereby fixed as follows:

(a) When the excess weight is 200 pounds or less than the maximum herein provided, the penalty shall be \$10;

(b) Five cents per pound for each pound of weight in excess of the maximum herein provided when the excess weight exceeds 200 pounds. However, whenever the gross weight of the vehicle or combination of vehicles does not exceed the maximum allowable gross weight, the maximum fine for the first 600 pounds of unlawful axle weight shall be \$10;

(c) *For a vehicle equipped with fully functional idle-reduction technology, any penalty shall be calculated by reducing the actual gross vehicle weight or the internal bridge weight by the certified weight of the idle-reduction technology or by 400 pounds, whichever is less. The vehicle operator must present written certification of the weight of the idle-reduction technology and must demonstrate or certify that the idle-reduction technology is fully functional at all times. This calculation is not allowed for vehicles described in s. 316.535(6);*

(d) ~~(e)~~ An apportioned motor vehicle, as defined in s. 320.01, operating on the highways of this state without being properly licensed and registered shall be subject to the penalties as herein provided; and

(e) ~~(d)~~ Vehicles operating on the highways of this state from non-member International Registration Plan jurisdictions which are not in compliance with the provisions of s. 316.605 shall be subject to the penalties as herein provided.

And the title is amended as follows:

Between lines 18 and 19 insert: amending s. 316.545, F.S.; providing for a reduction in the gross weight of certain vehicles equipped with idle-reduction technologies when calculating a penalty for exceeding maximum weight limits; requiring the operator to provide certification of the weight of the idle-reduction technology and to demonstrate or certify that the idle-reduction technology is fully functional at all times;

Senator Smith moved the following amendment which was adopted:

Amendment 5 (500614) (with title amendment)—Between lines 99 and 100 insert:

Section 3. Subsection (5) of section 339.62, Florida Statutes, is amended to read:

339.62 System components.—The Strategic Intermodal System shall consist of appropriate components of:

(5) Selected intermodal facilities; passenger and freight terminals; *intermodal logistics centers owned, leased, or operated by seaports* and appropriate components of the State Highway System, county road system, city street system, inland waterways, and local public transit systems that serve as existing or planned connectors between the components listed in subsections (1)-(4).

Section 4. Paragraph (a) of subsection (2) and subsection (4) of section 339.63, Florida Statutes, is amended to read:

339.63 System facilities designated; additions and deletions.—

(2) The Strategic Intermodal System and the Emerging Strategic Intermodal System include three different types of facilities that each form one component of an interconnected transportation system which types include:

(a) Existing or planned hubs that are ports and terminals including airports, seaports, spaceports, passenger terminals, ~~and~~ rail terminals, *and intermodal logistics centers owned, leased, or operated by a seaport* serving to move goods or people between Florida regions or between Florida and other markets in the United States and the rest of the world;

(4) After the initial designation of the Strategic Intermodal System under subsection (1), the department shall, in coordination with the metropolitan planning organizations, local governments, regional planning councils, transportation providers, and affected public agencies, add facilities to or delete facilities from the Strategic Intermodal System described in paragraph (2)(a) based upon criteria adopted by the department. However, an airport that is designated as a reliever airport to a Strategic Intermodal System airport which has at least 75,000 itinerant operations per year, has a runway length of at least 5,500 linear feet, is capable of handling aircraft weighing at least 60,000 pounds with a dual wheel configuration which is served by at least one precision instrument approach, and serves a cluster of aviation-dependent industries, shall be designated as part of the Strategic Intermodal System by the Secretary of Transportation upon the request of a reliever airport meeting this criteria. *An intermodal logistics center under s. 339.62(5) that is owned, leased, or operated by an existing designated Strategic Intermodal System facility shall be considered part of that facility and shall be designated as part of the Strategic Intermodal System by the Secretary of Transportation upon the request of the seaport.*

And the title is amended as follows:

Delete line 19 and insert: amending s. 339.62, F.S.; providing that certain intermodal logistics centers are components of the Strategic Intermodal System; amending s. 339.63, F.S.; providing that certain intermodal logistics centers are included within the Strategic Intermodal System and the Emerging Strategic Intermodal System; directing the Secretary of Transportation to designate certain intermodal logistics centers as part of the Strategic Intermodal System; providing an effective date.

Senator Fasano moved the following amendment which was adopted:

Amendment 6 (742112) (with title amendment)—Between lines 99 and 100 insert:

Section 3. *Affordable housing developments; exemption from concurrency requirements.—Affordable housing developments that are proposed to serve residents who have incomes at or below 60 percent of the median income of the area and that will be located on arterial roadways served by public transit are exempt from transportation concurrency requirements.*

And the title is amended as follows:

Delete line 19 and insert: creating an exemption for certain proposed affordable housing developments from transportation concurrency requirements; providing an effective date.

MOTION

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

Senator Rich moved the following amendment which was adopted:

Amendment 7 (466214) (with title amendment)—Between lines 99 and 100 insert:

Section 3. Subsection (6) of section 316.1895, Florida Statutes, is amended to read:

316.1895 Establishment of school speed zones, enforcement; designation.—

(6) Permanent signs designating school zones and school zone speed limits shall be uniform in size and color, and shall have the times during which the restrictive speed limit is enforced clearly designated thereon. Flashing beacons activated by a time clock, or other automatic device, or manually activated may be used as an alternative to posting the times during which the restrictive school speed limit is enforced. Beginning July 1, 2008, for any newly established school zone or any school zone in which the signing has been replaced, a sign stating “Speeding Fines Doubled” shall be installed within or *in advance* of the school zone. The Department of Transportation shall establish adequate standards for the signs and flashing beacons.

And the title is amended as follows:

Between lines 18 and 19 insert: amending s. 316.1895, F.S., authorizing alternative installation of “Speeding Fines Doubled” signs in advance of school zones;

MOTION

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

Senator Baker moved the following amendment which was adopted:

Amendment 8 (503938) (with title amendment)—Between lines 99 and 100 insert:

Section 3. Subsection (1) of section 338.01, Florida Statutes, is amended to read:

338.01 Authority to establish and regulate limited access facilities.—

(1) The transportation and expressway authorities of the state, counties, and municipalities, referred to in this chapter as “authorities,” acting alone or in cooperation with each other or with any federal, state, or local governmental entity or agency of any other state that is authorized to construct highways, are authorized to provide limited access facilities for public use. Any of the authorities may construct a limited access highway as a new facility or may designate an existing street or highway as included within a limited access facility. However: 7

(a) If the limited access facility is entirely located within an incorporated municipality, such authority is subject to municipal consent; except that such consent is not necessary when such limited access facility is part of the interstate system.

(b) *Neither the construction of a new toll facility nor the imposition of a toll on an existing state highway system facility may eliminate a non-tolled alternative within the corridor serving similar origins and destinations.*

And the title is amended as follows:

Between lines 18 and 19 insert: amending s. 338.01, F.S.; prohibiting new toll facilities from eliminating non-tolled options for travel in the same corridor;

MOTION

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

Senator Lawson moved the following amendment which was adopted:

Amendment 9 (453854) (with title amendment)—Between lines 99 and 100 insert:

Section 3. *Ronshay Dugans Act—The first week of September is designated as “Drowsy Driving Prevention Week” in this state. During*

Drowsy Driving Prevention Week, the Department of Highway Safety and Motor Vehicles and the Department of Transportation are encouraged to educate the law enforcement community and the public about the relationship between fatigue and performance and the research showing fatigue to be as much of an impairment as alcohol and as dangerous behind the wheel. This section may be cited as the "Ronshay Dugans Act."

And the title is amended as follows:

Between lines 18 and 19 insert: creating the Ronshay Dugans Act, designating the first week in September as "Drowsy Driving Prevention Week";

MOTION

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

Senator Bullard moved the following amendment which was adopted:

Amendment 10 (517540) (with title amendment)—Delete line 100 and insert:

Section 3. Subsection (1) of section 337.401, Florida Statutes, is amended to read:

337.401 Use of right-of-way for utilities subject to regulation; permit; fees.—

(1)(a) The department and local governmental entities, referred to in ss. 337.401-337.404 as the "authority," that have jurisdiction and control of public roads or publicly owned rail corridors are authorized to prescribe and enforce reasonable rules or regulations with reference to the placing and maintaining along, across, or on any road or publicly owned rail corridors under their respective jurisdictions any electric transmission, telephone, telegraph, or other communications services lines; pole lines; poles; railways; ditches; sewers; water, heat, or gas mains; pipelines; fences; gasoline tanks and pumps; or other structures referred to in this section as the "utility." For aerial and underground electric utility transmission lines designed to operate at 69 or more kilovolts that are needed to accommodate the additional electrical transfer capacity on the transmission grid resulting from new base-load generating facilities, where there is no other practicable alternative available for placement of the electric utility transmission lines on the department's rights-of-way, the department's rules shall provide for placement of and access to such transmission lines adjacent to and within the right-of-way of any department-controlled public roads, including longitudinally within limited access facilities to the greatest extent allowed by federal law, if compliance with the standards established by such rules is achieved. Such rules may include, but need not be limited to, that ~~the use of the right-of-way is reasonable based upon a consideration of economic and environmental factors, including, without limitation, other practicable alternative alignments, utility corridors and easements, impacts on adjacent property owners, and minimum clear zones and other safety standards, and further provide that placement of the electric utility transmission lines within the department's right-of-way does not interfere with operational requirements of the transportation facility or planned or potential future expansion of such transportation facility. If the department approves longitudinal placement of electric utility transmission lines in limited access facilities, compensation for the use of the right-of-way is required. Such consideration or compensation paid by the electric utility in connection with the department's issuance of a permit does not create any property right in the department's property regardless of the amount of consideration paid or the improvements constructed on the property by the utility. Upon notice by the department that the property is needed for expansion or improvement of the transportation facility, the electric utility transmission line will relocate from the facility at the electric utility's sole expense. The electric utility shall pay to the department reasonable damages resulting from the utility's failure or refusal to timely relocate its transmission lines. The rules to be adopted by the department may also address the compensation methodology and relocation. As used in this subsection, the term "base load generating facilities" means electric power plants that are certified under part II of chapter 403.~~ The department may enter into a permit-delegation agreement with a governmental entity if issuance of a permit is based on requirements that the department finds will ensure the safety and integrity of facilities of the Department of Transportation;

however, the permit-delegation agreement does not apply to facilities of electric utilities as defined in s. 366.02(2).

(b) *For aerial and underground electric utility transmission lines designed to operate at 69 or more kilovolts that are needed to accommodate the additional electrical transfer capacity on the transmission grid resulting from new base-load generating facilities, the department's rules shall provide for placement of and access to such transmission lines adjacent to and within the right-of-way of any department-controlled public roads, including longitudinally within limited access facilities where there is no other practicable alternative available, to the greatest extent allowed by federal law, if compliance with the standards established by such rules is achieved. Such rules may include, but need not be limited to, that the use of the limited access right-of-way for longitudinal placement of electric utility transmission lines is reasonable based upon a consideration of economic and environmental factors, including, without limitation, other practicable alternative alignments, utility corridors and easements, impacts on adjacent property owners, and minimum clear zones and other safety standards, and further provide that placement of the electric utility transmission lines within the department's right-of-way does not interfere with operational requirements of the transportation facility or planned or potential future expansion of such transportation facility. If the department approves longitudinal placement of electric utility transmission lines in limited access facilities, compensation for the use of the right-of-way is required. Such consideration or compensation paid by the electric utility in connection with the department's issuance of a permit does not create any property right in the department's property regardless of the amount of consideration paid or the improvements constructed on the property by the utility. Upon notice by the department that the property is needed for expansion or improvement of the transportation facility, the electric utility transmission line will relocate at the electric utility's sole expense. The electric utility shall pay to the department reasonable damages resulting from the utility's failure or refusal to timely relocate its transmission lines. The rules to be adopted by the department may also address the compensation methodology and relocation. As used in this subsection, the term "base-load generating facilities" means electric power plants that are certified under part II of chapter 403.*

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

And the title is amended as follows:

Delete line 19 and insert: amending s. 337.401, F.S.; providing for the placement of and access to transmission lines that are adjacent to and within the right-of-way of any public road controlled by the Department of Transportation; providing an effective date.

Senator Bennett moved the following amendment which was adopted:

Amendment 11 (369526) (with title amendment)—After line 99 insert:

Section 3. Paragraphs (a) and (b) of subsection (12) and paragraph (i) of subsection (16) of section 163.3180, Florida Statutes, are created to read:

163.3180 Concurrency.—

(12) (a) A development of regional impact may satisfy the transportation concurrency requirements of the local comprehensive plan, the local government's concurrency management system, and s. 380.06 by payment of a proportionate-share contribution for local and regionally significant traffic impacts, if:

1. (a) The development of regional impact which, based on its location or mix of land uses, is designed to encourage pedestrian or other nonautomotive modes of transportation;
2. (b) The proportionate-share contribution for local and regionally significant traffic impacts is sufficient to pay for one or more required mobility improvements that will benefit a regionally significant transportation facility;
3. (c) The owner and developer of the development of regional impact pays or assures payment of the proportionate-share contribution; and
4. (d) If the regionally significant transportation facility to be constructed or improved is under the maintenance authority of a governmental entity, as defined by s. 334.03(12), other than the local govern-

ment with jurisdiction over the development of regional impact, the developer is required to enter into a binding and legally enforceable commitment to transfer funds to the governmental entity having maintenance authority or to otherwise assure construction or improvement of the facility.

The proportionate-share contribution may be applied to any transportation facility to satisfy the provisions of this subsection and the local comprehensive plan, but, for the purposes of this subsection, the amount of the proportionate-share contribution shall be calculated based upon the cumulative number of trips from the proposed development expected to reach roadways during the peak hour from the complete buildout of a stage or phase being approved, divided by the change in the peak hour maximum service volume of roadways resulting from construction of an improvement necessary to maintain the adopted level of service, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted level of service. For purposes of this subsection, "construction cost" includes all associated costs of the improvement. Proportionate-share mitigation shall be limited to ensure that a development of regional impact meeting the requirements of this subsection mitigates its impact on the transportation system but is not responsible for the additional cost of reducing or eliminating backlogs. This subsection also applies to Florida Quality Developments pursuant to s. 380.061 and to detailed specific area plans implementing optional sector plans pursuant to s. 163.3245.

(b) *As used in this subsection, the term "backlog" means a facility or facilities on which the adopted level-of-service standard is exceeded by the existing trips, plus additional projected background trips from any source other than the development project under review that are forecast by established traffic standards, including traffic modeling, consistent with the University of Florida Bureau of Economic and Business Research medium population projections. Additional projected background trips are to be coincident with the particular stage or phase of development under review.*

(16) It is the intent of the Legislature to provide a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors. The methodology used to calculate proportionate fair-share mitigation under this section shall be as provided for in subsection (12).

(i) *As used in this subsection, the term "backlog" means a facility or facilities on which the adopted level-of-service standard is exceeded by the existing trips, plus additional projected background trips from any source other than the development project under review that are forecast by established traffic standards, including traffic modeling, consistent with the University of Florida Bureau of Economic and Business Research medium population projections. Additional projected background trips are to be coincident with the particular stage or phase of development under review.*

And the title is amended as follows:

Between lines 18 and 19 insert: amending s. 163.3180, F.S.; providing a definition for "backlog";

Pursuant to Rule 4.19, **CS for SB 582** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR VILLALOBOS PRESIDING

CS for CS for SB 1950—A bill to be entitled An act relating to property insurance; amending s. 215.555, F.S.; revising the dates of an insurer's contract year for purposes of calculating the insurer's retention; requiring the State Board of Administration to offer an additional amount of reimbursement coverage to certain insurers that purchased coverage during a certain calendar year; requiring an insurer that purchases certain coverage to retain an amount equal to a percentage of the insurer's surplus on a certain date; providing that an insurer's retention will apply along with a mandatory coverage after an optional coverage is exhausted; revising an expiration date on the requirement for the State Board of Administration to offer certain optional coverage to insurers; requiring the State Board of Administration to publish a statement of the estimated claims-paying capacity of the Hurricane Catastrophe Fund; authorizing the State Board of Administration to reimburse insurers based on a formula related to the claims-paying capacity of the

Hurricane Catastrophe Fund; requiring the formula to determine an actuarially indicated premium to include specified cash build-up factors; authorizing the State Board of Administration to require insurers to notarize documents submitted to the board; authorizing insurers to purchase temporary increased coverage limit for certain future hurricane seasons; providing that a cash build-up factor does not apply to temporary increased coverage limit premiums; providing dates on which the claims-paying capacity of the fund will increase; deleting authority for the State Board of Administration to increase the claims-paying capacity of the Hurricane Catastrophe Fund; amending s. 215.5586, F.S.; revising legislative intent; revising criteria for hurricane mitigation inspections; revising criteria for eligibility for a mitigation grant; expanding the list of improvements for which grants may be used; correcting a reference to the Florida Division of Emergency Management; deleting provisions relating to no-interest loans; requiring that contracts valued at or greater than a specified amount be subject to review and approval of the Legislative Budget Commission; amending s. 627.062, F.S.; revising the date by which certain filings for a rate increase must be made by a file and use filing; exempting certain rate filings from determination by the Office of Insurance Regulation that the rate in the rate filing is excessive or unfairly discriminatory; amending s. 627.0621, F.S.; deleting a limitation on the application of the attorney-client privilege and work product doctrine in challenges to actions by the Office of Insurance Regulation relating to rate filings; amending s. 627.0629, F.S.; authorizing an insurer to include in its rates the actual cost of certain reinsurance; amending s. 627.351, F.S.; deleting a provision requiring a seller of certain residential property to disclose the structure's windstorm mitigation rating to the prospective purchaser of the property; providing for members of the board of governors of Citizens Property Insurance Corporation to serve staggered terms; requiring Citizen's Property Insurance Corporation to implement rate increases until the implementation of actuarially sound rates; requiring the corporation to transfer a portion of the funds received from the rate increase into the General Revenue Fund; revising the dates after which the State Board of Administration is required to reduce the boundaries of high-risk areas eligible for wind-only coverages under certain circumstances; amending s. 627.3512, F.S.; authorizing insurers to recoup assessments within a certain period; requiring insurers to file a final accounting report with the Office of Insurance Regulation which documents the assessment recouped; requiring the officer of the insurer who signs the report to acknowledge certain statements; prohibiting insurers that do not file the report from including the uncollected assessment amount in any subsequent rate filing; amending s. 627.712, F.S.; revising the properties for which an insurer must make policies available which exclude windstorm coverage; amending s. 631.57, F.S.; deleting provisions requiring certain insurers to submit certain information; amending s. 631.64, F.S.; authorizing insurers to recoup certain assessments; requiring the recoupment to begin within a certain period; limiting the recoupment factor; authorizing insurers to carry forward certain assessments that have not been recouped; requiring insurers to file a final accounting report with the Office of Insurance Regulation which documents the assessment recouped; requiring the officer of the insurer who signs the report to acknowledge certain statements; providing that all excess recoupment be sent to the Florida Insurance Guaranty Association; requiring that the insurer document the accounting of the over-recoupment in the final accounting report; authorizing the commission to adopt rules; amending s. 631.65, F.S.; providing that an insurance agent is not prohibited from explaining the existence or function of the insurance guaranty association; providing for the appropriation of certain transferred funds to the Insurance Regulatory Trust Fund for purposes of the My Safe Florida Home Program; providing an effective date.

—was read the second time by title.

On motion by Senator Richter, further consideration of **CS for CS for SB 1950** was deferred.

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

BILLS ON THIRD READING

RECONSIDERATION OF BILL

On motion by Senator Crist, the rules were waived and the Senate reconsidered the vote by which—

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.

—as amended passed this day.

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

Amendment 2 (146666) (with title amendment)—Between lines 408 and 409 insert:

Section 10. Paragraph (d) is added to subsection (1) of section 939.185, Florida Statutes, to read:

939.185 Assessment of additional court costs and surcharges.—

(1)

(d) The clerk of court shall cause a certified copy of the court order imposing such costs to be recorded in the public records. Such record shall constitute a lien against the person upon whom the costs are imposed and shall attach as a lien on any real and personal property owned by such person. A lien created under this paragraph does not attach to, or make subject to execution of levy or foreclosure, any real or personal property otherwise exempt under s. 4, Art. X of the State Constitution. A lien created under this paragraph is enforceable in the same manner as provided by law.

And the title is amended as follows:

Delete line 50 and insert: act; amending s. 939.185, F.S.; revising provisions relating to assessment of additional court costs and surcharges; providing an effective date.

On motion by Senator Crist, **CS for SB 412** was passed as amended, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Bennett	Dean
Altman	Bullard	Detert
Aronberg	Constantine	Deutch
Baker	Crist	Diaz de la Portilla

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

Nays—None

Vote after roll call:

Yea—Alexander

SPECIAL ORDER CALENDAR, continued

The Senate resumed consideration of—

CS for CS for SB 1950—A bill to be entitled An act relating to property insurance; amending s. 215.555, F.S.; revising the dates of an insurer's contract year for purposes of calculating the insurer's retention; requiring the State Board of Administration to offer an additional amount of reimbursement coverage to certain insurers that purchased coverage during a certain calendar year; requiring an insurer that purchases certain coverage to retain an amount equal to a percentage of the insurer's surplus on a certain date; providing that an insurer's retention will apply along with a mandatory coverage after an optional coverage is exhausted; revising an expiration date on the requirement for the State Board of Administration to offer certain optional coverage to insurers; requiring the State Board of Administration to publish a statement of the estimated claims-paying capacity of the Hurricane Catastrophe Fund; authorizing the State Board of Administration to reimburse insurers based on a formula related to the claims-paying capacity of the Hurricane Catastrophe Fund; requiring the formula to determine an actuarially indicated premium to include specified cash build-up factors; authorizing the State Board of Administration to require insurers to notarize documents submitted to the board; authorizing insurers to purchase temporary increased coverage limit for certain future hurricane seasons; providing that a cash build-up factor does not apply to temporary increased coverage limit premiums; providing dates on which the claims-paying capacity of the fund will increase; deleting authority for the State Board of Administration to increase the claims-paying capacity of the Hurricane Catastrophe Fund; amending s. 215.5586, F.S.; revising legislative intent; revising criteria for hurricane mitigation inspections; revising criteria for eligibility for a mitigation grant; expanding the list of improvements for which grants may be used; correcting a reference to the Florida Division of Emergency Management; deleting provisions relating to no-interest loans; requiring that contracts valued at or greater than a specified amount be subject to review and approval of the Legislative Budget Commission; amending s. 627.062, F.S.; revising the date by which certain filings for a rate increase must be made by a file and use filing; exempting certain rate filings from determination by the Office of Insurance Regulation that the rate in the rate filing is excessive or unfairly discriminatory; amending s. 627.0621, F.S.; deleting a limitation on the application of the attorney-client privilege and work product doctrine in challenges to actions by the Office of Insurance Regulation relating to rate filings; amending s. 627.0629, F.S.; authorizing an insurer to include in its rates the actual cost of certain reinsurance; amending s. 627.351, F.S.; deleting a provision requiring a seller of certain residential property to disclose the structure's wind-storm mitigation rating to the prospective purchaser of the property; providing for members of the board of governors of Citizens Property Insurance Corporation to serve staggered terms; requiring Citizen's Property Insurance Corporation to implement rate increases until the implementation of actuarially sound rates; requiring the corporation to transfer a portion of the funds received from the rate increase into the General Revenue Fund; revising the dates after which the State Board of Administration is required to reduce the boundaries of high-risk areas eligible for wind-only coverages under certain circumstances; amending s. 627.3512, F.S.; authorizing insurers to recoup assessments within a certain period; requiring insurers to file a final accounting report with the Office of Insurance Regulation which documents the assessment recouped; requiring the officer of the insurer who signs the report to acknowledge certain statements; prohibiting insurers that do not file the

report from including the uncollected assessment amount in any subsequent rate filing; amending s. 627.712, F.S.; revising the properties for which an insurer must make policies available which exclude windstorm coverage; amending s. 631.57, F.S.; deleting provisions requiring certain insurers to submit certain information; amending s. 631.64, F.S.; authorizing insurers to recoup certain assessments; requiring the recoupment to begin within a certain period; limiting the recoupment factor; authorizing insurers to carry forward certain assessments that have not been recouped; requiring insurers to file a final accounting report with the Office of Insurance Regulation which documents the assessment recouped; requiring the officer of the insurer who signs the report to acknowledge certain statements; providing that all excess recoupment be sent to the Florida Insurance Guaranty Association; requiring that the insurer document the accounting of the over-recoupment in the final accounting report; authorizing the commission to adopt rules; amending s. 631.65, F.S.; providing that an insurance agent is not prohibited from explaining the existence or function of the insurance guaranty association; providing for the appropriation of certain transferred funds to the Insurance Regulatory Trust Fund for purposes of the My Safe Florida Home Program; providing an effective date.

—which was previously considered this day.

Senators Deutch and Richter offered the following amendment which was moved by Senator Richter and adopted:

Amendment 1 (863538)—Delete line 1004 and insert: *before December 31, 2014 after January 25, 2007, but before*

Senators Deutch and Richter offered the following amendment which was moved by Senator Richter:

Amendment 2 (147230) (with title amendment)—Delete lines 1167-1214 and insert:

(k) *Notwithstanding any other provision of this section:*

1. *It is the intent of the Legislature that the separate rate filing provided for under this paragraph be reviewed by the office in an expedited timeframe.*

2. *An insurer may make a separate filing limited solely to a rate increase authorized by s. 627.0629(5), plus liquidity instruments, plus the actual additional cost paid due to the application of s. 215.555(17)(f), plus the actual additional cost paid due to the application by the Florida Hurricane Catastrophe Fund of a cash buildup factor pursuant to s. 215.555(5)(b), if all changes specified in the filing do not result in an overall premium increase of more than 10 percent for any individual policyholder. If an insurer purchases a liquidity instrument or line of credit corresponding to coverage within the TICL, the cost for the liquidity instrument or line of credit may be included within the 10 percent overall limit for the filing if the cost recovery allowed for the liquidity instrument or line of credit does not exceed an amount that results in a premium increase of more than 3 percent for any individual policyholder.*

3. *An insurer may use only a liquidity instrument or line of credit for the layers of coverage which exceed the published claims-paying capacity of the fund. Once the fund achieves claims-paying capacity to meet its full obligations, the liquidity instrument or line of credit is not recoverable under the provisions of this paragraph.*

4. *Any insurer that purchases reinsurance from an affiliated company in compliance with this paragraph may do so only if the costs for such reinsurance are charged at or below charges made for comparable coverage by nonaffiliated reinsurers making such coverage available in Florida.*

5. *An insurer that submits a filing pursuant to this paragraph shall include a copy of the reinsurance contract, liquidity instrument contract or line of credit contract, proof of the billing or payment for the contract, and the calculations upon which the rate change is based demonstrating that the costs meet the criteria of this section and are not loaded for expenses or profit.*

6. *This paragraph is not applicable to any filing if the insurer has implemented an increase in its rate within the 6 months preceding the filing. An insurer making a filing pursuant to this paragraph may not implement any additional rate increase for the same business for at least 12 months after implementation of the separate filing.*

7. *An insurer that elects to implement a rate change under this paragraph must file its rate filing with the office at least 40 days before the effective date of the rate change. Once an insurer submits a complete filing that meets all of the requirements of this paragraph, the office has 30 days after the date of the filing to review the rate filing and determine if the rate is excessive, inadequate, or unfairly discriminatory. Absent a finding by the office within the 30-day period that the rate is excessive, inadequate, or unfairly discriminatory, the filing is deemed approved.*

8. *An insurer must proceed under other provisions of this section or other provisions of law if the insurer seeks to exceed the premium or rate limitations of this paragraph.*

9. *This paragraph does not limit the authority of the office to disapprove a rate filing as excessive, inadequate, or unfairly discriminatory.*

10. *If an insurer submits a filing that meets all of the requirements specified in this paragraph, the rate increase submitted by the insurer shall be presumed correct, unless demonstrated otherwise by the office.*

11. *This paragraph does not apply to rate filings for any insurance other than residential property insurance.*

And the title is amended as follows:

Delete lines 47-50 and insert: use filing; providing legislative intent; authorizing an insurer to make a separate filing limited solely to a rate increase authorized by the act if all changes specified in the filing do not result in an overall premium increase of more than 10 percent for any individual policyholder; providing procedures to apply for the rate filing; providing that the rate filing applies only to residential property insurance; amending s. 627.0621, F.S.;

Senator Fasano moved the following substitute amendment which was adopted:

Amendment 3 (261466) (with title amendment)—Delete lines 1003-1231 and insert:

3. For all residential property insurance filings made or submitted after January 25, 2007, but before December 31, 2012 ~~2009~~, an insurer seeking a rate that is greater than the rate most recently approved by the office shall make a “file and use” filing. For purposes of this subparagraph, motor vehicle collision and comprehensive coverages are not considered to be property coverages.

(b) Upon receiving a rate filing, the office shall review the rate filing to determine if a rate is excessive, inadequate, or unfairly discriminatory. In making that determination, the office shall, in accordance with generally accepted and reasonable actuarial techniques, consider the following factors:

1. Past and prospective loss experience within and without this state.

2. Past and prospective expenses.

3. The degree of competition among insurers for the risk insured.

4. Investment income reasonably expected by the insurer, consistent with the insurer’s investment practices, from investable premiums anticipated in the filing, plus any other expected income from currently invested assets representing the amount expected on unearned premium reserves and loss reserves. The commission may adopt rules using reasonable techniques of actuarial science and economics to specify the manner in which insurers shall calculate investment income attributable to such classes of insurance written in this state and the manner in which such investment income shall be used to calculate insurance rates. Such manner shall contemplate allowances for an underwriting profit factor and full consideration of investment income which produce a reasonable rate of return; however, investment income from invested surplus may not be considered.

5. The reasonableness of the judgment reflected in the filing.

6. Dividends, savings, or unabsorbed premium deposits allowed or returned to Florida policyholders, members, or subscribers.

7. The adequacy of loss reserves.

8. The cost of reinsurance. The office shall not disapprove a rate as excessive solely due to the insurer having obtained catastrophic reinsurance to cover the insurer's estimated 250-year probable maximum loss or any lower level of loss.

9. Trend factors, including trends in actual losses per insured unit for the insurer making the filing.

10. Conflagration and catastrophe hazards, if applicable.

11. Projected hurricane losses, if applicable, which must be estimated using a model or method found to be acceptable or reliable by the Florida Commission on Hurricane Loss Projection Methodology, and as further provided in s. 627.0628.

12. A reasonable margin for underwriting profit and contingencies.

13. The cost of medical services, if applicable.

14. Other relevant factors which impact upon the frequency or severity of claims or upon expenses.

(c) In the case of fire insurance rates, consideration shall be given to the availability of water supplies and the experience of the fire insurance business during a period of not less than the most recent 5-year period for which such experience is available.

(d) If conflagration or catastrophe hazards are given consideration by an insurer in its rates or rating plan, including surcharges and discounts, the insurer shall establish a reserve for that portion of the premium allocated to such hazard and shall maintain the premium in a catastrophe reserve. Any removal of such premiums from the reserve for purposes other than paying claims associated with a catastrophe or purchasing reinsurance for catastrophes shall be subject to approval of the office. Any ceding commission received by an insurer purchasing reinsurance for catastrophes shall be placed in the catastrophe reserve.

(e) After consideration of the rate factors provided in paragraphs (b), (c), and (d), a rate may be found by the office to be excessive, inadequate, or unfairly discriminatory based upon the following standards:

1. Rates shall be deemed excessive if they are likely to produce a profit from Florida business that is unreasonably high in relation to the risk involved in the class of business or if expenses are unreasonably high in relation to services rendered.

2. Rates shall be deemed excessive if, among other things, the rate structure established by a stock insurance company provides for replenishment of surpluses from premiums, when the replenishment is attributable to investment losses.

3. Rates shall be deemed inadequate if they are clearly insufficient, together with the investment income attributable to them, to sustain projected losses and expenses in the class of business to which they apply.

4. A rating plan, including discounts, credits, or surcharges, shall be deemed unfairly discriminatory if it fails to clearly and equitably reflect consideration of the policyholder's participation in a risk management program adopted pursuant to s. 627.0625.

5. A rate shall be deemed inadequate as to the premium charged to a risk or group of risks if discounts or credits are allowed which exceed a reasonable reflection of expense savings and reasonably expected loss experience from the risk or group of risks.

6. A rate shall be deemed unfairly discriminatory as to a risk or group of risks if the application of premium discounts, credits, or surcharges among such risks does not bear a reasonable relationship to the expected loss and expense experience among the various risks.

(f) In reviewing a rate filing, the office may require the insurer to provide at the insurer's expense all information necessary to evaluate the condition of the company and the reasonableness of the filing according to the criteria enumerated in this section.

(g) The office may at any time review a rate, rating schedule, rating manual, or rate change; the pertinent records of the insurer; and market conditions. If the office finds on a preliminary basis that a rate may be

excessive, inadequate, or unfairly discriminatory, the office shall initiate proceedings to disapprove the rate and shall so notify the insurer. However, the office may not disapprove an excessive any rate for which it has given final approval or which has been deemed approved for a period of 1 year after the effective date of the filing unless the office finds that a material misrepresentation or material error was made by the insurer or was contained in the filing. Upon being so notified, the insurer or rating organization shall, within 60 days, file with the office all information which, in the belief of the insurer or organization, proves the reasonableness, adequacy, and fairness of the rate or rate change. The office shall issue a notice of intent to approve or a notice of intent to disapprove pursuant to the procedures of paragraph (a) within 90 days after receipt of the insurer's initial response. In such instances and in any administrative proceeding relating to the legality of the rate, the insurer or rating organization shall carry the burden of proof by a preponderance of the evidence to show that the rate is not excessive, inadequate, or unfairly discriminatory. After the office notifies an insurer that a rate may be excessive, inadequate, or unfairly discriminatory, unless the office withdraws the notification, the insurer shall not alter the rate except to conform with the office's notice until the earlier of 120 days after the date the notification was provided or 180 days after the date of the implementation of the rate. The office may, subject to chapter 120, disapprove without the 60-day notification any rate increase filed by an insurer within the prohibited time period or during the time that the legality of the increased rate is being contested.

(h) In the event the office finds that a rate or rate change is excessive, inadequate, or unfairly discriminatory, the office shall issue an order of disapproval specifying that a new rate or rate schedule which responds to the findings of the office be filed by the insurer. The office shall further order, for any "use and file" filing made in accordance with subparagraph (a)2., that premiums charged each policyholder constituting the portion of the rate above that which was actuarially justified be returned to such policyholder in the form of a credit or refund. If the office finds that an insurer's rate or rate change is inadequate, the new rate or rate schedule filed with the office in response to such a finding shall be applicable only to new or renewal business of the insurer written on or after the effective date of the responsive filing.

(i) Except as otherwise specifically provided in this chapter, the office shall not prohibit any insurer, including any residual market plan or joint underwriting association, from paying acquisition costs based on the full amount of premium, as defined in s. 627.403, applicable to any policy, or prohibit any such insurer from including the full amount of acquisition costs in a rate filing.

(j) With respect to residential property insurance rate filings, the rate filing must account for mitigation measures undertaken by policyholders to reduce hurricane losses.

(k)1. *An insurer may make a separate filing limited solely to an adjustment of its rates for reinsurance or financing costs to replace or finance payment of amounts covered by the Florida Hurricane Catastrophe Fund if:*

a. *Reinsurance costs contained in the filing do not result in an overall premium increase of more than 10 percent for any individual policyholder. If the insurer elects to purchase a liquidity instrument or line of credit instead of reinsurance, the cost included in the filing for the liquidity instrument or line of credit may not result in a premium increase exceeding 3 percent for any individual policyholder;*

b. *The insurer includes in the filing a copy of all of its reinsurance, liquidity instrument, or line of credit contracts; proof of the billing or payment for the contracts; and the calculations upon which the proposed rate changes are based demonstrating that the costs meet the criteria of this section and are not loaded for expenses or profit;*

c. *The insurer makes no other changes to its rates; and*

d. *The insurer has not implemented an increase in its rate within the 6 months immediately preceding the filing.*

2. *An insurer making a filing pursuant to this paragraph is not eligible to file for any additional rate increase for the same business for at least 12 months after implementation of the limited filing.*

3. *This paragraph does not limit the authority of the office to disapprove the rate filing as excessive, inadequate, or unfairly discriminatory. All other standards of the rating law apply, including the standard of reasonableness.*

4. *This paragraph does not apply to rate filings for any insurance other than residential property insurance.*

The provisions of this subsection ~~do shall~~ not apply to workers' compensation and employer's liability insurance and to motor vehicle insurance.

(5) With respect to a rate filing involving coverage of the type for which the insurer is required to pay a reimbursement premium to the Florida Hurricane Catastrophe Fund, the insurer may fully recoup in its property insurance premiums any reimbursement premiums paid to the Florida Hurricane Catastrophe Fund, together with reasonable costs of other reinsurance, but *except as otherwise provided in this section*, may not recoup reinsurance costs that duplicate coverage provided by the Florida Hurricane Catastrophe Fund. An insurer may not recoup more than 1 year of reimbursement premium at a time. Any under-recoupment from the prior year may be added to the following year's reimbursement premium and any over-recoupment shall be subtracted from the following year's reimbursement premium.

And the title is amended as follows:

Delete lines 45-50 and insert: 627.062, F.S.; extending the period for which an insurer seeking a residential property insurance rate that is greater than the rate most recently approved by the Office of Insurance Regulation must make a "file and use" filing; authorizing an insurer to make a separate filing limited solely to an adjustment of its rates for reinsurance or financing costs to replace or finance payment of amounts covered by the Florida Hurricane Catastrophe Fund under certain circumstances; providing that certain insurers are not eligible to file for certain additional rate increases during a specified period after implementation of a limited filing; preserving the authority of the office to disapprove a rate filing as excessive, inadequate, or unfairly discriminatory; providing for the applicability of certain provisions of state law; amending s. 627.0621, F.S.;

Senators Richter and Deutch offered the following amendment which was moved by Senator Richter and adopted:

Amendment 4 (146784)—Delete lines 1290-1294 and insert: *insurer may include in its rate the actual cost of private market reinsurance that corresponds to available coverage of the Temporary Increase in Coverage Limits, TICL, from the Florida Hurricane Catastrophe Fund. The insurer may also include the cost of reinsurance to replace the TICL reduction implemented pursuant to s. 215.555(17)(d)9.*

Senators Richter and Deutch offered the following amendment which was moved by Senator Richter:

Amendment 5 (850916)—Delete lines 1917-1928 and insert: *changes and surcharges.*

7. *The corporation may also implement an increase to reflect the effect on the corporation of the cash buildup factor pursuant to s. 215.555(5)(b).*

8. *The corporation's implementation of rates as prescribed in subparagraph 6. shall cease upon the corporation's implementation of actuarially sound rates.*

9. *Beginning January 1, 2010, and each quarter thereafter, the corporation shall transfer an amount equal to 10 percent of the funds projected to be collected from the rate increase prescribed by subparagraph 6. to the General Revenue Fund. The corporation shall cease such transfers upon the implementation of actuarially sound rates or the existence of a deficit in any account as described in subparagraph (b)3.*

On motion by Senator Richter, further consideration of **CS for CS for SB 1950** with pending **Amendment 5 (850916)** was deferred.

On motion by Senator Altman—

SB 2064—A bill to be entitled An act relating to construction defects; amending s. 558.002, F.S.; providing and revising definitions; amending

s. 558.003, F.S.; limiting application of certain notices; amending s. 558.004, F.S.; revising requirements and procedures for notice and opportunity to repair certain defects; specifying that there are no construction lien rights under certain provisions of law for certain testing; providing an exception; revising requirements for parties to exchange certain materials; providing penalties; amending s. 558.005, F.S.; revising requirements for application to certain claims for legal relief; specifying certain notices required for certain contracts; authorizing parties to agree to mediation; revising application of notice requirements to certain earlier contracts; specifying a required notice for certain contracts; providing construction of the requirement; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2064** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wilson—

CS for SB 2210—A bill to be entitled An act relating to charter counties; amending s. 212.055, F.S.; requiring that certain charter counties update interlocal agreements at specified intervals for specified purposes; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Wilson moved the following amendment which was adopted:

Amendment 1 (542356) (with directory and title amendments)—Delete line 24 and insert:

(1) ~~CHARTER COUNTY TRANSPORTATION TRANSIT SYSTEM~~ **SURTAX.**—

(a) Each charter county ~~that has which~~ adopted a charter ~~prior to January 1, 1984~~, and each county the government of which is consolidated with that of one or more municipalities, may levy a discretionary sales surtax, subject to approval by a majority vote of the electorate of the county or by a charter amendment approved by a majority vote of the electorate of the county.

(b) The rate shall be up to 1 percent.

(c) The proposal to adopt a discretionary sales surtax as provided in this subsection and to create a trust fund within the county accounts shall be placed on the ballot in accordance with law at a time to be set at the discretion of the governing body.

And the directory clause is amended as follows:

Delete line 9 and insert:

Section 1. Subsection (1) of section

And the title is amended as follows:

Delete lines 2-5 and insert: An act relating to the charter county transit system surtax; amending s. 212.055, F.S.; changing the name of the surtax; expanding eligible counties authorized to levy the surtax; requiring interlocal agreements in certain counties to be updated no less than every 5 years to include certain municipalities; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 2210** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Richter—

SB 2330—A bill to be entitled An act relating to corporations; amending s. 607.0728, F.S.; authorizing certain alternative procedures for the election of members of the board of directors; amending s.

607.0807, F.S.; revising resignation procedures for members of the board of directors; providing that a resignation may be irrevocable under certain conditions; amending s. 607.0809, F.S.; revising procedures for filling a vacancy on the board of directors; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Aronberg moved the following amendment which was adopted:

Amendment 1 (616016) (with title amendment)—Delete line 52 and insert:

Section 1. Subsection (4) of section 607.0501, Florida Statutes, is amended to read:

607.0501 Registered office and registered agent.—

(4) The Department of State shall maintain an accurate record of the registered agents and registered offices for the service of process and shall furnish any information disclosed thereby promptly upon request and payment of the required fee. ~~There shall be no charge for telephone requests for general corporate information, including the corporation's status, names of officers and directors, address of principal place of business, and name and address of registered agent.~~

Section 2. Subsection (4) of section 607.1406, Florida Statutes, is amended to read:

607.1406 Known claims against dissolved corporation.—

(4) A dissolved corporation or successor entity electing to follow the procedures described in subsections (2) and (3) shall also give notice of the dissolution of the corporation to persons with known claims, that are contingent upon the occurrence or nonoccurrence of future events or otherwise conditional or unmatured, and request that such persons present such claims in accordance with the terms of such notice. Such notice shall be in substantially the same form, and sent in the same manner, as described in subsection (2).

Section 3. Effective upon this act becoming a law and applicable to all fiscal years ending on or after December 31, 2008, subsection (3) of section 607.1620, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

607.1620 Financial statements for shareholders.—

(3) ~~Any~~ ^A corporation required by subsection (1) to furnish annual financial statements to its shareholders shall furnish ~~mail~~ the annual financial statements to each shareholder within 120 days after the close of each fiscal year or within such additional time thereafter as is reasonably necessary to enable the corporation to prepare its financial statements if, for reasons beyond the corporation's control, it is unable to prepare its financial statements within the prescribed period. Thereafter, on written request from a shareholder who was not furnished ~~mailed~~ the statements, the corporation shall furnish ~~mail~~ him or her the latest annual financial statements.

(5) *The requirement to furnish annual financial statements as described in this section shall be satisfied by sending the annual financial statements by mail or by electronic transmission. If a corporation has an outstanding class of securities registered under s. 12 of the Securities Exchange Act of 1934, as amended, the requirement to furnish annual financial statements may be satisfied by complying with 17 C.F.R. s. 240.14a-16, as amended, with respect to the obligation of a corporation to furnish an annual report to shareholders pursuant to 17 C.F.R. s. 240.14a-3(b), as amended.*

Section 4. Subsections (4), (6), and (9) of section 617.01201, Florida Statutes, are amended to read:

617.01201 Filing requirements.—

(4) The document must be typewritten or printed and must be legible. *If electronically transmitted, the document must be in a format that may be retrieved or reproduced in typewritten or printed form.*

(6) The document must be executed:

(a) ~~By a director the chair or any vice chair of the board of directors of a domestic or foreign corporation, or by its president or by another of its officers;~~

(b) If directors or officers have not been selected or the corporation has not been formed, by an incorporator; or

(c) If the corporation is in the hands of a receiver, trustee, or other court-appointed fiduciary, by ~~the~~ that fiduciary.

(9) The document must be delivered to the ~~office of the~~ department of State for filing. *Delivery may be made by electronic transmission if and to the extent allowed by the department. If the document is filed in typewritten or printed form and not transmitted electronically, the department may require that and may be accompanied by one exact or conformed copy be delivered with the document, (except as provided in s. 617.1508. The document), and must be accompanied by the correct filing fee and any other tax or penalty required by this act or other law.*

Section 5. Subsection (7) of section 617.0122, Florida Statutes, is amended to read:

617.0122 Fees for filing documents and issuing certificates.—The Department of State shall collect the following fees on documents delivered to the department for filing:

(7) Agent's statement of resignation from *inactive administratively dissolved* corporation: \$35.

Any citizen support organization that is required by rule of the Department of Environmental Protection to be formed as a nonprofit organization and is under contract with the department is exempt from any fees required for incorporation as a nonprofit organization, and the Secretary of State may not assess any such fees if the citizen support organization is certified by the Department of Environmental Protection to the Secretary of State as being under contract with the Department of Environmental Protection.

Section 6. Subsections (1) and (2) of section 617.0124, Florida Statutes, are amended to read:

617.0124 Correcting filed document.—

(1) A domestic or foreign corporation may correct a document filed by the department of State within ~~30~~ ¹⁰ business days after filing if ~~the document:~~

(a) *The document* contains an incorrect statement; ~~or~~

(b) *The document* was defectively executed, attested, sealed, verified, or acknowledged; ~~or-~~

(c) *The electronic transmission of the document was defective.*

(2) A document is corrected:

(a) By preparing articles of correction that:

1. Describe the document, (including its filing date) ~~or attach a copy of it to the articles;~~

2. Specify the incorrect statement and the reason it is incorrect or the manner in which the execution was defective; and

3. Correct the incorrect statement or defective execution; and

(b) By delivering the executed articles of correction to the department of State for filing.

Section 7. Section 617.01401, Florida Statutes, is amended to read:

617.01401 Definitions.—As used in this *chapter act*, unless the context otherwise requires, the term:

(1) “Articles of incorporation” includes original, amended, and restated articles of incorporation, articles of consolidation, and articles of merger, and all amendments thereto, including documents designated by the laws of this state as charters, and, in the case of a foreign corporation, documents equivalent to articles of incorporation in the jurisdiction of incorporation.

(2) “Board of directors” means the group of persons vested with the management of the affairs of the corporation irrespective of the name by which such group is designated, including, but not limited to, managers or trustees.

(3) “Bylaws” means the code or codes of rules adopted for the regulation or management of the affairs of the corporation irrespective of the name or names by which such rules are designated.

(4) “Corporation” or “domestic corporation” means a corporation not for profit, subject to the provisions of this *chapter* ~~act~~, except a foreign corporation.

(5) “Corporation not for profit” means a corporation no part of the income or profit of which is distributable to its members, directors, or officers, *except as otherwise provided under this chapter*.

(6) “Department” means the Department of State.

(7) “Distribution” means the payment of a dividend or any part of the income or profit of a corporation to its members, directors, or officers. A donation or transfer of corporate assets or income to or from another not-for-profit corporation qualified as tax-exempt under s. 501(c) of the Internal Revenue Code or a governmental organization exempt from federal and state income taxes, if such corporation or governmental organization is a member of the corporation making such donation or transfer, is not a distribution for purposes of this chapter.

(8) ~~(6)~~ “Electronic transmission” means any form of communication, not directly involving the physical transmission or transfer of paper, which creates a record that may be retained, retrieved, and reviewed by a recipient ~~thereof~~ and which may be directly reproduced in a comprehensible and legible paper form by such recipient through an automated process. Examples of electronic transmission include, but are not limited to, telegrams, facsimile transmissions of images, and text that is sent via electronic mail between computers.

(9) ~~(7)~~ “Foreign corporation” means a corporation not for profit organized under laws other than the laws of this state.

(10) ~~(8)~~ “Insolvent” means the inability of a corporation to pay its debts as they become due in the usual course of its affairs.

(11) ~~(9)~~ “Mail” means the United States mail, facsimile transmissions, and private mail carriers handling nationwide mail services.

(12) ~~(10)~~ “Member” means one having membership rights in a corporation in accordance with the provisions of its articles of incorporation or bylaws or the provisions of this *chapter* ~~act~~.

(13) “Mutual benefit corporation” means a domestic corporation that is not organized primarily or exclusively for religious purposes; is not recognized as exempt under s. 501(c)(3) of the Internal Revenue Code; and is not organized for a public or charitable purpose that is required upon its dissolution to distribute its assets to the United States, a state, a local subdivision thereof, or a person that is recognized as exempt under s. 501(c)(3) of the Internal Revenue Code. The term does not include an association organized under chapter 718, chapter 719, chapter 720, or chapter 721, or any corporation where membership in the corporation is required pursuant to a document recorded in county property records.

(14) ~~(11)~~ “Person” includes individual and entity.

(15) “Successor entity” means any trust, receivership, or other legal entity that is governed by the laws of this state to which the remaining assets and liabilities of a dissolved corporation are transferred and that exists solely for the purposes of prosecuting and defending suits by or against the dissolved corporation and enabling the dissolved corporation to settle and close the business of the dissolved corporation, to dispose of and convey the property of the dissolved corporation, to discharge the liabilities of the dissolved corporation, and to distribute to the dissolved corporation’s members any remaining assets, but not for the purpose of

continuing the business for which the dissolved corporation was organized.

(16) “Voting power” means the total number of votes entitled to be cast for the election of directors at the time the determination of voting power is made, excluding a vote that is contingent upon the happening of a condition or event that has not yet occurred. If the members of a class are entitled to vote as a class to elect directors, the determination of the voting power of the class is based on the percentage of the number of directors the class is entitled to elect relative to the total number of authorized directors. If the corporation’s directors are not elected by the members, voting power shall, unless otherwise provided in the articles of incorporation or bylaws, be on a one-member, one-vote basis.

Section 8. Subsection (1) of section 617.0205, Florida Statutes, is amended to read:

617.0205 Organizational meeting of directors.—

(1) After incorporation:

(a) If initial directors are named in the articles of incorporation, the initial directors shall hold an organizational meeting, at the call of a majority of the directors, to complete the organization of the corporation by appointing officers, adopting bylaws, and carrying on any other business brought before the meeting;

(b) If initial directors are not named in the articles of incorporation, the incorporators shall hold an organizational meeting at the call of a majority of the incorporators:

1. To elect directors and complete the organization of the corporation; or

2. To elect a board of directors who shall complete the organization of the corporation.

Section 9. Section 617.0302, Florida Statutes, is amended to read:

617.0302 Corporate powers.—Every corporation not for profit organized under this *chapter* ~~act~~, unless otherwise provided in its articles of incorporation or bylaws, shall have power to:

(1) Have succession by its corporate name for the period set forth in its articles of incorporation.

(2) Sue and be sued and appear and defend in all actions and proceedings in its corporate name to the same extent as a natural person.

(3) Adopt, use, and alter a common corporate seal. However, such seal must always contain the words “corporation not for profit.”

(4) Elect or appoint such officers and agents as its affairs shall require and allow them reasonable compensation.

(5) Adopt, change, amend, and repeal bylaws, not inconsistent with law or its articles of incorporation, for the administration of the affairs of the corporation and the exercise of its corporate powers.

(6) Increase, by a vote of its members cast as the bylaws may direct, the number of its directors so that the number shall not be less than three but may be any number in excess thereof.

(7) Make contracts and *guaranties*, incur liabilities, borrow money at such rates of interest as the corporation may determine, issue its notes, bonds, and other obligations, and secure ~~any~~ of its obligations by mortgage and pledge of all or any of its property, franchises, or income.

(8) Conduct its affairs, carry on its operations, and have offices and exercise the powers granted by this act in any state, territory, district, or possession of the United States or any foreign country.

(9) Purchase, take, receive, lease, take by gift, devise, or bequest, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with real or personal property, or any interest therein, wherever situated.

(10) Acquire, enjoy, utilize, and dispose of patents, copyrights, and trademarks and any licenses and other rights or interests thereunder or therein.

(11) Sell, convey, mortgage, pledge, lease, exchange, transfer, or otherwise dispose of all or any part of its property and assets.

(12) Purchase, take, receive, subscribe for, or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise dispose of and otherwise use and deal in and with, shares and other interests in, or obligations of, other domestic or foreign corporations, whether for profit or not for profit, associations, partnerships, or individuals, or direct or indirect obligations of the United States, or of any other government, state, territory, governmental district, municipality, or of any instrumentality thereof.

(13) Lend money for its corporate purposes, invest and reinvest its funds, and take and hold real and personal property as security for the payment of funds loaned or invested except as prohibited by s. 617.0833.

(14) Make donations for the public welfare or for religious, charitable, scientific, educational, or other similar purposes.

(15) Have and exercise all powers necessary or convenient to effect any or all of the purposes for which the corporation is organized.

(16) Merge with other corporations or other business entities *identified in s. 607.1108(1)*, both for profit and not for profit, domestic and foreign, if the surviving corporation or other surviving business entity is a corporation not for profit or other business entity that has been organized as a not-for-profit entity under a governing statute or other applicable law that permits such a merger.

Section 10. Subsection (4) of section 617.0501, Florida Statutes, is amended to read:

617.0501 Registered office and registered agent.—

(4) The Department of State shall maintain an accurate record of the registered agents and registered offices for the service of process and shall furnish any information disclosed thereby promptly upon request and payment of the required fee. ~~There shall be no charge for telephone requests for general corporate information, including the corporation's status, names of officers and directors, address of principal place of business, and name and address of resident agent.~~

Section 11. Subsection (12) is added to section 617.0503, Florida Statutes, to read:

617.0503 Registered agent; duties; confidentiality of investigation records.—

(12) *Any alien business organization may withdraw its registered agent designation by delivering an application for certificate of withdrawal to the department for filing. The application shall set forth:*

(a) *The name of the alien business organization and the jurisdiction under the law of which it is incorporated or organized; and*

(b) *That it is no longer required to maintain a registered agent in this state.*

Section 12. Section 617.0505, Florida Statutes, is amended to read:

617.0505 *Distributions; exceptions* ~~Payment of dividends and distribution of income to members prohibited; issuance of certificates of membership; effect of stock issued under prior law.—~~

~~(1) Except as authorized in s. 617.1302, A dividend may not be paid, and any part of the income or profit of a corporation may not make distributions be distributed,~~ to its members, directors, or officers.

(1) A mutual benefit corporation, such as a private club that is established for social, pleasure, or recreational purposes and that is organized as a corporation of which the equity interests are held by the members, may, *subject to s. 617.1302*, purchase the equity membership interest of any member, and the payment for such interest is not a distribution for purposes of this section.

(2) A corporation may pay compensation in a reasonable amount to its members, directors, or officers for services rendered, may confer benefits upon its members in conformity with its purposes, and, upon

dissolution or final liquidation, may make distributions to its members as permitted by this *chapter* ~~aet.~~

(3) If expressly permitted by its articles of incorporation, a corporation may make distributions upon partial liquidation to its members, as permitted by this section. Any such payment, benefit, or distribution does not constitute a dividend or a distribution of income or profit for purposes of this section.

(4) A ~~Any~~ corporation ~~that which~~ is a utility exempt from regulation under s. 367.022(7), whose articles of incorporation state that it is exempt from taxation under s. 501(c)(12) of the Internal Revenue Code, may make ~~such~~ refunds to its members, prior to a dissolution or liquidation, as its managing board deems necessary to establish or preserve its tax-exempt status. Any such refund does not constitute a dividend or a distribution of income or profit for purposes of this section.

(5) A corporation that is regulated by chapter 718, chapter 719, chapter 720, chapter 721, or chapter 723, or a corporation where membership in such corporation is required pursuant to a document recorded in the county property records, may make refunds to its members, giving credits to its members, disbursing insurance proceeds to its members, or disbursing or paying settlements to its members without violating this section.

~~(2) Subject to subsection (1), a corporation may issue certificates in any form evidencing membership in the corporation.~~

~~(3) Stock certificates issued under former s. 617.011(2), Florida Statutes (1989), constitute membership certificates for purposes of this act.~~

Section 13. Subsections (1), (2), and (5) of section 617.0601, Florida Statutes, are amended to read:

617.0601 Members, generally.—

(1)(a) A corporation may have one or more classes of members or may have no members. If the corporation has one or more classes of members, the designation of such class or classes, the qualifications and rights of the members of each class, any quorum and voting requirements for meetings and activities of the members, and notice requirements sufficient to provide notice of meetings and activities of the members must be set forth in the articles of incorporation or in the bylaws.

(b) The articles of incorporation or bylaws of any corporation not for profit that maintains chapters or affiliates may grant representatives of such chapters or affiliates the right to vote in conjunction with the board of directors of the corporation notwithstanding applicable quorum or voting requirements of this *chapter* ~~aet~~ if the corporation is registered with the department of State pursuant to ~~ss. 496.401-496.424 ss. 496.001-496.011~~, the Solicitation of Contributions ~~Funds~~ Act.

(c) This subsection does not apply to any condominium association organized under chapter 718.

(2) A corporation may issue certificates of membership. *Stock certificates issued under former s. 617.011(2), Florida Statutes (1989), constitute certificates of membership for purposes of this section.*

(5) ~~Membership in the corporation may be terminated in the manner provided by law, by the articles of incorporation, or by the bylaws, and A resignation, expulsion, suspension, or termination of membership pursuant to s. 617.0606 or s. 617.0607 shall be recorded in the membership book. Unless otherwise provided in the articles of incorporation or the bylaws, all the rights and privileges of a member cease on termination of membership.~~

Section 14. Section 617.0605, Florida Statutes, is created to read:

617.0605 *Transfer of membership interests.—*

(1) *A member of a corporation may not transfer a membership or any right arising from membership except as otherwise allowed in this section.*

(2) *Except as set forth in the articles of incorporation or bylaws of a mutual benefit corporation, a member of a mutual benefit corporation may not transfer a membership or any right arising from membership.*

(3) If transfer rights have been provided for one or more members of a mutual benefit corporation, a restriction on such rights is not binding with respect to a member holding a membership issued before the adoption of the restriction unless the restriction is approved by the members and the affected member.

Section 15. Section 617.0606, Florida Statutes, is created to read:

617.0606 Resignation of members.—

(1) Except as may be provided in the articles of incorporation or bylaws of a corporation, a member of a mutual benefit corporation may not transfer a membership or any right arising from membership.

(2) The resignation of a member does not relieve the member from any obligations that the member may have to the corporation as a result of obligations incurred or commitments made before resignation.

Section 16. Section 617.0607, Florida Statutes, is created to read:

617.0607 Termination, expulsion, and suspension.—

(1) A member of a corporation may not be expelled or suspended, and a membership in the corporation may not be terminated or suspended, except pursuant to a procedure that is fair and reasonable and is carried out in good faith.

(2) Any written notice given by mail must be delivered by certified mail or first-class mail to the last address of the member shown on the records of the corporation.

(3) Any proceeding challenging an expulsion, suspension, or termination, including a proceeding in which the defective notice is alleged, must be commenced within 1 year after the effective date of the expulsion, suspension, or termination.

(4) A member who has been expelled or suspended may be liable to the corporation for dues, assessments, or fees as a result of obligations incurred or commitments made before expulsion or suspension.

Section 17. Section 617.0608, Florida Statutes, is created to read:

617.0608 Purchase of memberships.—

(1) A corporation may not purchase any of its memberships or any right arising from membership except as provided in s. 617.0505 or subsection (2).

(2) Subject to s. 617.1302, a mutual benefit corporation may purchase the membership of a member who resigns, or whose membership is terminated, for the amount and pursuant to the conditions set forth in its articles of incorporation or bylaws.

Section 18. Subsections (3), (4), and (6) of section 617.0701, Florida Statutes, are amended to read:

617.0701 Meetings of members, generally; failure to hold annual meeting; special meeting; consent to corporate actions without meetings; waiver of notice of meetings.—

(3) Except as provided in the articles of incorporation or bylaws, special meetings of the members may be called by:

(a) The president; ;

(b) The chair of the board of directors; ;

(c) The board of directors; ; ~~or such~~

(d) Other officers or persons as are provided for in the articles of incorporation or the bylaws; ;

(e) The holders of at least 5 percent of the voting power of a corporation when one or more written demands for the meeting, which describe the purpose for which the meeting is to be held, are signed, dated, and delivered to a corporate officer; or

(f) A person who signs a demand for a special meeting pursuant to paragraph (e) if notice for a special meeting is not given within 30 days

after receipt of the demand. The person signing the demand may set the time and place of the meeting and give notice under this subsection.

(4)~~(a)~~ Unless otherwise provided in the articles of incorporation, action required or permitted by this chapter ~~is~~ to be taken at an annual or special meeting of members may be taken without a meeting, without prior notice, and without a vote if the action is taken by the members entitled to vote on such action and having not less than the minimum number of votes necessary to authorize such action at a meeting at which all members entitled to vote on such action were present and voted.

(a) ~~In order~~ To be effective, the action must be evidenced by one or more written consents describing the action taken, dated and signed by approving members having the requisite number of votes and entitled to vote on such action, and delivered to the corporation ~~by delivery~~ to its principal office in this state, its principal place of business, the corporate secretary, or another officer or agent of the corporation having custody of the book in which proceedings of meetings of members are recorded. Written consent ~~shall not be effective~~ to take the corporate action referred to in the consent *is not effective* unless the consent is signed by members having the requisite number of votes necessary to authorize the action within 90 ~~60~~ days ~~after~~ of the date of the earliest dated consent and is delivered in the manner required by this section.

(b) Any written consent may be revoked prior to the date that the corporation receives the required number of consents to authorize the proposed action. A revocation is not effective unless in writing and until received by the corporation at its principal office in this state or its principal place of business, or received by the corporate secretary or other officer or agent of the corporation having custody of the book in which proceedings of meetings of members are recorded.

(c) Within 30 ~~40~~ days after obtaining ~~such~~ authorization by written consent, notice must be given to those members who are entitled to vote on the action but who have not consented in writing. The notice must fairly summarize the material features of the authorized action.

(d) A consent signed under this section has the effect of a meeting vote and may be described as such in any document.

(e) If the action to which the members consent is such as would have required the filing of articles or a certificate under any other section of this chapter ~~is~~ if such action had been voted on by members at a meeting ~~thereof~~, the articles or certificate filed under such other section must state that written consent has been given in accordance with ~~the provisions of~~ this section.

(f) Whenever action is taken pursuant to this section, the written consent of the members consenting to such action or the written reports of inspectors appointed to tabulate such consents must be filed with the minutes of member proceedings ~~of members~~.

(6) Subsections (1) and (3) do not apply to any corporation that is an association as defined in s. 720.301; a corporation regulated by chapter 718, chapter 719, chapter 720, chapter 721, or chapter 723; or a corporation where membership in such corporation is required pursuant to a document recorded in the county property records.

Section 19. Section 617.0721, Florida Statutes, is amended to read:

617.0721 Voting by members.—

(1) Members are not entitled to vote except as conferred by the articles of incorporation or the bylaws.

(2) A member who is entitled to vote may vote in person or, unless the articles of incorporation or the bylaws otherwise provide, may vote by proxy executed in writing by the member or by his or her duly authorized attorney in fact. An appointment of a proxy is not valid after 11 months following the date of its execution unless otherwise provided in the proxy.

(a) If directors or officers are to be elected by members, the bylaws may provide that such elections may be conducted by mail.

(b) A corporation may reject a vote, consent, waiver, or proxy appointment if the secretary or other officer or agent authorized to tabulate votes, acting in good faith, has a reasonable basis for doubting the va-

lidity of the signature on it or the signatory's authority to sign for the member.

(3) If authorized by the board of directors, and subject to such guidelines and procedures as the board of directors may adopt, members and proxy holders who are not physically present at a meeting may, by means of remote communication:

(a) Participate in the meeting.

(b) Be deemed to be present in person and vote at the meeting if:

1. The corporation implements reasonable means to verify that each person deemed present and authorized to vote by means of remote communication is a member or proxy holder; and

2. The corporation implements reasonable measures to provide such members or proxy holders with a reasonable opportunity to participate in the meeting and to vote on matters submitted to the members, including an opportunity to communicate and to read or hear the proceedings of the meeting substantially concurrent with the proceedings.

If any member or proxy holder votes or takes other action by means of remote communication, a record of that member's participation in the meeting must be maintained by the corporation in accordance with s. 617.1601.

(4) ~~(3)~~ If any corporation, whether for profit or not for profit, is a member of a corporation organized under this chapter ~~act~~, the chair of the board, president, any vice president, the secretary, or the treasurer of the member corporation, and any such officer or cashier or trust officer of a banking or trust corporation holding such membership, and any like officer of a foreign corporation whether for profit or not for profit, holding membership in a domestic corporation, shall be deemed by the corporation in which membership is held to have the authority to vote on behalf of the member corporation and to execute proxies and written waivers and consents in relation thereto, unless, before a vote is taken or a waiver or consent is acted upon, it ~~appears pursuant to~~ ~~is made to appear by~~ a certified copy of the bylaws or resolution of the board of directors or executive committee of the member corporation that such authority does not exist or is vested in some other officer or person. In the absence of such certification, a person executing any such proxies, waivers, or consents or presenting himself or herself at a meeting as one of such officers of a corporate member shall be, for the purposes of this section, conclusively deemed to be duly elected, qualified, and acting as such officer and to be fully authorized. In the case of conflicting representation, the corporate member shall be ~~deemed to be~~ represented by its senior officer, in the order ~~first~~ stated in this subsection.

(5) ~~(4)~~ The articles of incorporation or the bylaws may provide that, in all elections for directors, every member entitled to vote has the right to cumulate his or her votes and to give one candidate a number of votes equal to the number of votes he or she could give if one director were being elected multiplied by the number of directors to be elected or to distribute such votes on the same principles among any number of such candidates. A corporation may not have cumulative voting unless such voting is expressly authorized in the articles of incorporation.

(6) ~~(5)~~ If a corporation has no members or its members do not have the right to vote, the directors shall have the sole voting power.

(7) ~~(6)~~ Subsections (1), (2), (5) ~~(4)~~, and (6) ~~(5)~~ do not apply to a corporation that is an association as defined in s. 720.301.

Section 20. Section 617.0725, Florida Statutes, is amended to read:

617.0725 Quorum.—An amendment to the articles of incorporation or the bylaws ~~which adds, that~~ changes, or deletes a greater or lesser quorum or voting requirement must meet the same quorum or voting requirement and be adopted by the same vote and voting groups required to take action under the quorum and voting requirements ~~then in effect or proposed to be adopted, whichever is greater~~ ~~prescribed in the provision being amended.~~

Section 21. Section 617.07401, Florida Statutes, is created to read:

617.07401 Members' derivative actions.—

(1) A person may not commence a proceeding in the right of a domestic or foreign corporation unless the person was a member of the corporation when the transaction complained of occurred or unless the person became a member through transfer by operation of law from one who was a member at that time.

(2) A complaint in a proceeding brought in the right of a domestic or foreign corporation must be verified and allege with particularity the demand made to obtain action by the board of directors and that the demand was refused or ignored by the board of directors for at least 90 days after the date of the first demand unless, before the expiration of the 90 days, the person was notified in writing that the corporation rejected the demand, or unless irreparable injury to the corporation would result by waiting for the expiration of the 90-day period. If the corporation commences an investigation of the charges made in the demand or complaint, the court may stay any proceeding until the investigation is completed.

(3) The court may dismiss a derivative proceeding if, on motion by the corporation, the court finds that one of the groups specified in paragraphs (a)-(c) has made a good faith determination after conducting a reasonable investigation upon which its conclusions are based that the maintenance of the derivative suit is not in the best interests of the corporation. The corporation has the burden of proving the independence and good faith of the group making the determination and the reasonableness of the investigation. The determination shall be made by:

(a) A majority vote of independent directors present at a meeting of the board of directors, if the independent directors constitute a quorum;

(b) A majority vote of a committee consisting of two or more independent directors appointed by a majority vote of independent directors present at a meeting of the board of directors, whether or not such independent directors constitute a quorum; or

(c) A panel of one or more independent persons appointed by the court upon motion by the corporation.

(4) A proceeding commenced under this section may not be discontinued or settled without the approval of the court. If the court determines that a proposed discontinuance or settlement substantially affects the interest of the members of the corporation, or a class, series, or voting group of members, the court shall direct that notice be given to the members affected. The court may determine which party or parties to the proceeding shall bear the expense of giving the notice.

(5) Upon termination of the proceeding, the court may require the plaintiff to pay any defendant's reasonable expenses, including reasonable attorney's fees, incurred in defending the proceeding if it finds that the proceeding was commenced without reasonable cause.

(6) The court may award reasonable expenses for maintaining the proceeding, including reasonable attorney's fees, to a successful plaintiff or to the person commencing the proceeding who receives any relief, whether by judgment, compromise, or settlement, and may require that the person account for the remainder of any proceeds to the corporation; however, this subsection does not apply to any relief rendered for the benefit of injured members only and is limited to a recovery of the loss or damage of the injured members.

Section 22. Section 617.0801, Florida Statutes, is amended to read:

617.0801 ~~Requirement for and~~ Duties of board of directors.—All corporate powers must be exercised by or under the authority of, and the affairs of the corporation managed under the direction of, its board of directors, subject to any limitation set forth in the articles of incorporation.

Section 23. Subsection (1) of section 617.0802, Florida Statutes, is amended to read:

617.0802 Qualifications of directors.—

(1) Directors must be natural persons who are 18 years of age or older but need not be residents of this state or members of the corporation unless the articles of incorporation or bylaws so require. For a corporation organized according to the provisions of s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, but not for a corporation regulated by chapter 718, chapter 719, chapter 720, chapter 721, or

chapter 723 or a corporation for which membership in such corporation is required pursuant to a document recorded in the county property records, one director may be 15 years of age or older if so permitted in the articles of incorporation or bylaws or by resolution of the board of directors. The articles of incorporation or the bylaws may prescribe additional qualifications for directors.

Section 24. Section 617.0806, Florida Statutes, is amended to read:

617.0806 Staggered terms for directors.—~~The articles of incorporation or bylaws may provide that directors may be divided into classes and the terms of office of the several classes need not be uniform.~~ Each director shall hold office for the term to which he or she is elected or appointed and until his or her successor has been elected or appointed and qualified or until his or her earlier resignation, removal from office, or death.

Section 25. Section 617.0808, Florida Statutes, is amended to read:

617.0808 Removal of directors.—

(1) Subject to subsection (2), a director may be removed from office pursuant to procedures provided in the articles of incorporation or the bylaws, which shall provide the following, and if they do not do so, shall be deemed to include the following:

(a) ~~(1)~~ Any member of the board of directors may be removed from office with or without cause by:

1. Except as provided in paragraph (i), a majority of all votes of the directors, if the director was elected or appointed by the directors; or
2. A majority of all votes of the members, if the director was elected or appointed by the members.

(b) If a director is elected by a class, chapter, or other organizational unit, or by region or other geographic grouping, the director may be removed only by the members of that class, chapter, unit, or grouping. However:

1. A director may be removed only if the number of votes cast to remove the director would be sufficient to elect the director at a meeting to elect directors, except as provided in subparagraphs 2. and 3.
2. If cumulative voting is authorized, a director may not be removed if the number of votes sufficient to elect the director under cumulative voting is voted against the removal of the director.

3. If at the beginning of the term of a director the articles of incorporation or bylaws provide that the director may be removed for missing a specified number of board meetings, the board may remove the director for failing to attend the specified number of meetings. The director may be removed only if a majority of the directors then in office vote for the removal ~~the vote or agreement in writing by a majority of all votes of the membership.~~

(c) ~~(2)~~ The notice of a meeting of the members to recall a member or members of the board of directors shall state the specific directors sought to be removed.

(d) ~~(3)~~ A proposed removal of a director at a meeting shall require a separate vote for each director whose removal is ~~board member~~ sought to be removed. Where removal is sought by written consent agreement, a separate consent agreement is required for each director ~~board member~~ to be removed.

(e) ~~(4)~~ If removal is effected at a meeting, any vacancies created ~~thereby~~ shall be filled by the members or directors eligible to vote for the removal ~~at the same meeting.~~

(f) ~~(5)~~ Any director who is removed from the board is ~~shall~~ not be eligible to stand for reelection until the next annual meeting at which directors are elected ~~of the members.~~

(g) ~~(6)~~ Any director removed from office shall turn over to the board of directors within 72 hours any and all records of the corporation in his or her possession.

(h) ~~(7)~~ If a director who is removed ~~does shall~~ not relinquish his or her office or turn over records as required under this section, the circuit court in the county where the corporation's principal office is located may summarily order the director to relinquish his or her office and turn over corporate records upon application of any member.

(i) A director elected or appointed by the board may be removed without cause by a vote of two-thirds of the directors then in office or such greater number as is set forth in the articles of incorporation or bylaws.

(2) A director of a corporation described in s. 501(c) of the Internal Revenue Code may be removed from office pursuant to procedures provided in the articles of incorporation or the bylaws, and the corporation may provide in the articles of incorporation or the bylaws that it is subject to the provisions of subsection (1).

Section 26. Section 617.0809, Florida Statutes, is amended to read:

617.0809 Board vacancy ~~on board.~~—

(1) Except as provided in s. 617.0808(1)(f), any vacancy occurring on the board of directors may be filled by the affirmative vote of the majority of the remaining directors, even though the remaining directors constitute less than a quorum, or by the sole remaining director, ~~as the case may be,~~ or, if the vacancy is not so filled or if no director remains, by the members or, on the application of any person, by the circuit court of the county where the registered office of the corporation is located.

(2) Whenever a vacancy occurs with respect to a director elected by a class, chapter, unit, or group, the vacancy may be filled only by members of that class, chapter, unit, or group, or by a majority of the directors then in office elected by such class, chapter, unit, or group.

(3) ~~(2)~~ The term of a director elected or appointed to fill a vacancy expires at the next annual meeting at which directors are elected ~~shall be elected or appointed for the unexpired term of his or her predecessor in office.~~ Any directorship to be filled by reason of an increase in the number of directors may be filled by the board of directors, but only for a term of office continuing until the next election of directors by the members or, if the corporation has no members or no members having the right to vote thereon, for such term of office as is provided in the articles of incorporation or the bylaws.

(4) ~~(3)~~ A vacancy that will occur at a specific later date, by reason of a resignation effective at a later date under s. 617.0807 or otherwise, may be filled before the vacancy occurs. However, the new director may not take office until the vacancy occurs.

Section 27. Subsection (1) of section 617.0824, Florida Statutes, is amended to read:

617.0824 Quorum and voting.—

(1) Unless the articles of incorporation or the bylaws require a different number, a quorum of a board of directors consists of a majority of the number of directors prescribed by the articles of incorporation or the bylaws. *Directors younger than 18 years of age may not be counted toward a quorum.*

Section 28. Present subsection (2) of section 617.0832, Florida Statutes, is renumbered as subsection (3) and amended, and a new subsection (2) is added to that section, to read:

617.0832 Director conflicts of interest.—

(2) For purposes of paragraph (1)(a) only, a conflict-of-interest transaction is authorized, approved, or ratified if it receives the affirmative vote of a majority of the directors on the board of directors, or on the committee, who have no relationship or interest in the transaction described in subsection (1), but a transaction may not be authorized, approved, or ratified under this section by a single director. If a majority of the directors who have no relationship or interest in the transaction vote to authorize, approve, or ratify the transaction, a quorum is present for the purpose of taking action under this section. The presence of, or a vote cast by, a director having a relationship or interest in the transaction does not affect the validity of any action taken under paragraph (1)(a) if the transaction is otherwise authorized, approved, or ratified as provided in subsection (1), but such presence or vote of such a director may be counted

for purposes of determining whether the transaction is approved under other sections of this chapter.

(3) ~~(2)~~ For purposes of paragraph (1)(b), a conflict-of-interest transaction is authorized, approved, or ratified if it receives the vote of a majority in interest of the members entitled to vote under this subsection. A director who has a relationship or interest in the transaction described in subsection (1) may not vote to determine whether to authorize, approve, or ratify a conflict-of-interest transaction under paragraph (1)(b). However, the vote of that director is counted in determining whether the transaction is approved under other sections of this chapter. A majority in interest of the members entitled to vote on the transaction under this subsection constitutes a quorum for the purpose of taking action under this section. As used in this subsection, the term "majority in interest" refers to a majority of the voting shares or other voting units allotted to the members. ~~Common or interested directors may be counted in determining the presence of a quorum at a meeting of the board of directors or a committee thereof which authorizes, approves, or ratifies such contract or transaction.~~

Section 29. Section 617.0833, Florida Statutes, is amended to read:

617.0833 Loans to directors or officers.—Loans, other than through the purchase of bonds, debentures, or similar obligations of the type customarily sold in public offerings, or through ordinary deposit of funds in a bank, may not be made by a corporation to its directors or officers, or to any other corporation, firm, association, or other entity in which one or more of its directors or officers is a director or officer or holds a substantial financial interest, except a loan by one corporation which is exempt from federal income taxation under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, to another corporation which is exempt from federal income taxation under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended. A loan made in violation of this section is a violation of the duty to the corporation of the directors or officers authorizing it or participating in it, but the obligation of the borrower with respect to the loan ~~is shall not be affected thereby.~~

Section 30. Subsection (1) of section 617.0834, Florida Statutes, is amended to read:

617.0834 Officers and directors of certain corporations and associations not for profit; immunity from civil liability.—

(1) An officer or director of a nonprofit organization recognized under s. 501(c)(3) or s. 501(c)(4) or s. 501(c)(6) of the Internal Revenue Code of 1986, as amended, or of an agricultural or a horticultural organization recognized under s. 501(c)(5), of the Internal Revenue Code of 1986, as amended, is not personally liable for monetary damages to any person for any statement, vote, decision, or failure to take an action, regarding organizational management or policy by an officer or director, unless:

(a) The officer or director breached or failed to perform his or her duties as an officer or director; and

(b) The officer's or director's breach of, or failure to perform, his or her duties constitutes:

1. A violation of the criminal law, unless the officer or director had reasonable cause to believe his or her conduct was lawful or had no reasonable cause to believe his or her conduct was unlawful. A judgment or other final adjudication against an officer or director in any criminal proceeding for violation of the criminal law estops that officer or director from contesting the fact that his or her breach, or failure to perform, constitutes a violation of the criminal law, but does not estop the officer or director from establishing that he or she had reasonable cause to believe that his or her conduct was lawful or had no reasonable cause to believe that his or her conduct was unlawful;

2. A transaction from which the officer or director derived an improper personal benefit, ~~either~~ directly or indirectly; or

3. Recklessness or an act or omission ~~that which~~ was committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

Section 31. Subsections (2) and (3) of section 617.1007, Florida Statutes, are amended to read:

617.1007 Restated articles of incorporation.—

(2) The restatement may include one or more amendments to the articles of incorporation. If the restatement includes an amendment requiring member approval, it must be adopted as provided in s. 617.1002.

(3) A corporation restating its articles of incorporation shall deliver to the department of State for filing articles of restatement, executed in accordance with the provisions of s. 617.01201, setting forth the name of the corporation and the text of the restated articles of incorporation together with a certificate setting forth:

(a) Whether the restatement contains an amendment to the articles of incorporation requiring member approval and, if it does not, that the board of directors adopted the restatement; or

(b) If the restatement contains an amendment to the articles of incorporation requiring member approval, the information required by s. 617.1006.

Section 32. Subsection (2) of section 617.1101, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

617.1101 Plan of merger.—

(2) Each corporation must adopt a plan of merger setting forth:

(a) The names of the corporations proposing to merge and the name of the surviving corporation into which each other corporation plans to merge, which is hereinafter designated as the surviving corporation;

(b) The terms and conditions of the proposed merger;

(c) A statement of any changes in the articles of incorporation of the surviving corporation to be effected by such merger; and

(d) ~~The manner and basis, if any, of converting the memberships of each merging corporation into memberships, obligations, or securities of the surviving corporation or any other corporation or, in whole or in part, into cash or other property. Such other provisions with respect to the proposed merger as are deemed necessary or desirable.~~

(3) The plan of merger may set forth:

(a) Amendments to, or a restatement of, the articles of incorporation of the surviving corporation;

(b) The effective date of the merger, which may be on or after the date of filing the articles of incorporation or merger; or

(c) Other provisions relating to the merger.

Section 33. Section 617.1102, Florida Statutes, is created to read:

617.1102 Limitation on merger.—A corporation not for profit organized under this chapter may merge with one or more other business entities, as identified in s. 607.1108(1), only if the surviving entity of such merger is a corporation not for profit or other business entity that has been organized as a not-for-profit entity under a governing statute or other applicable law that allows such a merger.

Section 34. Section 617.1301, Florida Statutes, is created to read:

617.1301 Prohibited distributions.—Except as authorized in ss. 617.0505 and 617.1302, a corporation may not make any distributions to its members.

Section 35. Section 617.1302, Florida Statutes, is created to read:

617.1302 Authorized distributions.—

(1) A mutual benefit corporation may purchase its memberships pursuant to s. 617.0608 only if, after the purchase is completed:

(a) The mutual benefit corporation is able to pay its debts as they become due in the usual course of its activities; and

(b) The total assets of the mutual benefit corporation at least equal the sum of its total liabilities.

(2) A corporation may make distributions upon dissolution in conformity with the dissolution provisions of this chapter.

Section 36. Subsection (4) of section 617.1405, Florida Statutes, is amended to read:

617.1405 Effect of dissolution.—

(4) The name of a dissolved corporation is ~~shall~~ not be available for assumption or use by another corporation until ~~after~~ 120 days after the effective date of dissolution unless the dissolved corporation provides the department with an affidavit, executed pursuant to s. 617.01201, authorizing the immediate assumption or use of the name by another corporation.

Section 37. Section 617.1407, Florida Statutes, is created to read:

617.1407 Unknown claims against dissolved corporation.—

(1) A dissolved corporation or successor entity may execute one of the following procedures to resolve payment of unknown claims:

(a) A dissolved corporation or successor entity may file notice of its dissolution with the department on the form prescribed by the department and request that persons having claims against the corporation which are not known to the corporation or successor entity present them in accordance with the notice. The notice must:

1. State the name of the corporation and the date of dissolution;
2. Describe the information that must be included in a claim and provide a mailing address to which the claim may be sent; and
3. State that a claim against the corporation under this subsection is barred unless a proceeding to enforce the claim is commenced within 4 years after the filing of the notice.

(b) A dissolved corporation or successor entity may, within 10 days after filing articles of dissolution with the department, publish a "Notice of Corporate Dissolution." The notice must appear once a week for 2 consecutive weeks in a newspaper of general circulation in the county in the state in which the corporation has its principal office, if any, or, if none, in a county in the state in which the corporation owns real or personal property. Such newspaper shall meet the requirements as are prescribed by law for such purposes. The notice must:

1. State the name of the corporation and the date of dissolution;
2. Describe the information that must be included in a claim and provide a mailing address to which the claim may be sent; and
3. State that a claim against the corporation under this subsection is barred unless a proceeding to enforce the claim is commenced within 4 years after the date of the second consecutive weekly publication of the notice.

(2) If the dissolved corporation or successor entity complies with paragraph (1)(a) or paragraph (1)(b), the claim of each of the following claimants is barred unless the claimant commences a proceeding to enforce the claim against the dissolved corporation within 4 years after the date of filing the notice with the department or the date of the second consecutive weekly publication, as applicable:

(a) A claimant who did not receive written notice under s. 617.1408(9), or whose claim is not provided for under s. 617.1408(10), regardless of whether such claim is based on an event occurring before or after the effective date of dissolution.

(b) A claimant whose claim was timely sent to the dissolved corporation but on which no action was taken.

(3) A claim may be entered under this section:

(a) Against the dissolved corporation, to the extent of its undistributed assets; or

(b) If the assets have been distributed in liquidation, against a member of the dissolved corporation to the extent of such member's pro rata share of the claim or the corporate assets distributed to such member

in liquidation, whichever is less; however, the aggregate liability of any member of a dissolved corporation may not exceed the amount distributed to the member in dissolution.

Section 38. Section 617.1408, Florida Statutes, is created to read:

617.1408 Known claims against dissolved corporation.—

(1) A dissolved corporation or successor entity may dispose of the known claims against it by following the procedures described in subsections (2), (3), and (4).

(2) The dissolved corporation or successor entity shall deliver to each of its known claimants written notice of the dissolution at any time after its effective date. The written notice must:

(a) Provide a reasonable description of the claim that the claimant may be entitled to assert;

(b) State whether the claim is admitted or not admitted, in whole or in part, and, if admitted:

1. The amount that is admitted, which may be as of a given date; and
2. Any interest obligation if fixed by an instrument of indebtedness;

(c) Provide a mailing address where a claim may be sent;

(d) State the deadline, which must be at least 120 days after the effective date of the written notice, by which confirmation of the claim must be delivered to the dissolved corporation or successor entity; and

(e) State that the corporation or successor entity may make distributions thereafter to other claimants and the members of the corporation or persons interested as having been such without further notice.

(3) A dissolved corporation or successor entity may reject, in whole or in part, any claim made by a claimant pursuant to this section by mailing notice of such rejection to the claimant within 90 days after receipt of such claim and, in all events, at least 150 days before expiration of 3 years following the effective date of dissolution. The notice must be accompanied by a copy of this section.

(4) A dissolved corporation or successor entity electing to follow the procedures described in subsections (2) and (3) must also give notice of dissolution to persons having known claims that are contingent upon the occurrence or nonoccurrence of future events, or are otherwise conditional or unmatured, and request that such persons present such claims in accordance with the terms of the notice. The notice must be in substantially the same form, and sent in the same manner, as described in subsection (2).

(5) A dissolved corporation or successor entity shall offer any claimant whose known claim is contingent, conditional, or unmatured such security as the corporation or entity determines is sufficient to provide compensation to the claimant if the claim matures. The dissolved corporation or successor entity shall deliver such offer to the claimant within 90 days after receipt of such claim and, in all events, at least 150 days before expiration of 3 years following the effective date of dissolution. If the claimant offered such security does not deliver in writing to the dissolved corporation or successor entity a notice rejecting the offer within 120 days after receipt of such offer, the claimant is deemed to have accepted such security as the sole source from which to satisfy his or her claim against the corporation.

(6) A dissolved corporation or successor entity that has given notice in accordance with subsections (2) and (4) shall petition the circuit court in the county where the corporation's principal office is located or was located on the effective date of dissolution to determine the amount and form of security which is sufficient to provide compensation to a claimant who has rejected the offer for security made pursuant to subsection (5).

(7) A dissolved corporation or successor entity that has given notice in accordance with subsection (2) shall petition the circuit court in the county where the corporation's principal office is located or was located on the effective date of dissolution to determine the amount and form of security which is sufficient to provide compensation to claimants whose claims are known to the corporation or successor entity but whose identities are unknown. The court shall appoint a guardian ad litem to re-

present all claimants whose identities are unknown in any proceeding brought under this subsection. The reasonable fees and expenses of such guardian, including all reasonable expert witness fees, shall be paid by the petitioner in such proceeding.

(8) The giving of any notice or making of any offer pursuant to this section does not revive any claim then barred, does not constitute acknowledgment by the dissolved corporation or successor entity that any person to whom such notice is sent is a proper claimant, and does not operate as a waiver of any defense or counterclaim in respect of any claim asserted by any person to whom such notice is sent.

(9) A dissolved corporation or successor entity that has followed the procedures described in subsections (2)-(7) shall:

(a) Pay the claims admitted or made and not rejected in accordance with subsection (3);

(b) Post the security offered and not rejected pursuant to subsection (5);

(c) Post any security ordered by the circuit court in any proceeding under subsections (6) and (7); and

(d) Pay or make provision for all other known obligations of the corporation or the successor entity. Such claims or obligations shall be paid in full, and any provision for payments shall be made in full if there are sufficient funds. If there are insufficient funds, the claims and obligations shall be paid or provided for according to their priority and, among claims of equal priority, ratably to the extent of funds legally available for payment. Any remaining funds shall be distributed in accordance with s. 617.1406; however, such distribution may not be made until 150 days after the date of the last notice of rejections given pursuant to subsection (3). In the absence of actual fraud, the judgment of the directors of the dissolved corporation or the governing persons of the successor entity as to the provisions made for the payment of all obligations under this paragraph is conclusive.

(10) A dissolved corporation or successor entity that has not followed the procedures described in subsections (2) and (3) shall pay or make reasonable provision to pay all known claims and obligations, including all contingent, conditional, or unmatured claims known to the corporation or the successor entity and all claims that are known to the dissolved corporation or the successor entity but for which the identity of the claimant is unknown. Such claims shall be paid in full, and any provision for payment made shall be made in full if there are sufficient funds. If there are insufficient funds, such claims and obligations shall be paid or provided for according to their priority and, among claims of equal priority, ratably to the extent of funds legally available for payment thereof. Any remaining funds shall be distributed in accordance with s. 617.1406.

(11) Directors of a dissolved corporation or governing persons of a successor entity that has complied with subsection (9) or subsection (10) are not personally liable to the claimants of the dissolved corporation.

(12) A member of a dissolved corporation the assets of which were distributed pursuant to subsection (9) or subsection (10) is not liable for any claim against the corporation greater than the member's pro rata share of the claim or the amount distributed to the member, whichever is less.

(13) A member of a dissolved corporation, the assets of which were distributed pursuant to subsection (9), is not liable for any claim against the corporation which is known to the corporation or successor entity and on which a proceeding is begun after the expiration of 3 years following the effective date of dissolution.

(14) The aggregate liability of any member of a dissolved corporation for claims against the dissolved corporation may not be greater than the amount distributed to the member in dissolution.

Section 39. Subsection (6) of section 617.1421, Florida Statutes, is repealed.

Section 40. Section 617.1422, Florida Statutes, is amended to read:

617.1422 Reinstatement following administrative dissolution.—

(1)(a) A corporation administratively dissolved under s. 617.1421 may apply to the department of State for reinstatement at any time after the effective date of dissolution. The corporation must submit a reinstatement form prescribed and furnished by the department or a current uniform business report signed by a registered agent and an officer or director and submit ~~application must~~:

~~1. Recite the name of the corporation and the effective date of its administrative dissolution;~~

~~2. State that the ground or grounds for dissolution either did not exist or have been eliminated and that no further grounds currently exist for dissolution;~~

~~3. State that the corporation's name satisfies the requirements of s. 617.0401; and~~

~~4. State that all fees owed by the corporation and computed at the rate provided by law at the time the corporation applies for reinstatement. have been paid; or~~

~~(b) Submit a current annual report, signed by the registered agent and an officer or director, which substantially complies with the requirements of paragraph (a).~~

(2) If the department of State determines that the application contains the information required by subsection (1) and that the information is correct, it shall file the document, cancel the certificate of dissolution, and reinstate the corporation effective on the date which the reinstatement document is filed.

(3) When the reinstatement is effective, it relates back to and takes effect as of the effective date of the administrative dissolution and the corporation resumes carrying on its business affairs as if the administrative dissolution had never occurred.

(4) The name of the dissolved corporation is not available for assumption or use by another corporation until 1 year after the effective date of dissolution unless the dissolved corporation provides the department with an affidavit executed pursuant to s. 617.01201 authorizing the immediate assumption or use of the name by another corporation.

(5) (4) If the name of the dissolved corporation has been lawfully assumed in this state by another corporation, the department of State shall require the dissolved corporation to amend its articles of incorporation to change its name before accepting its application for reinstatement.

Section 41. Subsection (2) of section 617.1430, Florida Statutes, is amended to read:

617.1430 Grounds for judicial dissolution.—A circuit court may dissolve a corporation:

(2) In a proceeding brought by at least 50 members or members holding at least 10 percent of the voting power, whichever is less, or by a member or group or percentage of members as otherwise provided in the articles of incorporation or bylaws, or by a director or any person authorized in the articles of incorporation, ~~by a member~~ if it is established that:

(a) The directors are deadlocked in the management of the corporate affairs, the members are unable to break the deadlock, and irreparable injury to the corporation is threatened or being suffered;

(b) The members are deadlocked in voting power and have failed to elect successors to directors whose terms have expired or would have expired upon qualification of their successors; or

(c) The corporate assets are being misapplied or wasted.

Section 42. Subsection (2) of section 617.1503, Florida Statutes, is amended to read:

617.1503 Application for certificate of authority.—

(2) The foreign corporation shall deliver with the completed application a certificate of existence, (or a document of similar import,) duly authenticated, ~~within not more than~~ 90 days prior to delivery of the

application to the department of State, by the Secretary of State or other official having custody of corporate records in the jurisdiction under the law of which it is incorporated. A translation of the certificate, under oath of the translator, must be attached to a certificate ~~that which~~ is in a language other than the English language.

Section 43. Subsection (2) of section 617.1504, Florida Statutes, is amended to read:

617.1504 Amended certificate of authority.—

(2) Such application shall be made within ~~90~~ 30 days after the occurrence of any change mentioned in subsection (1), shall be made on forms prescribed by the department of State, shall be executed and filed in the same manner as an original application for authority, and shall set forth:

(a) The name of the foreign corporation as it appears on the ~~department's records of the Department of State;~~

(b) The jurisdiction of its incorporation;

(c) The date it was authorized to conduct its affairs in this state;

(d) If the name of the foreign corporation has ~~been~~ changed, the name relinquished, the new name, a statement that the change of name has been effected under the laws of the jurisdiction of its incorporation, and the date the change was effected;

(e) If the period of duration has ~~been~~ changed, a statement of such change and the date the change was effected;

(f) If the jurisdiction of incorporation has ~~been~~ changed, a statement of such change and the date the change was effected; and

(g) If the ~~purpose or purposes that which~~ the corporation intends to pursue in this state have ~~been~~ changed, a statement of such new ~~purpose or purposes~~, and a further statement that the corporation is authorized to pursue such ~~purpose or purposes~~ in the jurisdiction of its incorporation.

Section 44. Section 617.1506, Florida Statutes, is amended to read:

617.1506 Corporate name of foreign corporation.—

(1) A foreign corporation ~~may is not entitled to~~ file an application for a certificate of authority unless the corporate name of such corporation satisfies the requirements of s. 617.0401. To obtain or maintain a certificate of authority to transact business in this state, the foreign corporation:

(a) May add the word “corporation” or “incorporated” or the abbreviation “corp.” or “inc.” or words of like import, ~~which as will~~ clearly indicate that it is a corporation instead of a natural person or partnership or other business entity; ~~however, to its corporate name for use in this state, provided,~~ the name of a foreign corporation may not contain the word “company” or the abbreviation “co.”; or

(b) May use an alternate name to transact business in this state if its real name is unavailable. *Any alternate corporate name adopted for use in this state must be cross-referenced to the real corporate name in the records of the Division of Corporations. If the real corporate name of the corporation becomes available in this state or if the corporation chooses to change its alternate name and it delivers to the Department of State, for filing, a copy of the resolution of its board of directors, changing or withdrawing the alternate name and executed as required by s. 617.01201, must be delivered for filing adopting an alternate name.*

(2) The corporate name, including the alternate name, of a foreign corporation must be distinguishable, within the records of the Division of Corporations, from:

(a) Any corporate name of a corporation for profit incorporated or authorized to transact business in this state.

(b) ~~(a)~~ The alternate name of another foreign corporation authorized to transact business in this state.

(c) ~~(b)~~ The corporate name of a not-for-profit corporation incorporated or authorized to transact business in this state.

(d) ~~(e)~~ The names of all other entities or filings, except fictitious name registrations pursuant to s. 865.09, organized, or registered under the laws of this state, that are on file with the Division of Corporations.

(3) If a foreign corporation authorized to transact business in this state changes its corporate name to one that does not satisfy the requirements of s. ~~617.0401 s. 607.0401~~, such corporation may not transact business in this state under the changed name until the corporation adopts a name satisfying the requirements of s. ~~617.0401 s. 607.0401~~.

~~(4) The corporate name must be distinguishable from the names of all other entities or filings, organized, registered, or reserved under the laws of the state that are on file with the Division of Corporations, except fictitious name registrations pursuant to s. 865.09.~~

Section 45. Subsection (6) of section 617.1530, Florida Statutes, is amended to read:

617.1530 Grounds for revocation of authority to conduct affairs.— The department of State may commence a proceeding under s. 617.1531 to revoke the certificate of authority of a foreign corporation authorized to conduct its affairs in this state if:

(6) The department of State receives a duly authenticated certificate from the secretary of state or other official having custody of corporate records in the jurisdiction under the law of which the foreign corporation is incorporated stating that it has been dissolved or disappeared as the result of a merger.

Section 46. Paragraph (a) of subsection (5) of section 617.1601, Florida Statutes, is amended to read:

617.1601 Corporate records.—

(5) A corporation shall keep a copy of the following records:

(a) Its articles of incorporation or restated articles of incorporation and all amendments to them currently in effect.

Section 47. Subsections (1), (2), and (4) of section 617.1602, Florida Statutes, are amended to read:

617.1602 Inspection of records by members.—

(1) A member of a corporation is entitled to inspect and copy, during regular business hours at the corporation's principal office or at a reasonable location specified by the corporation, any of the records of the corporation described in s. 617.1601(5), if the member gives the corporation written notice of his or her demand at least 10 ~~5~~ business days before the date on which he or she wishes to inspect and copy.

(2) A member of a corporation is entitled to inspect and copy, during regular business hours at a reasonable location specified by the corporation, any of the following records of the corporation if the member meets the requirements of subsection (3) and gives the corporation written notice of his or her demand at least 10 ~~5~~ business days before the date on which he or she wishes to inspect and copy:

(a) Excerpts from minutes of any meeting of the board of directors, records of any action of a committee of the board of directors while acting in place of the board of directors on behalf of the corporation, minutes of any meeting of the members, and records of action taken by the members or board of directors without a meeting, to the extent not subject to inspection under subsection (1).

(b) Accounting records of the corporation.

(c) The record of members.

(d) Any other books and records.

(4) This section does not affect:

(a) The right of a member to inspect and copy records under s. ~~617.0730(6)~~, or, if the member is in litigation with the corporation to inspect and copy records, to the same extent as any other litigant.

(b) The power of a court, independently of this *chapter act*, to compel the production of corporate records for examination.

Section 48. Section 617.1605, Florida Statutes, is amended to read:

617.1605 Financial reports for members.—*A corporation, upon a member's written demand, shall furnish that member its latest annual financial statements, which may be consolidated or combined statements of the corporation and one or more of its subsidiaries or affiliates, as appropriate, and which include a balance sheet as of the end of the fiscal year and a statement of operations for that year. If financial statements are prepared for the corporation on the basis of generally accepted accounting principles, the annual financial statements must also be prepared on such basis. Within 60 days following the end of the fiscal or calendar year or annually on such date as is otherwise provided in the bylaws of the corporation, the board of directors of the corporation shall mail or furnish by personal delivery to each member a complete financial report of actual receipts and expenditures for the previous 12 months. The report shall show the amounts of receipts by accounts and receipt classifications and shall show the amounts of expenses by accounts and expense classifications.*

Section 49. Section 617.1703, Florida Statutes, is created to read:

617.1703 Application of chapter.—*In the event of any conflict between the provisions of this chapter and chapter 718 regarding condominiums, chapter 719 regarding cooperatives, chapter 720 regarding homeowners' associations, chapter 721 regarding timeshares, or chapter 723 regarding mobile home owners' associations, the provisions of such other chapters shall apply. The provisions of ss. 617.0605-617.0608 do not apply to corporations regulated by any of the foregoing chapters or to any other corporation where membership in the corporation is required pursuant to a document recorded in the county property records.*

Section 50. Subsection (8) is added to section 617.1803, Florida Statutes, to read:

617.1803 Domestication of foreign not-for-profit corporations.—

(8) *When a domestication becomes effective:*

(a) *The title to all real and personal property, both tangible and intangible, of the foreign corporation remains in the domesticated corporation without reversion or impairment;*

(b) *The liabilities of the foreign corporation remain the liabilities of the domesticated corporation;*

(c) *An action or proceeding against the foreign corporation continues against the domesticated corporation as if the domestication had not occurred;*

(d) *The articles of incorporation attached to the certificate of domestication constitute the articles of incorporation of the domesticated corporation; and*

(e) *Membership interests in the foreign corporation remain identical in the domesticated corporation.*

Section 51. Section 617.1806, Florida Statutes, is amended to read:

617.1806 Conversion to corporation not for profit; petition and contents.—*A petition for conversion to a corporation not for profit pursuant to s. 617.1805 shall be accompanied by the written consent of all the shareholders authorizing the change in the corporate nature and directing an authorized officer to file such petition before the court, together with a statement agreeing to accept all the property of the petitioning corporation and agreeing to assume and pay all its indebtedness and liabilities, and the proposed articles of incorporation signed by the president and secretary of the petitioning corporation which shall set forth the provisions required in original articles of incorporation by s. 617.0202.*

Section 52. Section 617.1907, Florida Statutes, is amended to read:

617.1907 Effect of repeal or amendment of prior acts.—

(1) Except as provided in subsection (2), the repeal or amendment of a statute by this *chapter act* does not affect:

(a) The operation of the statute or any action taken under it before its repeal or amendment;

(b) Any ratification, right, remedy, privilege, obligation, or liability acquired, accrued, or incurred under the statute before its repeal or amendment;

(c) Any violation of the statute, or any penalty, forfeiture, or punishment incurred because of the violation, before its repeal or amendment; or

(d) Any proceeding, reorganization, or dissolution commenced ~~under the statute~~ before its repeal or amendment, and the proceeding, reorganization, or dissolution may be completed ~~in accordance with the statute~~ as if it had not been repealed or amended.

(2) If a penalty or punishment imposed for violation of a statute repealed or amended by this *chapter act* is reduced by this act, the penalty or punishment if not already imposed shall be imposed in accordance with this *chapter act*.

Section 53. Section 617.2103, Florida Statutes, is repealed.

Section 54. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect October 1, 2009.

And the title is amended as follows:

Delete line 10 and insert: of directors; amending s. 607.0501, F.S.; deleting a provision providing that there shall be no charge for telephone requests for certain general corporate information; amending s. 607.1406, F.S.; requiring notice to known claimants of a dissolved corporation; amending s. 607.1620, F.S.; requiring that certain corporations furnish annual financial statements to shareholders within a specified period after the close of a fiscal year; providing an exception; providing a means by which such requirement may be satisfied; amending s. 617.01201, F.S.; requiring a document that is electronically transmitted to be in a format that may be retrieved in typewritten or printed form; requiring that a document be executed by a director of the domestic or foreign corporation; authorizing the delivery of a document by electronic transmission to the extent allowed by the Department of State; amending s. 617.0122, F.S.; requiring the department to collect a fee for filing an agent's statement of resignation from an inactive corporation; amending s. 617.0124, F.S.; authorizing a domestic or foreign corporation to correct a document filed by the department within 30 days under certain circumstances; amending s. 617.01401, F.S.; defining the terms "department," "distribution," "mutual benefit corporation," "successor entity," and "voting power"; amending s. 617.0205, F.S.; requiring the incorporators to hold an organizational meeting after incorporation if the initial directors are not named in the articles of incorporation; amending s. 617.0302, F.S.; authorizing a corporation not for profit to make guaranties; amending s. 617.0501, F.S.; deleting a provision providing that there shall be no charge for telephone requests for certain general corporate information; amending s. 617.0503, F.S.; providing that an alien business organization may withdraw its registered agent designation by delivering an application for certificate of withdrawal to the department; amending s. 617.0505, F.S.; prohibiting a corporation not for profit from making distributions to its members; providing an exception; deleting provisions related to the issuance of certificates; amending s. 617.0601, F.S.; correcting a reference to the Solicitation of Contributions Act; providing that certain stock certificates constitute certificates of membership; requiring that a resignation, expulsion, or termination of membership be recorded in the membership book; creating s. 617.0605, F.S.; prohibiting a member of a corporation from transferring a membership under certain circumstances; creating s. 617.0606, F.S.; providing that the resignation of a member does not relieve the member from obligations incurred and commitments made prior to resignation; creating s. 617.0607, F.S.; requiring that a member of a corporation be terminated or suspended pursuant to a procedure that is fair and reasonable; requiring that written notice given and delivered by certified mail or first-class mail; requiring that a proceeding challenging an expulsion, suspension, or termination be commenced within 1 year after the effective date of such expulsion, suspension, or termination; providing that a member who has been expelled or suspended may be liable to the corporation for dues, assessments, or fees; creating s. 617.0608, F.S.; prohibiting a corporation from purchasing any of its memberships; authorizing a mutual benefit corporation to pur-

chase the membership of a member who resigns or whose membership is terminated; amending s. 617.0701, F.S.; authorizing the holders of at least 5 percent of the voting power of a corporation to call a special meeting of the members under certain circumstances; authorizing a person who signs a demand for a special meeting to call a special meeting of the members under certain circumstances; revising the timeframes relating to written member consent to actions; clarifying the types of corporations that are not subject to certain requirements; amending s. 617.0721, F.S.; authorizing the corporation to reject a proxy action if it has reasonable doubt as the validity of an appointment; providing that members and proxy holders who are not physically present at a meeting may participate by means of remote communication and are deemed to be present at the meeting under certain circumstances; amending s. 617.0725, F.S.; requiring an amendment to the articles of incorporation or the bylaws which adds a greater or lesser quorum or voting requirement to meet certain requirements; creating s. 617.07401, F.S.; prohibiting a person from commencing a proceeding in the right of a domestic or foreign corporation unless the person was a member of the corporation or became a member through transfer by operation of law; requiring that a complaint in a proceeding brought in the right of a domestic or foreign corporation be verified and allege the demand with particularity; authorizing the court to dismiss a derivative proceeding if the court finds that a determination was made in good faith after a reasonable investigation; prohibiting certain proceedings from being discontinued or settled without the approval of the court; authorizing the court to require a plaintiff to pay a defendant's reasonable expenses upon termination of a proceeding, including attorney's fees; amending s. 617.0801, F.S.; providing the duties of the board of directors; amending s. 617.0802, F.S.; providing an exception to the required minimum age of a member of the board of directors for certain corporations; excluding certain corporations from eligibility for such exception; amending s. 617.0806, F.S.; providing that directors may be divided into classes; amending s. 617.0808, F.S.; providing that any member of the board of directors may be removed from office with or without cause by a certain vote; providing that a director who is elected by a class, chapter, or other organizational unit may be removed only by members of that class, chapter, or organizational unit; providing that a director elected or appointed by the board may be removed without cause by a vote of two-thirds of the directors then in office; providing that a director of a corporation described in s. 501(c) of the Internal Revenue Code may be removed from office pursuant to procedures provided in the articles of incorporation or the bylaws; amending s. 617.0809, F.S.; providing that a vacancy on the board of directors for a director elected by a class, chapter, unit, or group may be filled only by members of that class, chapter, unit, or group; providing that the term of a director elected or appointed to fill a vacancy expires at the next annual meeting at which directors are elected; amending s. 617.0824, F.S.; prohibiting certain directors from being counted toward a quorum; amending s. 617.0832, F.S.; deleting a provision that authorizes common or interested directors to be counted in determining the presence of a quorum at a meeting that ratifies a contract between a corporation and one of its directors and any other corporation in which one of its directors is financially interested; providing circumstances under which a conflict-of-interest transaction is authorized; amending s. 617.0833, F.S.; providing an exception to the requirement that a loan not be made by a corporation to its directors; amending s. 617.0834, F.S.; providing that an officer or director of a certain nonprofit organization or agricultural or horticultural organization is immune from civil liability; amending s. 617.1007, F.S.; providing that a restatement of the articles of incorporation of a corporation may include one or more amendments; amending s. 617.1101, F.S.; providing requirements for a plan of merger; creating s. 617.1102, F.S.; providing a limitation on the merger of a corporation not for profit; creating s. 617.1301, F.S.; prohibiting a corporation from making distributions to its members under certain circumstances; creating s. 617.1302, F.S.; providing that a mutual benefit corporation may purchase its memberships only under certain circumstances; authorizing a corporation to make distributions upon dissolution; amending s. 617.1405, F.S.; providing that the name of a dissolved corporation may be available for immediate assumption by another corporation if the dissolved corporation provides the department with an affidavit authorizing such use; creating s. 617.1407, F.S.; authorizing a dissolved corporation or successor entity to execute certain procedures to resolve payment of unknown claims against it; providing that certain claims against a dissolved corporation are barred; providing that a claim may be entered against a dissolved corporation under certain circumstances; creating s. 617.1408, F.S.; authorizing a dissolved corporation or successor entity to execute certain procedures to dispose of known claims

against it; requiring that a dissolved corporation deliver written notice of the dissolution to each of its known claimants; providing a procedure under which a dissolved corporation may reject a claim made against it; requiring that a dissolved corporation give notice of the dissolution to persons having known claims that are contingent, conditional, or un-matured; requiring that a dissolved corporation follow certain procedures in offering compensation to a claimant if the claim matures; requiring that a dissolved corporation petition the circuit court to determine the amount and form of security that is sufficient to provide compensation to certain claimants; providing that the giving of notice or making of an offer does not revive a claim that has been barred; providing that directors of a dissolved corporation or governing persons of a successor entity that has complied with certain procedures are not personally liable to the claimants of a dissolved corporation; providing that certain members of a dissolved corporation are not liable for any claim against the corporation; providing a limit on the aggregate liability of any member of a dissolved corporation; repealing s. 617.1421(6), F.S., relating to the assumption and use of the name of a dissolved corporation; amending s. 617.1422, F.S.; deleting certain requirements for an application to reinstate a corporation that has been dissolved; requiring that a corporation submit a reinstatement form prescribed and furnished by the department; providing that the name of a dissolved corporation is not available for assumption or use by another corporation until 1 year after the effective date of dissolution; providing an exception; amending s. 617.1430, F.S.; revising the requirements for members to dissolve a corporation in circuit court; amending s. 617.1503, F.S.; requiring a foreign corporation to deliver a certificate of existence authenticated by the Secretary of State; amending s. 617.1504, F.S.; requiring that a foreign corporation make application to the department to obtain an amended certificate of authority within 90 days after the occurrence of a change; amending s. 617.1506, F.S.; requiring that an alternate corporate name adopted for use in this state be cross-referenced to the real corporate name in the records of the Division of Corporations; requiring that the corporate name of a foreign corporation be distinguishable from the corporate name of a corporation for profit incorporated or authorized to transact business in this state; amending s. 617.1530, F.S.; requiring that the department receive an authenticated certificate from the Secretary of State before commencing a proceeding to revoke the certificate of authority of a foreign corporation; amending s. 617.1601, F.S.; requiring that a corporation keep a copy of its articles of incorporation; amending s. 617.1602, F.S.; providing that a member of a corporation is entitled to inspect and copy certain records of the corporation at a reasonable location specified by the corporation; requiring that a member give the corporation written notice 10 days before the date on which he or she wishes to inspect and copy records; amending s. 617.1605, F.S.; revising the circumstances under which a corporation is required to furnish a member with its latest annual financial statement; creating s. 617.1703, F.S.; providing for the applicability of certain provisions to corporations regulated under the act; amending s. 617.1803, F.S.; providing for certain changes when a foreign not-for-profit corporation becomes domesticated; amending s. 617.1806, F.S.; revising the provisions for conversion to a corporation not for profit; amending s. 617.1907, F.S.; providing that the repeal or amendment of a statute does not affect certain operations and proceedings; repealing s. 617.2103, F.S., relating to exemptions for certain corporations; providing effective dates.

Pursuant to Rule 4.19, **SB 2330** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

CS for CS for SB 1894—A bill to be entitled An act relating to surplus lines insurers; amending s. 626.913, F.S.; providing for the nonapplication of certain provisions of state law to surplus lines insurance authorized under the Surplus Lines Law; providing an exception; amending s. 626.924, F.S.; requiring that surplus lines policies issued on or after a specified date have a specified statement printed on the face of the policy; creating s. 626.9371, F.S.; providing methods of payment for premiums and claims regarding surplus lines contracts issued on or after a specified date; requiring a written authorization to complete payment under certain circumstances; providing for waiver of such requirement; providing that an insurer remains liable for payment of a claim if corresponding funds are misdirected; creating s. 626.9372, F.S.; requiring that certain insurers provide a disclosure statement to a claimant under certain circumstances; requiring that such statement

include certain information; requiring that an insurer disclose certain additional information upon the request of a claimant; requiring the amendment of such statement under certain circumstances; creating s. 626.9373, F.S.; providing for the payment of attorney's fees in cases involving surplus lines insurers at the trial and appellate levels; amending s. 626.9374, F.S.; requiring that a surplus lines policy containing a separate hurricane or wind deductible issued on or after a specified date have a specified statement printed on the face of the policy; requiring that a surplus lines policy containing a coinsurance provision applicable to hurricane or wind losses issued on or after a specified date have a specified statement printed on the face of the policy; providing for severability; providing for the retroactive applicability of certain provisions; providing an effective date.

—was read the second time by title.

Senator Ring moved the following amendment which failed:

Amendment 1 (353280) (with title amendment)—Between lines 155 and 156 insert:

Section 7. Section 626.9375, Florida Statutes, is created to read:

626.9375 *Claims administration.*—

(1) *Without limitation of any right or defense of a surplus lines insurer, the following acts by or on behalf of a surplus lines insurer do not constitute a waiver of any provision of a policy or of any defense of the insurer thereunder:*

(a) *Acknowledgment of the receipt of notice of loss or claim under the policy.*

(b) *Furnishing forms for reporting a loss or claim, giving information relative thereto, or making proof of loss, or receiving or acknowledging receipt of any such forms or evidence, completed or uncompleted.*

(c) *Investigating any loss or claim under any policy or engaging in negotiations toward a possible settlement of any such loss or claim.*

(2) *For surplus lines policies issued or renewed on or after October 1, 2009, a surplus lines liability insurer may not deny coverage based on a particular coverage defense unless:*

(a) *Within 90 days after the liability insurer knew or should have known of the coverage defense, written notice of reservation of rights to assert a coverage defense is given to the named insured by registered or certified mail sent to the last known address of the insured or by hand delivery; and*

(b) *Within 90 days after compliance with paragraph (a) or receipt of a summons and complaint naming the insured as a defendant, whichever occurs later, but not later than 30 days before trial, the insurer:*

1. *Gives written notice to the named insured by registered or certified mail of its refusal to defend the insured;*

2. *Obtains from the insured a nonwaiver agreement following full disclosure of the specific facts and policy provisions upon which the coverage defense is asserted and the duties, obligations, and liabilities of the insurer during and following the subject litigation; or*

3. *Retains independent counsel mutually agreeable to the parties. Reasonable fees for the counsel may be agreed upon between the parties or, if no agreement is reached, shall be set by the court.*

And the title is amended as follows:

Delete line 35 and insert: the face of the policy; creating s. 626.9375, F.S.; providing that certain acts by or on behalf of a surplus lines insurer do not constitute a waiver of any provision of a policy or of any defense of the insurer thereunder; providing circumstances under which a surplus lines insurer may deny coverage for certain policies based on a particular coverage defense; providing for severability;

The vote was:

Yeas—16

Aronberg	Joyner	Smith
Bullard	Justice	Sobel
Deuth	Lawson	Storms
Garcia	Peadar	Villalobos
Gelber	Rich	
Hill	Ring	

Nays—20

Altman	Diaz de la Portilla	King
Baker	Dockery	Lynn
Bennett	Fasano	Oelrich
Constantine	Gaetz	Richter
Crist	Gardiner	Siplin
Dean	Haridopolos	Wise
Detert	Jones	

Vote after roll call:

Nay to Yea—Crist

MOTION

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

Senator Ring moved the following amendment which was adopted:

Amendment 2 (604340) (with title amendment)—Delete lines 156-164 and insert:

Section 7. *The amendments to s. 626.913, Florida Statutes, in this act are remedial in nature and operate retroactively to the regulation of surplus lines insurers from October 1, 1998, except with respect to lawsuits that are pending on the effective date of this act.*

Section 8. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete line 35 and insert: the face of the policy;

Pursuant to Rule 4.19, **CS for CS for SB 1894** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Justice—

SB 216—A bill to be entitled An act relating to campaign financing; creating s. 106.113, F.S.; defining the terms “local government” and “public funds”; prohibiting a local government from expending, and a person or group from accepting, public funds for a political advertisement or electioneering communication concerning an issue, referendum, or amendment that is subject to the vote of the electors; providing an exception for certain electioneering communications; clarifying restrictions with respect to local officials; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 216** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 324** was deferred.

On motion by Senator Haridopolos—

CS for CS for SB 2160—A bill to be entitled An act relating to obsolete or outdated agency plans, reports, and programs; repealing s. 14.25, F.S., relating to the Florida State Commission on Hispanic Affairs; amending s. 14.26, F.S.; revising reporting requirements of the

Citizen's Assistance Office; repealing s. 14.27, F.S., relating to the Florida Commission on African-American Affairs; repealing s. 16.58, F.S., relating to the Florida Legal Resource Center; amending s. 17.32, F.S.; revising the recipients of the annual report of trust funds by the Chief Financial Officer; amending s. 17.325, F.S.; deleting a reporting requirement relating to the governmental efficiency hotline; amending s. 20.057, F.S.; deleting a reporting requirement of the Governor relating to interagency agreements to delete duplication of inspections; repealing s. 20.316(4)(e), (f), and (g), F.S.; relating to information systems of the Department of Juvenile Justice; amending s. 20.43, F.S.; revising provisions relating to planning by the Department of Health; amending s. 39.4086, F.S.; deleting provisions relating to a report by the State Courts Administrator on a guardian ad litem program for dependent children; amending s. 98.255, F.S.; deleting provisions relating to a report on the effectiveness of voter education programs; amending s. 110.1227, F.S.; revising provisions relating to a report by the board of directors of the Florida Long-Term-Care Plan; amending s. 120.542, F.S.; deleting provisions relating to reports of petitions filed for variances to agency rules; amending s. 121.45, F.S.; deleting provisions relating to reports on interstate compacts relating to pension portability; repealing s. 153.952, F.S., relating to legislative findings and intent concerning privately owned wastewater systems and facilities; amending s. 161.053, F.S.; deleting a provision relating to a report on the coastal construction control line; amending s. 161.161, F.S.; deleting a provision requiring a report on funding for beach erosion control; repealing s. 163.2526, F.S., relating to the review and evaluation of urban infill; amending s. 163.3167, F.S.; deleting provisions relating to local government comprehensive plans; amending s. 163.3177, F.S.; revising requirements for comprehensive plans; amending s. 163.3178, F.S.; deleting a duty of the Coastal Resources Interagency Management Committee to submit certain recommendations; repealing s. 163.519(12), F.S., relating to the requirement for a report on neighborhood improvement districts by the Department of Legal Affairs; repealing s. 186.007(9), F.S.; deleting provisions relating to a committee to recommend to the Governor changes in the state comprehensive plan; amending ss. 189.4035 and 189.412, F.S.; revising requirements relating to dissemination of the official list of special districts; amending s. 194.034, F.S.; deleting a requirement that the Department of Revenue be notified of certain decisions of value adjustment boards; amending s. 206.606, F.S.; revising provisions relating to a report on the Florida Boating Improvement Program; amending s. 212.054, F.S.; deleting the requirement for a report on costs of administering the discretionary sales surtax; amending s. 212.08, F.S.; deleting a requirement for a report on the sales tax exemption for machinery and equipment used in semiconductor, defense, or space technology production and research and development; repealing s. 213.0452, F.S., relating to a report on the structure of the Department of Revenue; repealing s. 213.054, F.S., relating to monitoring and reporting regarding persons claiming tax exemptions; amending s. 215.70, F.S.; requiring the State Board of Administration to report to the Governor when funds need to be appropriated to honor the full faith and credit of the state; amending s. 216.011, F.S.; redefining the term "long-range program plan"; repealing s. 216.181(10)(c), F.S., relating to reports of filled and vacant positions and salaries; amending s. 252.55, F.S.; revising certain reporting requirements relating to the Civil Air Patrol; amending s. 253.7825, F.S.; deleting provisions relating to the plan for the Cross Florida Greenways State Recreation and Conservation Area; repealing s. 253.7826, F.S., relating to structures of the Cross Florida Barge Canal; repealing s. 253.7829, F.S., relating to a management plan for retention or disposition of lands of the Cross Florida Barge Canal; amending s. 259.037, F.S.; revising provisions relating to a report of the Land Management Uniform Accounting Council; repealing s. 267.074(4), F.S., relating to a plan for the State Historical Marker Program; repealing s. 284.50(3), F.S., relating to a requirement for a report by the Interagency Advisory Council on Loss Prevention and certain department heads; repealing s. 287.045(11), F.S., relating to a requirement for reports on use of recycled products; amending s. 287.059, F.S.; deleting a requirement for reporting proposed fee schedules for private attorney services for the Attorney General's office; repealing s. 288.108(7), F.S., relating to a requirement for a report by the Office of Tourism, Trade, and Economic Development on high-impact businesses; repealing s. 288.1185, F.S., relating to the Recycling Markets Advisory Committee; amending s. 288.1229, F.S.; revising duties of the direct-support organization to support sports-related industries and amateur athletics; repealing s. 288.7015(4), F.S., relating to a requirement for a report by the rules ombudsman in the Executive Office of the Governor; amending s. 288.7771, F.S.; revising a reporting requirement of the Florida Export Finance Corporation; repealing s. 288.8175(8), (10), and (11), F.S., re-

lating to certain responsibilities of the Department of Education with respect to linkage institutes between postsecondary institutions in this state and foreign countries; repealing s. 288.853(5), F.S., relating to the requirement for a report on assistance to and commerce with Cuba; amending s. 288.95155, F.S.; revising requirements for a report by Enterprise Florida, Inc., on the Florida Small Business Technology Growth Program; amending s. 288.9604, F.S.; deleting a requirement for a report by the Florida Development Finance Corporation; amending s. 288.9610, F.S.; revising provisions relating to annual reporting by the corporation; amending s. 292.05, F.S.; revising requirements relating to a report by the Department of Veterans' Affairs; repealing ss. 296.16 and 296.39, F.S., relating to reports by the executive director of the Department of Veterans' Affairs; repealing s. 315.03(12)(c), F.S., relating to legislative review of a loan program of the Florida Seaport Transportation and Economic Development Council; amending s. 319.324, F.S.; deleting provisions relating to funding a report on odometer fraud prevention and detection; repealing s. 322.181, F.S., relating to a study by the Department of Highway Safety and Motor Vehicles on driving by the elderly; repealing s. 322.251(7)(c), F.S., relating to a plan to indemnify persons wanted for passing worthless bank checks; repealing s. 341.8201-341.842, F.S., relating to the Florida High-Speed Rail Authority Act; amending s. 373.0391, F.S.; deleting provisions relating to provision of certain information by water management districts; amending s. 373.046, F.S.; deleting an obsolete provision requiring a report by the Secretary of Environmental Protection; repealing s. 376.121(14), F.S., relating to a report by the Department of Environmental Protection on damage to natural resources; repealing s. 376.17, F.S., relating to reports of the department to the Legislature; repealing s. 376.30713(5), F.S., relating to a report on preapproved advanced cleanup; amending s. 379.2211, F.S.; revising provisions relating to a report by the Fish and Wildlife Conservation Commission on waterfowl permit revenues; amending s. 379.2212, F.S.; revising provisions relating to a report by the commission on wild turkey permit revenues; repealing s. 379.2523(8), F.S., relating to duties of the Fish and Wildlife Conservation Commission concerning an aquaculture plan; amending s. 380.06, F.S.; deleting provisions on transmission of revisions relating to statewide guidelines and standards for developments of regional impact; repealing s. 380.0677(3), F.S., relating to powers of the Green Swamp Land Authority; repealing s. 381.0011(3), F.S., relating to an inclusion in the Department of Health's strategic plan; repealing s. 381.0036, F.S., relating to planning for implementation of educational requirements concerning HIV and AIDS; repealing s. 381.731, F.S., relating to strategic planning of the Department of Health; amending s. 381.795, F.S.; deleting provisions relating to studies by the Department of Health on long-term, community-based supports; amending s. 381.931, F.S.; deleting provisions relating to the duty of the Department of Health to develop a report on Medicaid expenditures; amending s. 383.19, F.S.; revising provisions relating to reports by hospitals contracting to provide perinatal intensive care services; repealing s. 383.21, F.S., relating to reviews of perinatal intensive care service programs; amending s. 383.2161, F.S.; revising requirements relating to a report by the Department of Health on maternal and child health; repealing s. 394.4573(4), F.S., relating to the requirement for a report by the Department of Children and Family Services on staffing state mental health facilities; amending s. 394.4985, F.S.; deleting provisions relating to plans by department districts; repealing s. 394.82, F.S., relating to the funding of expanded community mental health services; repealing s. 394.9082(9), F.S., relating to reports on contracting with behavioral health management entities; repealing s. 394.9083, F.S., relating to the Behavioral Health Services Integration Workgroup; repealing s. 395.807(2)(c), F.S., relating to requirements for a report on the retention of family practice residents; repealing s. 397.332(3), F.S., relating to the requirement for a report by the director of the Office of Drug Control; amending s. 397.333, F.S.; deleting the requirement for a report by the Statewide Drug Policy Advisory Council; repealing s. 397.94(1), F.S., relating to children's substance abuse services plans by service districts of the Department of Children and Family Services; repealing s. 400.148(2), F.S., relating to a pilot program of the Agency for Health Care Administration for a quality-of-care contract management program; amending s. 400.967, F.S.; deleting provisions relating to a report by the Agency for Health Care Administration on intermediate care facilities for developmentally disabled persons; repealing s. 402.3016(3), F.S., relating to the requirement for a report by the agency on Early Head Start collaboration grants; repealing s. 402.40(9), F.S., relating to submission to the Legislature of certain information related to child welfare training; amending s. 403.4131, F.S.; deleting provisions relating to a report on the adopt-a-highway program; repealing s. 406.02(4)(a),

F.S., relating to the requirement for a report by the Medical Examiners Commission; amending s. 408.033, F.S.; revising provisions relating to reports by local health councils; repealing s. 408.914(4), F.S., relating to the requirement of the Agency for Health Care Administration to submit to the Governor a plan on the comprehensive health and human services eligibility access system; repealing s. 408.915(3)(i), F.S., relating to the requirement for periodic reports on the pilot program for such access; repealing s. 408.917, F.S., relating to an evaluation of the pilot project; amending s. 409.1451, F.S.; revising requirements relating to reports on independent living transition services; repealing s. 409.152, F.S., relating to service integration and family preservation; repealing s. 409.1679(1) and (2), F.S., relating to reports concerning residential group care services; amending s. 409.1685, F.S.; revising provisions relating to reports by the Department of Children and Family Services on children in foster care; repealing s. 409.221(4)(k), F.S., relating to reports on consumer-directed care; amending s. 409.25575, F.S.; deleting provisions relating to a report by the Department of Revenue regarding a quality assurance program for privatization of services; amending s. 409.2558, F.S.; deleting provisions relating to the Department of Revenue's solicitation of recommendations related to a rule on undistributable collections; repealing s. 409.441(3), F.S., relating to the state plan for the handling of runaway youths; amending s. 409.906, F.S.; deleting a requirement for reports of child-welfare-targeted case management projects; amending s. 409.912, F.S.; revising provisions relating to duties of the agency with respect to cost-effective purchasing of health care; repealing s. 410.0245, F.S., relating to a study of service needs of the disabled adult population; repealing s. 410.604(10), F.S., relating to a requirement for the Department of Children and Family Services to evaluate the community care for disabled adults program; amending s. 411.0102, F.S.; deleting provisions relating to use of child care purchasing pool funds; repealing s. 411.221, F.S., relating to prevention and early assistance; repealing s. 411.242, F.S., relating to the Florida Education Now and Babies Later program; amending s. 414.14, F.S.; deleting a provision relating to a report by the Secretary of Children and Family Services on public assistance policy simplification; repealing s. 414.36(1), F.S., relating to a plan for privatization of recovery of public assistance overpayment claims; repealing s. 414.391(3), F.S., relating to a plan for automated fingerprint imaging; amending s. 415.1045, F.S.; deleting a requirement for a study by the Office of Program Policy Analysis and Government Accountability on documentation of exploitation, abuse, or neglect; amending s. 420.622, F.S.; revising requirements relating to a report by the State Council on Homelessness; repealing s. 420.623(4), F.S., relating to the requirement of a report by the Department of Community Affairs on homelessness; amending s. 427.704, F.S.; revising requirements relating to a report by the Public Service Commission on a telecommunications access system; amending s. 427.706, F.S.; revising requirements relating to a report by the advisory committee on telecommunications access; amending s. 429.07, F.S.; deleting provisions relating to a report by the Department of Elderly Affairs on extended congregate care facilities; repealing s. 429.08(2), F.S., relating to local workgroups of field offices of the Agency for Health Care Administration; amending s. 429.41, F.S.; deleting provisions relating to a report concerning standards for assisted living facilities; amending s. 430.04, F.S.; revising duties of the Department of Elderly Affairs with respect to certain reports and recommendations; amending s. 430.502, F.S.; revising requirements with respect to reports by the Alzheimer's Disease Advisory Committee; amending s. 445.006, F.S.; deleting provisions relating to a strategic plan for workforce development; repealing s. 455.204, F.S., relating to long-range policy planning in the Department of Business and Professional Regulation; repealing s. 455.2226(8), F.S., relating to the requirement of a report by the Board of Funeral Directors and Embalmers; repealing s. 455.2228(6), F.S., relating to the requirement of reports by the Barbers' Board and the Board of Cosmetology; amending s. 456.005, F.S.; revising requirements relating to long-range planning by professional boards; amending s. 456.025, F.S.; revising requirements relating to a report to professional boards by the Department of Health; repealing s. 456.034(6), F.S., relating to reports by professional boards about HIV and AIDS; amending s. 517.302, F.S.; deleting a requirement for a report by the Office of Financial Regulation on deposits into the Anti-Fraud Trust Fund; repealing s. 531.415(3), F.S., relating to the requirement of a report by the Department of Agriculture and Consumer Services on fees; repealing s. 570.0705(3), F.S., relating to the requirement of a report by the Commissioner of Agriculture concerning advisory committees; repealing s. 570.0725(5), F.S., relating to a report by the Department of Agriculture and Consumer Services concerning support for food recovery programs; repealing s. 570.543(3), F.S., relating to legislative re-

commendations of the Florida Consumers' Council; amending s. 603.204, F.S.; revising requirements relating to the South Florida Tropical Fruit Plan; amending s. 627.64872, F.S.; deleting provisions relating to an interim report by the board of directors of the Florida Health Insurance Plan; prohibiting the board from acting to implement the plan until certain funds are appropriated; amending s. 744.708, F.S.; revising provisions relating to audits of public guardian offices and to reports concerning those offices; amending s. 768.295, F.S.; revising duties of the Attorney General relating to reports concerning "SLAPP" lawsuits; amending s. 775.084, F.S.; deleting provisions relating to sentencing of violent career criminals and to reports of judicial actions with respect thereto; amending s. 790.22, F.S.; deleting provisions relating to reports by the Department of Juvenile Justice concerning certain juvenile offenses that involve weapons; amending s. 943.125, F.S.; deleting provisions relating to reports by the Florida Sheriffs Association and the Florida Police Chiefs Association concerning law enforcement agency accreditation; amending s. 943.68, F.S.; revising requirements relating to reports by the Department of Law Enforcement concerning transportation and protective services; amending s. 944.023, F.S.; adding a cross reference; amending s. 944.801, F.S.; deleting a requirement to deliver to specified officials copies of certain reports concerning education of state prisoners; repealing s. 945.35(10), F.S., relating to the requirement of a report by the Department of Corrections concerning HIV and AIDS education; repealing s. 958.045(9), F.S., relating to a report by the department concerning youthful offenders; amending s. 960.045, F.S.; revising requirements relating to reports by the Department of Legal Affairs with respect to victims of crimes; repealing s. 985.02(8)(c), F.S., relating to the requirement of a study by the Office of Program Policy Analysis and Government Accountability on programs for young females within the Department of Juvenile Justice; amending s. 985.047, F.S.; deleting provisions relating to a plan by a multiagency task force on information systems related to delinquency; amending s. 985.47, F.S.; deleting provisions relating to a report on serious or habitual juvenile offenders; amending s. 985.483, F.S.; deleting provisions relating to a report on intensive residential treatment for offenders younger than 13 years of age; repealing s. 985.61(5), F.S., relating to a report by the Department of Juvenile Justice on early delinquency intervention; amending s. 985.622, F.S.; deleting provisions relating to submission of the multiagency plan for vocational education; repealing s. 985.632(7), F.S., relating to a report by the Department of Juvenile Justice on funding incentives and disincentives; repealing s. 1002.34(19), F.S., relating to an evaluation and report by the Commissioner of Education concerning charter technical career centers; repealing s. 1003.61(4), F.S., relating to evaluation of a pilot attendance project in Manatee County; amending s. 1004.22, F.S.; deleting provisions relating to university reports concerning sponsored research; repealing s. 1004.50(6), F.S., relating to the requirement of a report by the Governor concerning unmet needs in urban communities; repealing s. 1004.94(2) and (4), F.S., relating to guidelines for and a report on plans for a state adult literacy program; amending s. 1004.95, F.S.; revising requirements relating to implementing provisions for adult literacy centers; repealing s. 1006.0605, F.S., relating to students' summer nutrition; repealing s. 1006.67, F.S., relating to a report of campus crime statistics; amending s. 1009.70, F.S.; deleting provisions relating to a report on a minority law school scholarship program; amending s. 1011.32, F.S.; requiring the Governor to be given a copy of a report related to the Community College Facility Enhancement Challenge Grant Program; amending s. 1011.62, F.S.; deleting provisions relating to recommendations for implementing the extended-school-year program; repealing s. 1012.05(2)(1), F.S., relating to a plan concerning teacher recruitment and retention; amending s. 1012.42, F.S.; deleting provisions relating to a plan of assistance for teachers teaching out-of-field; amending s. 1013.11, F.S.; deleting provisions relating to transmittal of a report on physical plant safety; amending ss. 161.142, 163.065, 163.2511, 163.2514, 163.3202, 259.041, 259.101, 369.305, 379.2431, 381.732, 381.733, 411.01, 411.232, and 445.006, F.S., conforming cross-references to changes made by the act; providing an effective date.

—was read the second time by title.

Senator Detert moved the following amendment which was adopted:

Amendment 1 (173420) (with title amendment)—Between lines 4747 and 4748 insert:

Section 187. Subsections (24), (25), and (26) of section 1001.42, Florida Statutes, as amended by section 2 of chapter 2009-3, Laws of Florida, are amended to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

~~(24) REDUCE PAPERWORK AND DATA COLLECTION AND REPORTING REQUIREMENTS.—Beginning with the 2006-2007 school year:~~

~~(a) Each district school board shall designate a classroom teacher to serve as the teacher representative to speak on behalf of the district's teachers regarding paperwork and data collection reduction.~~

~~(b) Each district school board must provide the school community with an efficient method for the school community to communicate with the classroom teacher designee regarding possible paperwork and data collection burdens and potential solutions.~~

~~(c) The teacher designee shall annually report his or her findings and potential solutions to the school board.~~

~~(d) Each district school board must submit its findings and potential solutions to the State Board of Education by September 1 of each year.~~

~~(e) The State Board of Education shall prepare a report of the statewide paperwork and data collection findings and potential solutions and submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 1 of each year.~~

~~(24) (25) EMPLOYMENT CONTRACTS.—~~On or after February 1, 2009, a district school board may not enter into an employment contract that is funded from state funds and that requires the district to pay an employee an amount in excess of 1 year of the employee's annual salary for termination, buy-out, or any other type of contract settlement.

~~(25) (26) ADOPT RULES.—~~Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section.

Section 188. Present paragraph (c) of subsection (3) of section 1008.31, Florida Statutes, is redesignated as paragraph (e), and new paragraphs (c) and (d) are added to that subsection, to read:

1008.31 Florida's K-20 education performance accountability system; legislative intent; mission, goals, and systemwide measures; data quality improvements.—

(3) K-20 EDUCATION DATA QUALITY IMPROVEMENTS.—To provide data required to implement education performance accountability measures in state and federal law, the Commissioner of Education shall initiate and maintain strategies to improve data quality and timeliness. All data collected from state universities shall, as determined by the commissioner, be integrated into the K-20 data warehouse. The commissioner shall have unlimited access to such data solely for the purposes of conducting studies, reporting annual and longitudinal student outcomes, and improving college readiness and articulation. All public educational institutions shall provide data to the K-20 data warehouse in a format specified by the commissioner.

(c) *The commissioner shall continuously monitor and review the collection of paperwork, data, and reports by school districts and complete an annual review of such collection no later than June 1 of each year. The annual review must include recommendations for consolidating paperwork, data, and reports, wherever feasible, in order to reduce the burdens on school districts.*

(d) *By July 1 of each year, the commissioner shall prepare a report assisting the school districts in eliminating or consolidating paperwork, data, and reports by providing suggestions, technical assistance, and guidance.*

And the title is amended as follows:

Delete line 416 and insert: made by the act; amending s. 1001.42, F.S.; deleting provisions that require each district school board to reduce paperwork and data collection and report its findings and potential solutions on reducing burdens associated with such collection; amending s. 1008.31, F.S.; requiring that the Commissioner of Education monitor and review the collection of paperwork, data, and reports by school districts; requiring that the commissioner complete an annual review of such collection by a specified date each year; requiring that the com-

missioner prepare a report, by a specified date each year, assisting the school districts with eliminating or consolidating paperwork, data, and reports by providing suggestions, technical assistance, and guidance; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for SB 2160** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

CS for CS for CS for SB 494—A bill to be entitled An act relating to water conservation; amending s. 373.62, F.S.; revising the requirements for automatic landscape irrigation systems; requiring irrigation contractors to test for the correct operation of system devices or switches and ensure their proper operation before completing other work on the system; requiring the Department of Environmental Protection to create a model ordinance that may be adopted by local governments; providing penalties; providing for the disposition of funds raised through penalties imposed; authorizing local governments to approve smart irrigation controllers; providing legislative findings relating to the adoption of soil moisture sensor control irrigation systems; defining terms; providing a statewide process and conditions for obtaining a variance from water management district restrictions on water use; creating s. 403.9335, F.S.; providing a short title; creating s. 403.9336, F.S.; providing legislative findings; creating s. 403.9337, F.S.; encouraging county and municipal governments to adopt and enforce the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes or an equivalent requirement as a mechanism for protecting local surface water and groundwater quality; requiring a county government or municipal government located within the watershed of a water body or water segment that is listed by the Department of Environmental Protection as impaired to adopt the model ordinance; providing that additional or more stringent provisions may be adopted under certain circumstances; providing a timeframe for adopting the model ordinance; providing exceptions; creating s. 403.9338, F.S.; requiring the department to establish and approve training and testing programs providing urban landscape best-management practices; providing that such training authorizes a person to apply for a limited certification for urban landscape commercial fertilizer application issued by the Department of Agriculture and Consumer Services; providing that a person having such certification is not subject to additional local testing; amending s. 482.021, F.S.; defining the terms "commercial fertilizer application" and "urban landscape"; creating s. 482.1562, F.S.; providing for limited certification for urban landscape commercial fertilizer application provided by the Department of Agriculture and Consumer Services; requiring such certification in order to commercially apply fertilizer, beginning on a certain date; providing requirements and fees; providing for expiration and renewal; authorizing the department to provide information concerning persons who are certified; providing for exceptions to the requirements of certification; authorizing the department to adopt rules; providing an effective date.

—was read the second time by title.

Senator Bennett moved the following amendments which were adopted:

Amendment 1 (654198)—Delete lines 105-207 and insert:

(7)(a) *The Legislature recognizes that lawn and landscape irrigation systems use a substantial amount of the state's potable water. The Legislature finds that smart irrigation systems that use soil moisture sensors with remote monitoring and adjustment capabilities, if properly installed and monitored, provide more efficient irrigation and save substantially more water than conventional time-controlled irrigation systems. This is because smart irrigation systems apply water to lawns and plants only as necessary to maintain required soil moisture, thus minimizing the over-watering or unnecessary watering that occurs with conventional irrigation systems. However, in order for this technology to optimize the efficient application of water it cannot be subject to day or days-of-the-week watering restrictions. The Legislature, therefore, recognizes that enacting a statewide process to provide an exemption from local water restriction ordinances will accelerate the adoption of this water saving technology. Further, a uniform exemption process will streamline variance procedures and minimize delay in implementing such technology. The longer it takes to approve soil moisture sensor control systems, the more potable*

water is wasted. A uniform variance process will allow state residents to maintain their property and protect water resources while enjoying their landscapes.

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

1. "Monitoring entity" means a local government, community development district created pursuant to chapter 190, a homeowners' association created pursuant to chapter 720, a condominium association created pursuant to chapter 718, a cooperative created pursuant to chapter 719, or a public or private utility.

2. "Soil moisture sensor" means a soil-based device that assesses the available plant soil moisture in order to minimize the unnecessary use of water and optimize the effectiveness of an irrigation system.

3. "Soil moisture sensor control system" is the collective term for an entire soil moisture sensor system that has remote monitoring and adjustment capability.

(c) A variance from day or days-of-the-week watering restrictions, which shall include the maximum soil set point for different soil types within the monitoring entity's jurisdiction, shall be granted by the applicable water management district for any residential, commercial, or recreational user within a monitoring entity's jurisdiction having a soil moisture sensor control system if the monitoring entity certifies that:

1. Each soil moisture sensor control system installed within its jurisdiction will have multiple soil sensors that conform to different soil types and slopes in order to optimize water use for each user, adjust irrigation schedules based on soil moisture requirements, and be installed by a licensed contractor in a manner that is consistent with the Field Guide to Soil Moisture Sensor Use in Florida by the University of Florida IFAS Extension Program for Resource Efficient Communities.

2. It has the ability to monitor the status of each individual user's system and to remotely modify the system settings for irrigation cycles and run times.

3. It will electronically post and update a list of active users of soil moisture sensor control systems within its jurisdiction on a monthly basis and provide Internet access to such listing and the monitoring database to the water management district and the local government.

4. It shall provide notice to a user of noncompliant activity within 48 hours after such activity and, if the user does not take corrective action within 48 hours after such notice, it will remove the posted notice required in subparagraph 5. and remove the user from the active users list required by subparagraph 3.

5. It shall post a notice at each parcel that has installed a compliant soil moisture sensor control system in plain view from the nearest roadway stating: "Irrigating with Smart Irrigation Controller," with the address of the parcel, and shall remove the notice if the user is no longer being monitored by the monitoring entity.

(d) Upon installation of a soil moisture sensor control system, the licensed contractor shall certify to the monitoring entity that subparagraphs (c)1. and (c)2. have been met.

1. The monitoring entity shall post the notice required by subparagraph (c)5. on the user's property and update the Internet listing of users of active soil moisture sensor control systems to include the new user.

2. On an annual basis a professional engineer licensed under chapter 471 or a professional landscape architect licensed under chapter 481 shall perform an annual maintenance review of all soil moisture sensor control systems within the monitoring entity's jurisdiction and certify to the monitoring entity which systems are properly operating and in compliance with paragraph (c). The monitoring entity shall update its Internet listing of users of active soil moisture sensor control systems based on the certification.

(e) Failure by the monitoring entity to ensure continual compliance with the condition of this variance shall be cause for the appropriate water management district to revoke the variance upon proper notice to the monitoring entity.

(f) The variance provided in this subsection applies to day or days-of-the-week watering restrictions of the water management district as pre-empted by s. 373.217. All other applicable local government and water management district restrictions related to irrigation, including, but not limited to, a prohibition on irrigation and time-of-day watering requirements and water shortage or emergency orders issued pursuant to s. 373.246(2) and (7), remain applicable to the soil moisture sensor control system users within a monitoring entity's jurisdiction.

(g) This subsection does not require a property owner to install a soil moisture sensor control system. This subsection also does not prohibit a property owner from installing soil moisture sensors and seeking an individual variance from the applicable water management district even if such property is located within the jurisdiction of a monitoring entity that has been granted a variance pursuant to paragraph (c).

Amendment 2 (198984)—Delete line 226 and insert: *characteristics, may necessitate the implementation of additional or*

Pursuant to Rule 4.19, **CS for CS for CS for SB 494** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

SB 324—A bill to be entitled An act relating to state aid to public libraries; amending s. 257.12, F.S.; encouraging all public libraries to implement an Internet safety education program for children and adults; providing minimum requirements for the program; requiring libraries to annually report to the Division of Library and Information Services of the Department of State the number of participants who complete the program; requiring that the division adopt rules to award additional points to grant applicants implementing such a program; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 324** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

CS for SB 624—A bill to be entitled An act relating to law enforcement officers and correctional officers; amending s. 112.532, F.S.; providing that a law enforcement officer or correctional officer is entitled to specified rights if the officer is subject to suspension in a disciplinary proceeding; providing that a law enforcement officer or correctional officer is entitled to review witness statements by other officers and other existing evidence before the officer under investigation is interrogated; providing that time-limitation periods will be tolled during disciplinary proceedings under certain specified circumstance; amending s. 112.533, F.S.; authorizing a law enforcement officer or correctional officer who is subject to an investigation, and the officer's legal counsel, to review specified documents and recordings before the investigative interview; amending s. 112.534, F.S.; providing procedures and remedies to the officer if an agency intentionally fails to comply with specified provisions; providing that the officer bears the burden of proof to establish intentional violations; providing that the standard of proof is a preponderance of the evidence; providing an effective date.

—was read the second time by title.

The Committee on Governmental Oversight and Accountability recommended the following amendments which were moved by Senator Fasano and adopted:

Amendment 1 (430626)—Delete lines 177-180 and insert: *termination of the compliance review panel or upon the violation being remedied by the agency.*

Amendment 2 (945668)—Delete lines 241-316 and insert: *officer* includes the officer's representative or legal counsel, except in application of s. 112.534(1)(d).

(a) The law enforcement officer or correctional officer shall advise the investigator of the intentional violation of the requirements of this part which is alleged to have occurred. The officer's notice of violation is suf-

efficient to notify the investigator of the requirements of this part which are alleged to have been violated and the factual basis of each violation.

(b) If the investigator fails to cure the violation or continues the violation after being notified by the law enforcement officer or correctional officer, the officer shall request the agency head or his designee be informed of the alleged intentional violation. Once this request is made the interview of the officer shall cease and the officer's refusal to respond to further investigative questions does not constitute insubordination or any similar type of policy violation.

(c) Thereafter, within 3 working days, a written notice of violation and request for a compliance review hearing shall be filed with the agency head or designee which must contain sufficient information to identify the requirements of this part which are alleged to have been violated and the factual basis of each violation. All evidence related to the investigation must be preserved for review and presentation at the compliance review hearing. For purposes of confidentiality, the compliance review panel hearing shall be considered part of the original investigation.

(d) Unless otherwise remedied by the agency before the hearing, a compliance review hearing must be conducted within 10 working days after the request for a compliance review hearing is filed, unless, by mutual agreement of the officer and agency or for extraordinary reasons, an alternate date is chosen. The panel shall review the circumstances and facts surrounding the alleged intentional violation. The compliance review panel shall be made up of three members: one member selected by the agency head, one member selected by the officer filing the request, and a third member to be selected by the other two members. The review panel members shall be law enforcement officers or correctional officers who are active from the same law enforcement discipline as the officer requesting the hearing. Panel members may be selected from any state, county or municipal agency within the county in which the officer works. The compliance review hearing shall be conducted in the county in which the officer works.

(e) It is the responsibility of the compliance review panel to determine whether or not the investigator or agency intentionally violated the requirements provided under this part. It may hear evidence, review relevant documents and hear argument before making such a determination; however, all evidence received shall be strictly limited to the allegation under consideration and may not be related to the disciplinary charges pending against the officer. The investigative materials are considered confidential for purposes of the compliance review hearing and determination.

(f) The officer bears the burden of proof to establish that the violation of this part was intentional. The standard of proof for such a determination is by a preponderance of the evidence. The determination of the panel must be made at the conclusion of the hearing, in writing, and filed with the agency head and the officer.

(g) If the alleged violation is sustained as intentional by the compliance review panel the agency head shall immediately remove the investigator from any further involvement with the investigation of the officer. Additionally, the agency head shall direct an investigation be initiated against the investigator determined to have intentionally violated the requirements provided under this part for purposes of agency disciplinary action. If that investigation is sustained, the sustained allegations against the investigator shall be forwarded to the Criminal Justice Standard and Training Commission for review as an act of official misconduct or misuse of position. ~~a law enforcement officer or correctional officer employed by or appointed to such agency who is personally injured by such failure to comply may apply directly to the circuit court of the county wherein such agency is headquartered and permanently resides for an injunction to restrain and enjoin such violation of the provisions of this part and to compel the performance of the duties imposed by this part.~~

(2)(a) All the provisions of s. 838.022 shall apply to this part.

(b) The provisions of chapter 120 do not apply to this part.

Pursuant to Rule 4.19, **CS for SB 624** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lawson, by unanimous consent—

CS for CS for CS for SB's 2430 and SB 1960—A bill to be entitled An act relating to the taxation of documents; amending s. 3, ch. 83-220, Laws of Florida, as amended; extending a future repeal date of provisions authorizing counties to levy a discretionary surtax on documents; amending s. 125.0167, F.S.; limiting the percentage of surtax revenues that may be used for administrative costs; specifying a minimum amount of surtax revenues to be used for housing for certain low-income and moderate-income families; requiring an affirmative vote of a local government governing body to rehabilitate certain government-owned housing; authorizing certain counties to create by ordinance a housing choice assistance voucher program for the purpose of down payment assistance; providing definitions; providing eligibility requirements for such vouchers; authorizing purchasing employers to file for allocations for such vouchers; limiting allocations; requiring distribution of allocations to employees in the form of such vouchers; prohibiting use of allocations for such vouchers if not awarded within a certain period after certain documentary stamps taxes are collected; requiring the Office of Program Policy Analysis and Government Accountability to conduct a continuing review of the discretionary surtax program operated by counties; requiring reports to the Legislature; providing legislative intent to reverse a judicial opinion relating to the application of the excise tax on documents to certain transactions involving legal entities; amending s. 201.02, F.S.; creating a presumption for purposes of the excise tax on documents that consideration is given for deeds, instruments, or writings that convey property between certain individuals and entities; creating a presumption of the amount of the consideration; creating an exemption from the tax for certain deeds, instruments, or writings that convey property; creating a presumption that the deed, instrument, or writing was taxable if a subsequent conveyance of the property or grantee entity is made within a certain period of time; specifying the calculation of tax due on the original conveyance; providing that the tax on the original deed, instrument, or writing does not apply if the subsequent conveyance is the result of an inter vivos gift or the death of any person; providing that the tax applies to transfers involving the exchange of real property for shares of stock or as a capital contribution; imposing the tax on deeds, instruments, and other writings on the consideration for a transfer of real property pursuant to a short sale; providing that the consideration subject to the tax does not include unpaid indebtedness that is forgiven by a mortgagee; defining the term "short sale"; authorizing the Department of Revenue to adopt emergency rules relating to short sales; amending s. 201.031, F.S.; expanding requirements for counties levying the discretionary surtax to include housing plan, affordable housing element, and annual reporting requirements; amending s. 719.105, F.S.; conforming a cross-reference; authorizing the issuance of Florida Forever bonds; providing an appropriation for debt service on such bonds; authorizing the issuance of Everglades Restoration bonds; providing an appropriation for debt service on such bonds; providing an appropriation to the Department of Environmental Protection for the design and construction of certain restoration and protection plans and for the acquisition of lands needed for these project components; providing an appropriation for the purpose of implementing agricultural nonpoint source controls in certain watersheds; amending s. 201.15, F.S.; conforming provisions to changes made by the act; providing for application of specified provisions of the act; providing effective dates.

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

Senator Gelber moved the following amendment which was adopted:

Amendment 1 (504538)—Delete lines 159-161 and insert: *the end of the fiscal year shall be reallocated in subsequent years consistent with the provisions of this subsection, in that at least 35 percent shall be reallocated to provide homeownership assistance for low-income and moderate-income families, and at least 35 percent shall be reallocated for construction, rehabilitation, and purchase of rental housing units. The remaining amount of uncommitted funds may be reallocated at the discretion of the county within any of the categories established in this subsection.*

Senator Altman moved the following amendment which was adopted:

Amendment 2 (321504) (with title amendment)—Delete lines 325-334 and insert:

Section 6. *Effective upon this act becoming a law, the Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to ss. 120.536(1) and 120.54(4), Florida Statutes, to implement s. 201.02, Florida Statutes, as amended by section 4 of this act. Notwithstanding any other provision of law, such emergency rules shall remain effective for 6 months after the date of adoption and may be renewed during the pendency of procedures to adopt rules addressing the subject of the emergency rules.*

And the title is amended as follows:

Delete line 55 and insert: emergency rules relating to transfers of real property interest involving conduit entities and transfers of real property pursuant to short sales; amending s.

MOTION

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

Senator Gelber moved the following amendment:

Amendment 3 (950276) (with title amendment)—Delete lines 223-320 and insert:

Section 3. (1) *The Legislature finds that the Florida Supreme Court opinion in Crescent Miami Center, LLC v. Florida Department of Revenue, 903 So. 2d 913 (Fla. 2005), interprets s. 201.02, Florida Statutes, in a manner that permits tax avoidance inconsistent with the intent of the Legislature at the time the statute was amended in 1990.*

(2) *The Legislature finds that the opinion of the District Court of Appeal for the Third District of Florida in Crescent Miami Center, LLC v. Florida Department of Revenue, 857 So. 2d 904 (Fla. 3d D.C.A. 2003), interprets s. 201.02, Florida Statutes, in a manner that prevents tax avoidance consistent with the intent of the Legislature at the time the statute was amended in 1990.*

(3) *The Legislature recognizes that the Supreme Court's opinion in Crescent is limited to the facts of the case and accepts the court's interpretation of s. 201.02, Florida Statutes, that no consideration exists when owners of real property unencumbered by a mortgage convey an interest in such property to an artificial entity whose ownership is identical to the ownership of the real property before conveyance. The Legislature expressly rejects any application of the court's interpretation where the facts are not comparable to the facts in Crescent. However, because the Supreme Court's interpretation, combined with other settled law regarding the application of s. 201.02, Florida Statutes, allows for the tax-free transfer of ownership interests in real property from one owner to another through the use of artificial entities, it is the Legislature's intent by this act to impose the documentary stamp tax when the beneficial ownership of real property is transferred to a new owner or owners by the use of techniques that apply the Supreme Court's decision in Crescent in combination with respect to transfers of ownership of, or distributions from, artificial entities.*

Section 4. Subsection (1) of section 201.02, Florida Statutes, is amended, and subsection (11) is added to that section, to read:

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

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

(b)1. For purposes of this paragraph the term:

a. "Conduit entity" means an entity that is not a natural person to which real property is conveyed without full consideration, or a successor entity.

b. "Full consideration" means the consideration that would be paid in an arm's length transaction between unrelated parties.

2. When an ownership interest in real property is conveyed to a conduit entity and an ownership interest in the conduit entity is subsequently transferred for consideration within 3 years of such conveyance, tax is imposed each time an interest in the conduit entity is transferred for consideration at the rate of 70 cents for each \$100 or fraction thereof of the consideration paid or given in exchange for the ownership interest in the conduit entity.

3. When the ownership interest in the conduit entity being transferred includes assets other than the real property conveyed to the conduit entity, the tax on the transfer of the ownership interests in the conduit entity shall be prorated based on the percentage the value of such real property represents of the total value of all assets owned by the conduit entity.

4. The gift of an ownership interest in a conduit entity is not subject to tax to the extent there is no consideration.

5. The purpose of this paragraph is to impose the documentary stamp tax on the transfer for consideration of a beneficial interest in real property. The provisions of this paragraph are to be construed liberally to effectuate this purpose.

(11) *The documentary stamp tax imposed by this section applies to a deed, instrument, or writing that transfers any interest in real property pursuant to a short sale, as defined in this subsection. The taxable consideration for a short sale transfer does not include unpaid indebtedness that is forgiven or released by a mortgagee holding a mortgage on the grantor's interest in the property. A short sale is a purchase and sale of real property in which:*

(a) *The grantor's interest in the real property is encumbered by a mortgage or mortgages securing indebtedness in an aggregate amount greater than the purchase price paid by the grantee;*

(b) *A mortgagee releases the real property from its mortgage in exchange for a partial payment of less than all of the outstanding mortgage indebtedness owing to the releasing mortgagee;*

(c) *The releasing mortgagee does not receive, directly or indirectly, any interest in the property transferred; and*

(d) *The releasing mortgagee, grantor, and grantee are dealing with each other at arm's length.*

Section 5. *The amendments to subsections (1) and (11) of s. 201.02, Florida Statutes, made by this act and*

And the title is amended as follows:

Delete lines 30-48 and insert: involving legal entities; amending s. 201.02, F.S.; defining terms; imposing the tax on certain transfers of a conduit entity; providing for the apportionment of the consideration for an interest in a conduit entity between real property interests and other assets; exempting from the tax property transferred as a gift to the extent there is no consideration; providing legislative intent; imposing the tax on

MOTION

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

Senator Gelber moved the following substitute amendment which was adopted:

Amendment 4 (479628) (with title amendment)—Delete lines 223-320 and insert:

Section 3. (1) *The Legislature finds that the Florida Supreme Court opinion in Crescent Miami Center, LLC v. Florida Department of Rev-*

enue, 903 So. 2d 913 (Fla. 2005), interprets s. 201.02, Florida Statutes, in a manner that permits tax avoidance inconsistent with the intent of the Legislature at the time the statute was amended in 1990.

(2) The Legislature finds that the opinion of the District Court of Appeal for the Third District of Florida in *Crescent Miami Center, LLC v. Florida Department of Revenue*, 857 So. 2d 904 (Fla. 3d D.C.A. 2003), interprets s. 201.02, Florida Statutes, in a manner that prevents tax avoidance consistent with the intent of the Legislature at the time the statute was amended in 1990.

(3) The Legislature recognizes that the Supreme Court's opinion in *Crescent* is limited to the facts of the case and accepts the court's interpretation of s. 201.02, Florida Statutes, that no consideration exists when owners of real property unencumbered by a mortgage convey an interest in such property to an artificial entity whose ownership is identical to the ownership of the real property before conveyance. The Legislature expressly rejects any application of the court's interpretation where the facts are not comparable to the facts in *Crescent*. However, because the Supreme Court's interpretation, combined with other settled law regarding the application of s. 201.02, Florida Statutes, allows for the tax-free transfer of ownership interests in real property from one owner to another through the use of artificial entities, it is the Legislature's intent by this act to impose the documentary stamp tax when the beneficial ownership of real property is transferred to a new owner or owners by the use of techniques that apply the Supreme Court's decision in *Crescent* in combination with respect to transfers of ownership of, or distributions from, artificial entities.

Section 4. Subsection (1) of section 201.02, Florida Statutes, is amended, and subsection (11) is added to that section, to read:

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

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

(b)1. For purposes of this paragraph the term:

a. "Conduit entity" means a legal entity to which real property is conveyed without full consideration by a grantor who owns an interest in the entity, or a successor entity.

b. "Full consideration" means the consideration that would be paid in an arm's length transaction between unrelated parties.

2. When an ownership interest in real property is conveyed to a conduit entity and an ownership interest in the conduit entity is subsequently transferred for consideration within 3 years of such conveyance, tax is imposed each time an interest in the conduit entity is transferred for consideration at the rate of 70 cents for each \$100 or fraction thereof of the consideration paid or given in exchange for the ownership interest in the conduit entity.

3. When the ownership interest in the conduit entity being transferred includes assets other than the real property conveyed to the conduit entity, the tax on the transfer of the ownership interests in the conduit entity shall be prorated based on the percentage the value of such real property represents of the total value of all assets owned by the conduit entity.

4. The gift of an ownership interest in a conduit entity is not subject to tax to the extent there is no consideration. If the real property is trans-

ferred as a gift and is encumbered by a mortgage, tax is due on the amount due on the mortgage.

5. The transfer for purposes of estate planning by a natural person of an interest in a conduit entity to an irrevocable grantor trust pursuant to subpart e, of Part 1, of Subchapter J, of Chapter 1, of the United States Revenue Code is not subject to tax under this subsection.

6. The purpose of this paragraph is to impose the documentary stamp tax on the transfer for consideration of a beneficial interest in real property. The provisions of this paragraph are to be construed liberally to effectuate this purpose.

(c) Conversion or merger of a trust that is not a legal entity that owns real property in this state into a legal entity shall be treated as a conveyance of the real property for the purposes of this section.

(d) Taxes imposed by this subsection shall be paid pursuant to s. 201.133 when no document is recorded. If a document is recorded, taxes imposed by the paragraph shall be paid as required for all other taxable documents that are recorded.

(11) The documentary stamp tax imposed by this section applies to a deed, instrument, or writing that transfers any interest in real property pursuant to a short sale, as defined in this subsection. The taxable consideration for a short sale transfer does not include unpaid indebtedness that is forgiven or released by a mortgagee holding a mortgage on the grantor's interest in the property. A short sale is a purchase and sale of real property in which:

(a) The grantor's interest in the real property is encumbered by a mortgage or mortgages securing indebtedness in an aggregate amount greater than the purchase price paid by the grantee;

(b) A mortgagee releases the real property from its mortgage in exchange for a partial payment of less than all of the outstanding mortgage indebtedness owing to the releasing mortgagee;

(c) The releasing mortgagee does not receive, directly or indirectly, any interest in the property transferred; and

(d) The releasing mortgagee, grantor, and grantee are dealing with each other at arm's length.

Section 5. The amendments to subsections (1) and (11) of s. 201.02, Florida Statutes, made by this act and

And the title is amended as follows:

Delete lines 30-48 and insert: involving legal entities; amending s. 201.02, F.S.; defining terms; imposing the tax on certain transfers of a conduit entity; providing for the apportionment of the consideration for an interest in a conduit entity between real property interests and other assets; exempting from the tax property transferred as a gift to the extent there is no consideration; providing for trusts; providing legislative intent; providing for tax; imposing the tax on

Senator Gelber moved the following amendment which was adopted:

Amendment 5 (436382)—Delete lines 704-708 and insert:

Section 12. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming law, this act shall take effect on July 1, 2009, and the amendment to s. 201.02(1), Florida Statutes, made by this act, applies to transfers for which the first transfer to a conduit entity occurs after July 1, 2009.

Pursuant to Rule 4.19, **CS for CS for CS for SB's 2430 and SB 1960** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano, by two-thirds vote **HB 73** was withdrawn from the Committees on Environmental Preservation and Conservation; Community Affairs; Commerce; and General Government Appropriations.

On motion by Senator Fasano—

HB 73—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 pre-application 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.

—a companion measure, was substituted for **CS for SB 852** and read the second time by title.

Pursuant to Rule 4.19, **HB 73** was placed on the calendar of Bills on Third Reading.

SENATOR FASANO PRESIDING

On motion by Senator Constantine—

CS for CS for SB 2536—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 206.606, F.S.; requiring the Fish and Wildlife Conservation Commission rather than the Department of Revenue to distribute a specified sum from the Invasive Plant Control Trust Fund to eradicate melaleuca; amending s. 253.002, F.S.; setting forth duties of the commission as they relate to state lands; amending s. 253.04, F.S.; providing for preservation of sea grasses; providing penalties; amending s. 319.32, F.S.; increasing the certificate of title fee for certain vehicles; amending s. 320.08056, F.S.; increasing the annual use fee for certain specialty license plates; amending s. 327.02, F.S.; amending the definition of the term “live-aboard vessel”; amending s. 327.35, F.S.; revising penalties for boating under the influence of alcohol; revising the blood-alcohol level or breath-alcohol level at which certain penalties apply; amending s. 327.36, F.S.; revising a prohibition against accepting a plea to a lesser included offense from a person who is charged with certain offenses involving the operation of a vessel; revising the blood-alcohol level or breath-alcohol level at which the prohibition applies; amending s. 327.395, F.S.; revising certain age limitations on the operation of a vessel powered by a 10-horsepower motor or greater; amending s. 327.40, F.S.; revising provisions for placement of navigation, safety, and informational markers of waterways; providing for uniform waterway markers; removing an exemption from permit requirements for certain markers placed by county, municipal, or other government entities; amending s. 327.41, F.S., relating to placement of markers by a county or municipality; revising terminology; providing for a county or municipality that has adopted a boating-restricted area by ordinance under specified provisions to apply for permission to place regulatory markers; amending s. 327.42, F.S.; revising provisions prohibiting mooring to or damaging markers or buoys; amending s. 327.46, F.S.; revising provisions for establishment by the Fish and Wildlife Conservation Commission of boating-restricted areas; providing for counties and municipalities to establish boating-restricted areas with approval of the commission; directing the commission to adopt rules for the approval; revising a prohibition against operating a vessel in a prohibited manner in a boating-restricted area; amending s. 327.60, F.S.; revising provisions limiting regulation by a county or municipality of the operation, equipment, and other matters relating to vessels operated upon the waters of this state; prohibiting certain county or municipality ordinances or regulations; creating s. 327.66, F.S.; prohibiting possessing or operating a vessel equipped with certain fuel containers or related equipment; prohibiting transporting fuel in a vessel except in compliance with certain federal regulations; providing penalties; declaring fuel transported in violation of such prohibitions to be a public nuisance and directing the enforcing agency to abate the nuisance; providing for disposal of the containers and fuel; declaring conveyances, vessels, vehicles, and equipment used in such violation to be contraband; providing for seizure of the contraband; defining the term “conviction” for specified purposes; providing for costs to remove fuel, containers, vessels, and equipment to be paid by the owner; providing that a person who fails to pay such cost shall not be issued a certificate of registration for a vessel or motor vehicle; amending s. 327.70, F.S.; providing for the mailing of citations; amending s. 327.73, F.S.; revising provisions for citation of a noncriminal infraction to provide for violations relating to boating-restricted areas and speed limits;

revising provisions relating to establishment of such limits by counties and municipalities; amending s. 328.03, F.S.; requiring vessels used or stored on the waters of this state to be titled by this state pursuant to specified provisions; providing exceptions; amending s. 328.07, F.S.; requiring certain vessels used or stored on the waters of this state to have affixed a hull identification number; providing that a vessel in violation may be seized and subject to forfeiture; amending ss. 328.46, 328.48, and 328.56, F.S.; requiring vessels operated, used, or stored on the waters of this state to be registered and display the registration number; providing exceptions; amending s. 328.58, F.S., relating to reciprocity of non-resident or alien vessels; requiring the owner of a vessel with a valid registration from another state, a vessel with a valid registration from the United States Coast Guard in another state, or a federally documented vessel from another state to record the registration number with the Department of Highway Safety and Motor Vehicles when using or storing the vessel on the waters of this state in excess of the 90-day reciprocity period; amending s. 328.60, F.S.; providing an exception to registration requirements for military personnel using or storing on the waters of this state a vessel with a valid registration from another state, a vessel with a valid registration from the United States Coast Guard in another state, or a federally documented vessel from another state; amending s. 328.65, F.S.; revising legislative intent with respect to registration and numbering of vessels; amending s. 328.66, F.S.; authorizing a county to impose an annual registration fee on vessels used on the waters of this state within its jurisdiction; amending s. 328.72, F.S.; providing noncriminal penalties for use or storage of a previously registered vessel after the expiration of the registration period; exempting vessels lawfully stored at a dock or in a marina; amending ss. 369.20, 369.22, and 369.25, F.S.; providing that the commission has the authority to enforce statutes relating to aquatic weeds and plants; amending s. 379.304, F.S.; providing that anyone violating the provisions governing the sale or exhibition of wildlife is subject to specified penalties relating to captive wildlife; amending s. 379.338, F.S.; authorizing an investigating law enforcement agency to dispose of illegally taken wildlife, freshwater fish, or saltwater fish in certain specified ways; requiring that live wildlife, freshwater fish, and saltwater fish be properly documented as evidence and returned to the habitat unharmed; requiring that nonnative species be disposed of in accordance with rules of the Fish and Wildlife Conservation Commission; providing for the disposition of furs and hides; requiring that the proceeds of sales be deposited in the State Game Trust Fund or the Marine Resources Conservation Trust Fund; requiring the Fish and Wildlife Conservation Commission to give to a state, municipal, or county law enforcement agency that enforces or assists the commission in enforcing the law all or a portion of the value of any property forfeited during an enforcement action; creating s. 379.3381, F.S.; providing that photographs of wildlife or freshwater or saltwater fish may be offered into evidence to the same extent as if the wildlife, freshwater fish, or saltwater fish were directly introduced as evidence; requiring that the photograph be accompanied by a writing containing specified information relating to the illegal seizure of the wildlife or freshwater or saltwater fish; requiring that the wildlife or freshwater or saltwater fish be disposed of as provided by law; amending s. 379.353, F.S.; providing that a resident of this state is exempt from paying certain recreational licenses if the person is eligible for Medicaid services and has been issued an identification card by the Agency for Health Care Administration; amending s. 379.3671, F.S.; providing that if a certificate issued to a person to use a spiny lobster trap is not renewed within a specified period, the certificate will be considered abandoned and revert to the commission; amending s. 379.3751, F.S.; revising the alligator trapping agent’s license and the alligator farming agent’s license to allow the trapper and the farmer to possess, process, and sell the hides and meat of the alligator; removing the limitation that an alligator trapping agent’s license could be issued only in conjunction with an alligator trapping license; amending s. 379.3761, F.S.; providing penalties for the wrongful exhibition or sale of wildlife; amending s. 379.3762, F.S.; revising penalties for a person who unlawfully possesses wildlife; amending s. 379.401, F.S.; making it a level 2 violation for a person to feed or entice an alligator or crocodile and a level 4 violation for a person to illegally kill, injure, or capture an alligator or crocodile; amending s. 379.4015, F.S.; making it a level 2 violation for a person to illegally exhibit or sell wildlife; requiring the commission to establish a pilot program for regulating the anchoring or mooring of non-live-aboard vessels outside public mooring fields; providing geographic regions for the pilot project; specifying the goals of the pilot program; providing requirements; requiring a report to the Governor and Legislature; creating s. 379.501, F.S.; providing penalties for unlawfully disturbing aquatic weeds and plants; providing that a person

is liable to the state for any damage caused to the aquatic weeds or plants and for civil penalties; providing that if a person willfully harm aquatic weeds and plants he or she commits a felony of the third degree; providing criminal penalties; creating s. 379.502, F.S.; authorizing the commission to seek judicial or administrative remedies for unlawfully disturbing aquatic weeds and plants; providing for procedures; authorizing a respondent to request mediation; providing for an award of attorney's fees; providing requirements for calculating administrative penalties; providing for the administrative law judge to consider evidence of mitigation; requiring that penalties be deposited into the Invasive Plant Control Trust Fund; creating s. 379.503, F.S.; authorizing the commission to seek injunctive relief; providing that the judicial and administrative remedies are alternative and mutually exclusive; creating s. 379.504, F.S.; providing that anyone who unlawfully disturbs aquatic weeds or plants is subject to civil penalties; authorizing a court to impose a civil penalty for each offense in an amount not to exceed \$10,000 per offense; providing for joint and several liability; providing for determining the value of fish killed for purposes of assessing damages; amending s. 403.088, F.S.; requiring the commission to approve a program intended to control aquatic weeds or algae; providing for a type II transfer of the Bureau of Invasive Plant Management in the Department of Environmental Protection to the Fish and Wildlife Conservation Commission; providing for the transfer of the Invasive Plant Control Trust Fund to the Fish and Wildlife Conservation Commission; reenacting s. 379.209(2), F.S., relating to funds credited to the Nongame Wildlife Trust Fund, to incorporate an amendment made to s. 319.32 F.S., in a reference thereto; reenacting s. 379.3581(7), F.S., relating to hunting safety, to incorporate the amendment made to s. 379.353, F.S., in a reference thereto; providing an appropriation; repealing s. 327.22, F.S.; repealing s. 379.366(7), F.S.; to abrogate the expiration of provisions imposing blue crab effort management program fees and penalties; providing effective dates.

—was read the second time by title.

Senator Constantine moved the following amendment which was adopted:

Amendment 1 (927386) (with title amendment)—Delete lines 328-949 and insert:

Section 3. Effective October 1, 2009, renumber subsections (4) through (7) of section 253.04, Florida Statutes, as (5) through (8) and create new subsection (4) of that section to read:

253.04 Duty of board to protect, etc., state lands; state may join in any action brought.—

(4)(a) *The duty to conserve and improve state-owned lands and the products thereof shall include the preservation and regeneration of seagrass, which is deemed essential to the oceans, gulfs, estuaries, and shorelines of the state. A person operating a vessel outside a lawfully marked channel in a careless manner that causes seagrass scarring within an aquatic preserve established in ss. 258.39-258.399, with the exception of the Lake Jackson, Oklawaha River, Wekiva River, and Rainbow Springs aquatic preserves, commits a noncriminal infraction, punishable as provided in s. 327.73. Each violation is a separate offense. As used in this subsection, the term:*

1. *“Seagrass scarring” means destruction of seagrass roots, shoots, or stems that results in tracks on the substrate, caused by the operation of a motorized vessel in waters supporting seagrasses, commonly referred to as prop scars or propeller scars.*

2. *“Seagrass” means Cuban shoal grass (*Halodule wrightii*), turtle grass (*Thalassia testudinum*), manatee grass (*Syringodium filiforme*), star grass (*Halophila engelmannii*), paddle grass (*Halophila decipiens*), Johnsons seagrass (*Halophila johnsonii*), or widgeon grass (*Ruppia maritima*).*

(b) *Any violation under paragraph (a) is a violation of the vessel laws of this state and shall be charged on a uniform boating citation as provided in s. 327.74. Any person who refuses to post a bond or accept and sign a uniform boating citation commits a misdemeanor of the second degree, as provided in s. 327.73(3), punishable as provided in s. 775.082 or s. 775.083.*

Section 4. Effective September 1, 2009, subsection (3) of section 319.32, Florida Statutes, is amended to read:

319.32 Fees; service charges; disposition.—

(3) The department shall charge a fee of \$10 ~~\$4~~ in addition to that charged in subsection (1) for each original certificate of title issued for a vehicle previously registered outside this state.

Section 5. Effective September 1, 2009, paragraphs (a) and (x) of subsection (4) of section 320.08056, Florida Statutes, are amended to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(a) Manatee license plate, ~~\$25~~ ~~\$20~~.

(x) Conserve Wildlife license plate, ~~\$25~~ ~~\$15~~.

Section 6. Subsection (17) of section 327.02, Florida Statutes, is amended to read:

327.02 Definitions of terms used in this chapter and in chapter 328.—As used in this chapter and in chapter 328, unless the context clearly requires a different meaning, the term:

(17) “Live-aboard vessel” means:

(a) Any vessel used solely as a residence *and not for navigation*; ~~or~~

(b) Any vessel represented as a place of business, a professional or other commercial enterprise; ~~or a legal residence.~~

(c) Any vessel for which a declaration of domicile has been filed pursuant to s. 222.17.

A commercial fishing boat is expressly excluded from the term “live-aboard vessel.”

Section 7. Subsection (4) of section 327.35, Florida Statutes, is amended to read:

327.35 Boating under the influence; penalties; “designated drivers”.—

(1) A person is guilty of the offense of boating under the influence and is subject to punishment as provided in subsection (2) if the person is operating a vessel within this state and:

(a) The person is under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893, when affected to the extent that the person's normal faculties are impaired;

(b) The person has a blood-alcohol level of 0.08 or more grams of alcohol per 100 milliliters of blood; or

(c) The person has a breath-alcohol level of 0.08 or more grams of alcohol per 210 liters of breath.

(4) Any person who is convicted of a violation of subsection (1) and who has a blood-alcohol level or breath-alcohol level of 0.15 ~~0.20~~ or higher, or any person who is convicted of a violation of subsection (1) and who at the time of the offense was accompanied in the vessel by a person under the age of 18 years, shall be punished:

(a) By a fine of:

1. Not less than \$1,000 or more than \$2,000 for a first conviction.
2. Not less than \$2,000 or more than \$4,000 for a second conviction.
3. Not less than \$4,000 for a third or subsequent conviction.

(b) By imprisonment for:

1. Not more than 9 months for a first conviction.

2. Not more than 12 months for a second conviction.

For the purposes of this subsection, only the instant offense is required to be a violation of subsection (1) by a person who has a blood-alcohol level or breath-alcohol level of 0.15 ~~0.20~~ or higher.

Section 8. Paragraph (a) of subsection (2) of section 327.36, Florida Statutes, is amended to read:

327.36 Mandatory adjudication; prohibition against accepting plea to lesser included offense.—

(2)(a) No trial judge may accept a plea of guilty to a lesser offense from a person who is charged with a violation of s. 327.35, manslaughter resulting from the operation of a vessel, or vessel homicide and who has been given a breath or blood test to determine blood or breath alcohol content, the results of which show a blood-alcohol level or breath-alcohol level of 0.15 ~~0.16~~ or more.

Section 9. Effective January 1, 2010, section 327.395, Florida Statutes, is amended to read:

327.395 Boating safety identification cards.—

(1) A person ~~born on or after January 1, 1988, 21 years of age or younger~~ may not operate a vessel powered by a motor of 10 horsepower or greater unless such person has in his or her possession aboard the vessel photographic identification and a boater safety identification card issued by the commission which shows that he or she has:

(a) Completed a commission-approved boater education course that meets the minimum 8-hour instruction requirement established by the National Association of State Boating Law Administrators;

(b) Passed a course equivalency examination approved by the commission; or

(c) Passed a temporary certificate examination developed or approved by the commission.

(2) Any person may obtain a boater safety identification card by complying with the requirements of this section.

(3) Any commission-approved boater education or boater safety course, course-equivalency examination developed or approved by the commission, or temporary certificate examination developed or approved by the commission must include a component regarding diving vessels, awareness of divers in the water, divers-down flags, and the requirements of s. 327.331.

(4) The commission may appoint liveries, marinas, or other persons as its agents to administer the course, course equivalency examination, or temporary certificate examination and issue identification cards under guidelines established by the commission. An agent must charge the \$2 examination fee, which must be forwarded to the commission with proof of passage of the examination and may charge and keep a \$1 service fee.

(5) An identification card issued to a person who has completed a boating education course or a course equivalency examination is valid for life. A card issued to a person who has passed a temporary certification examination is valid for 12 months from the date of issuance.

(6) A person is exempt from subsection (1) if he or she:

(a) Is licensed by the United States Coast Guard to serve as master of a vessel.

(b) Operates a vessel only on a private lake or pond.

(c) Is accompanied in the vessel by a person who is exempt from this section or who holds an identification card in compliance with this section, is 18 years of age or older, and is attendant to the operation of the vessel and responsible *for the safe operation of the vessel and* for any violation that occurs during the operation.

(d) Is a nonresident who has in his or her possession proof that he or she has completed a boater education course or equivalency examination

in another state which meets or exceeds the requirements of subsection (1).

(e) *Is operating a vessel within 90 days after the purchase of that vessel and has available for inspection aboard that vessel a bill of sale meeting the requirements of s. 328.46(1).*

(f) ~~(e)~~ Is exempted by rule of the commission.

(7) A person who *operates a vessel in violation of subsection (1) commits* ~~violates this section~~ is guilty of a noncriminal infraction, punishable as provided in s. 327.73.

(8) The commission shall design forms and adopt rules to administer this section. Such rules shall include provision for educational and other public and private entities to offer the course and administer examinations.

(9) The commission shall institute and coordinate a statewide program of boating safety instruction and certification to ensure that boating courses and examinations are available in each county of the state.

(10) The commission is authorized to establish and to collect a \$2 examination fee to cover administrative costs.

(11) The commission is authorized to adopt rules pursuant to chapter 120 to implement the provisions of this section.

(12) *This section may be cited as the "Osmany 'Ozzie' Castellanos Boating Safety Education Act."*

Section 10. Effective October 1, 2009, section 327.40, Florida Statutes, is amended to read:

327.40 Uniform waterway markers ~~for safety and navigation; informational markers.~~—

(1) ~~Waters of this state~~ *Waterways in Florida which need marking for safety or navigation purposes shall be marked only in conformity with under the United States Aids to Navigation System, 33 C.F.R. part 62. Until December 31, 2003, channel markers and obstruction markers conforming to the Uniform State Waterway Marking System, 33 C.F.R. subpart 66.10, may continue to be used on waters of this state that are not navigable waters of the United States.*

(2)(a) Application for marking inland lakes and state waters and any navigable waters under concurrent jurisdiction of the Coast Guard and the division shall be made to the division, accompanied by a map locating the approximate placement of markers, a list of the markers to be placed, a statement of the specification of the markers, a statement of the purpose of marking, and the names of persons responsible for the placement and upkeep of such markers. The division will assist the applicant to secure the proper permission from the Coast Guard where required, make such investigations as needed, and issue a permit. The division shall furnish the applicant with the information concerning the system adopted and the rules existing for placing and maintaining the markers. The division shall keep records of all approvals given and counsel with individuals, counties, municipalities, motorboat clubs, or other groups desiring to mark waterways for safety and navigation purposes in Florida.

(b)1. No person or municipality, county, or other governmental entity shall place any *uniform waterway marker* ~~safety or navigation markers~~ in, on, or over the waters or shores of the state without a permit from the division.

2. The placement of ~~informational~~ *informational* markers, ~~including, but not limited to, markers indicating end of boat ramp, no swimming, swimming area, lake name, trash receptacle, public health notice, or underwater hazard and canal, regulatory, emergency, and special event markers,~~ by counties, municipalities, or other governmental entities on inland lakes and their associated canals are exempt from permitting under this section. ~~Such markers, excluding swimming area and special event markers, may be no more than 50 feet from the normal shoreline.~~

(c) The commission is authorized to adopt rules pursuant to chapter 120 to implement this section.

(3) The placement ~~under this section or s. 327.41~~ of any uniform ~~safety or navigation marker or any informational marker under subparagraph (2)(b)2.~~ on state submerged lands ~~under this section~~ does not subject such lands to the lease requirements of chapter 253.

Section 11. Effective October 1, 2009, subsection (2) of section 327.41, Florida Statutes, is amended to read:

327.41 Uniform waterway regulatory markers.—

(2) Any county or municipality which has been granted a ~~boating-restricted restricted~~ area designation, by rule of the commission pursuant to s. 327.46(1)(a), for a portion of the Florida Intracoastal Waterway within its jurisdiction or which has adopted a ~~boating-restricted restricted~~ area by ordinance pursuant to s. 327.46(1)(b) or (c) ~~s. 327.22, s. 327.60,~~ or s. 379.2431(2)(p), or any other governmental entity which has legally established a ~~boating-restricted restricted~~ area, may apply to the commission for permission to place regulatory markers within the ~~boating-restricted restricted~~ area.

Section 12. Effective October 1, 2009, section 327.42, Florida Statutes, is amended to read:

327.42 Mooring to or damaging of ~~uniform waterway~~ markers or buoys prohibited.—

(1) No person shall moor or fasten a vessel to a lawfully placed ~~uniform waterway aid to navigation marker or buoy, regulatory marker or buoy, or area boundary marker or buoy, placed or erected by any governmental agency,~~ except in case of emergency ~~or with the written consent of the marker's owner.~~

(2) No person shall willfully damage, alter, or move a lawfully placed ~~uniform waterway aid to navigation marker or buoy, regulatory marker or buoy, or area boundary marker or buoy.~~

Section 13. Effective October 1, 2009, section 327.46, Florida Statutes, is amended to read:

327.46 ~~Boating-restricted Restricted~~ areas.—

(1) ~~Boating-restricted~~ ~~The commission has the authority to establish by rule, pursuant to chapter 120, restricted areas, including, but not limited to, restrictions of vessel speeds and vessel traffic, may be established on the waters of this the state for any purpose deemed necessary to protect for the safety of the public, including, but not limited to, vessel speeds and vessel traffic, where such restrictions are deemed necessary based on boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards.~~

(a) The commission may establish ~~boating-restricted~~ areas by rule, pursuant to chapter 120.

(b) Municipalities and counties have the authority to establish the following ~~boating-restricted~~ areas by ordinance:

1. An ordinance establishing an Idle Speed-No Wake ~~boating-restricted~~ area, if the area is:

a. Within 500 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways more than 300 feet in width or within 300 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways not exceeding 300 feet in width.

b. Within 500 feet of fuel pumps or dispensers at any marine fueling facility that sells motor fuel to the general boating public on waterways more than 300 feet in width or within 300 feet of the fuel pumps or dispensers at any licensed terminal facility that sells motor fuel to the general boating public on waterways not exceeding 300 feet in width.

c. Inside or within 300 feet of any lock structure.

2. An ordinance establishing a Slow Speed Minimum Wake ~~boating-restricted~~ area if the area is:

a. Within 300 feet of any bridge fender system.

b. Within 300 feet of any bridge span presenting a vertical clearance of less than 25 feet or a horizontal clearance of less than 100 feet.

c. On a creek, stream, canal, or similar linear waterway where the waterway is less than 75 feet in width from shoreline to shoreline.

d. On a lake or pond of less than 10 acres in total surface area.

3. An ordinance establishing a vessel exclusion zone if the area is:

a. Designated as a public bathing beach or swim area.

b. Within 300 feet of a dam, spillway, or flood-control structure.

(c) Municipalities and counties have the authority to establish by ordinance the following other ~~boating-restricted~~ areas:

1. An ordinance establishing an Idle Speed-No Wake ~~boating-restricted~~ area, if the area is within 300 feet of a confluence of water bodies presenting a blind corner, a bend in a narrow channel or fairway, or such other area where an intervening obstruction to visibility may obscure other vessels or other users of the waterway.

2. An ordinance establishing a Slow Speed Minimum Wake or a numerical speed limit ~~boating-restricted~~ area if the area is:

a. Within 300 feet of a confluence of water bodies presenting a blind corner, a bend in a narrow channel or fairway, or such other area where an intervening obstruction to visibility may obscure other vessels or other users of the waterway.

b. Subject to unsafe levels of vessel traffic congestion.

c. Subject to hazardous water levels or currents, or containing other navigational hazards.

d. An area that accident reports, uniform boating citations, vessel traffic studies, or other creditable data demonstrate to present a significant risk of collision or a significant threat to boating safety.

3. An ordinance establishing a vessel-exclusion zone if the area is reserved exclusively:

a. As a canoe trail or otherwise limited to vessels under oars or under sail.

b. For a particular activity and user group, separation must be imposed to protect the safety of those participating in such activity.

Any of the ordinances adopted pursuant to this paragraph shall not take effect until the commission has reviewed the ordinance and determined by substantial competent evidence that the ordinance is necessary to protect public safety pursuant to this paragraph. Any application for approval of an ordinance shall be reviewed and acted upon within 90 days after receipt of a completed application. Within 30 days after a municipality or county submits an application for approval to the commission, the commission shall advise the municipality or county as to what information, if any, is needed to deem the application properly completed. An application shall be considered complete upon receipt of all requested information and correction of any error or omission for which the applicant was timely notified or when the time for such notification has expired. The commission's action on the application is subject to review under chapter 120. The commission shall initiate rulemaking within 180 days after the effective date of this act to provide criteria and procedures for reviewing applications submitted under this part and procedures for providing for public notice and participation.

(2) Each such ~~boating-restricted restricted~~ area shall be developed in consultation and coordination with the governing body of the county or municipality in which the ~~boating-restricted restricted~~ area is located and, when the ~~boating-restricted~~ area is to be on the navigable waters of the United States ~~where required~~, with the United States Coast Guard and the United States Army Corps of Engineers.

(3) ~~(2)~~ It is unlawful for any person to operate a vessel in a prohibited manner or to carry on any prohibited activity, as defined in this chapter, ~~deemed a safety hazard or interference with navigation as provided above~~ within a ~~boating-restricted restricted~~ water area that which has

been clearly marked by regulatory markers as authorized under this chapter.

(4) ~~(3)~~ *Restrictions in a boating-restricted area established pursuant to this section shall not apply in the case of an emergency or to a law enforcement, firefighting, or rescue vessel owned or operated by a governmental entity.*

Section 14. Effective October 1, 2009, section 327.60, Florida Statutes, is amended to read:

327.60 Local regulations; limitations.—

(1) The provisions of *this chapter and chapter 328 ss. 327.01, 327.02, 327.30, 327.40, 327.44, 327.50, 327.54, 327.56, 327.65, 328.40, 328.48, 328.52, 328.58, 328.62, and 328.64* shall govern the operation, equipment, and all other matters relating thereto whenever any vessel shall be operated upon the *waters of this state waterways* or when any activity regulated hereby shall take place thereon.

(2) Nothing in *this chapter or chapter 328 these sections* shall be construed to prevent the adoption of any ordinance or local *regulation law* relating to operation and equipment of vessels, except that *no county or municipality shall enact, continue in effect, or enforce any ordinance or local regulation:*

(a) *Establishing a vessel or associated equipment performance or other safety standard, imposing a requirement for associated equipment, or regulating the carrying or use of marine safety articles;*

(b) *With respect to the design, manufacture, installation, or use of any marine sanitation device on any vessel;*

(c) *Regulating any vessel upon the Florida Intracoastal Waterway;*

(d) *Discriminating against personal watercraft;*

(e) *Discriminating against airboats, for ordinances adopted after July 1, 2006, unless adopted by a two-thirds vote of the governing body enacting such ordinance;*

(f) *Regulating the anchoring of vessels other than live-aboard vessels outside the marked boundaries of mooring fields permitted as provided in s. 327.40;*

(g) *Regulating engine or exhaust noise, except as provided in s. 327.65; or*

(h) *That is in conflict with this chapter or any amendments thereto or rules thereunder. no such ordinance or local law may apply to the Florida Intracoastal Waterway and except that such ordinances or local laws shall be operative only when they are not in conflict with this chapter or any amendments thereto or regulations thereunder. Any ordinance or local law which has been adopted pursuant to this section or to any other state law may not discriminate against personal watercraft as defined in s. 327.02. Effective July 1, 2006, any ordinance or local law adopted pursuant to this section or any other state law may not discriminate against airboats except by a two-thirds vote of the governing body enacting such ordinance.*

(3) ~~(2)~~ Nothing contained in the provisions of this section shall be construed to prohibit local governmental authorities from the enactment or enforcement of regulations which prohibit or restrict the mooring or anchoring of floating structures or live-aboard vessels within their jurisdictions or of any vessels within the marked boundaries of mooring fields permitted as provided in s. 327.40. However, local governmental authorities are prohibited from regulating the anchoring outside of such mooring fields of *vessels other than live-aboard vessels as defined in s. 327.02 non-live-aboard vessels in navigation.*

Section 15. Paragraph (1) of subsection (2) of section 327.65, Florida Statutes, is amended to read:

327.65 Muffling devices.—

(2)(a) Any county wishing to impose additional noise pollution and exhaust regulations on vessels may, pursuant to s. 327.60(2) ~~(1)~~, adopt by county ordinance the following regulations:

1. No person shall operate or give permission for the operation of any vessel on the waters of any county or on a specified portion of the waters of any county, including the Florida Intracoastal Waterway, which has adopted the provisions of this section in such a manner as to exceed the following sound levels at a distance of 50 feet from the vessel: for all vessels, a maximum sound level of 90 dB A.

2. Any person who refuses to submit to a sound level test when requested to do so by a law enforcement officer is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) The following words and phrases, when used in this section, shall have the meanings respectively assigned to them in this subsection.

1. “dB A” means the composite abbreviation for the A-weighted sound level and the unit of sound level, the decibel.

2. “Sound level” means the A-weighted sound pressure level measured with fast response using an instrument complying with the specification for sound level meters of the American National Standards Institute, Inc., or its successor bodies, except that only a weighting and fast dynamic response need be provided.

Section 16. Section 327.66, Florida Statutes, is created to read:

327.66 Carriage of gasoline on vessels.—

(1)(a) A person shall not:

1. *Possess or operate any vessel that has been equipped with tanks, bladders, drums, or other containers designed or intended to hold gasoline, or install or maintain such containers in a vessel, if such containers do not conform to federal regulations or have not been approved by the United States Coast Guard by inspection or special permit.*

2. *Transport any gasoline in an approved portable container when the container is in a compartment that is not ventilated in strict compliance with United States Coast Guard regulations pertaining to ventilation of compartments containing gasoline tanks.*

(b) *A person who violates paragraph (a) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.*

(2)(a) *Gasoline possessed or transported in violation of this section and all containers holding such gasoline are declared to be a public nuisance. A law enforcement agency discovering gasoline possessed or transported in violation of paragraph (1)(a) shall abate the nuisance by removing the gasoline and containers from the vessel and from the waters of this state. A law enforcement agency that removes gasoline or containers pursuant to this subsection may elect to:*

1. *Retain the property for the agency’s own use;*
2. *Transfer the property to another unit of state or local government;*
3. *Donate the property to a charitable organization; or*
4. *Sell the property at public sale pursuant to s. 705.103.*

(b) *A law enforcement agency that seizes gasoline or containers pursuant to this subsection shall remove and reclaim, recycle, or otherwise dispose of the gasoline as soon as practicable in a safe and proper manner.*

(3) *All conveyances, vessels, vehicles, and other equipment described in paragraph (1)(a) or used in the commission of a violation of paragraph (1)(a), other than gasoline or containers removed as provided in subsection (2), are declared to be contraband.*

(a) *Upon conviction of a person arrested for a violation of paragraph (1)(a), the judge shall issue an order adjudging and ordering that all conveyances, vessels, vehicles, and other equipment used in the violation shall be forfeited to the arresting agency. The requirement for a conviction before forfeiture of property establishes to the exclusion of any reasonable doubt that the property was used in connection with the violation resulting in the conviction, and the procedures of chapter 932 do not apply to any forfeiture of property under this subsection following a conviction.*

(b) *In the absence of an arrest or conviction, any such conveyance, vessel, vehicle, or other equipment used in violation of paragraph (1)(a) shall be subject to seizure and forfeiture as provided by the Florida Contraband Forfeiture Act.*

(c) *As used in this subsection, the term "conviction" means a finding of guilt or the acceptance of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld or whether imposition of sentence is withheld, deferred, or suspended.*

(4) *All costs incurred by the law enforcement agency in the removal of any gasoline, gasoline container, other equipment, or vessel as provided in this section shall be recoverable against the owner thereof. Any person who neglects or refuses to pay such amount shall not be issued a certificate of registration for such vessel or for any other vessel or motor vehicle until the costs have been paid.*

(5) *Foreign flagged vessels entering United States waters and Florida state waters in compliance with 19 USC 1433 are exempt from this section.*

Section 17. Effective October 1, 2009, section 327.70, Florida Statutes, is amended to read:

327.70 Enforcement of this chapter and chapter 328.—

(1) This chapter and chapter 328 shall be enforced by the Division of Law Enforcement of the Fish and Wildlife Conservation Commission and its officers, the sheriffs of the various counties and their deputies, municipal police officers, and any other authorized law enforcement officer as defined in s. 943.10, all of whom may order the removal of vessels deemed to be an interference or a hazard to public safety, enforce the provisions of this chapter and chapter 328, or cause any inspections to be made of all vessels in accordance with this chapter and chapter 328.

(2)(a) *Noncriminal violations of the following statutes may be enforced by a uniform boating citation mailed to the registered owner of an unattended vessel anchored, aground, or moored on the waters of this state:*

1. *Section 327.33(3)(b), relating to navigation rules.*
2. *Section 327.44, relating to interference with navigation.*
3. *Section 327.50(2), relating to required lights and shapes.*
4. *Section 327.53, relating to marine sanitation.*
5. *Section 328.48(5), relating to display of decal.*
6. *Section 328.52(2), relating to display of number.*

(b) *Citations issued to livery vessels under this subsection shall be the responsibility of the lessee of the vessel if the livery has included a warning of this responsibility as a part of the rental agreement and has provided to the agency issuing the citation the name, address, and date of birth of the lessee when requested by that agency. The livery is not responsible for the payment of citations if the livery provides the required warning and lessee information.*

(3) Such officers shall have the power and duty to issue such orders and to make such investigations, reports, and arrests in connection with any violation of the provisions of this chapter and chapter 328 as are necessary to effectuate the intent and purpose of this chapter and chapter 328.

(4) ~~(3)~~ The Fish and Wildlife Conservation Commission or any other law enforcement agency may make any investigation necessary to secure information required to carry out and enforce the provisions of this chapter and chapter 328.

Section 18. Effective October 1, 2009, subsection (1) of section 327.73, Florida Statutes, is amended to read:

327.73 Noncriminal infractions.—

(1) Violations of the following provisions of the vessel laws of this state are noncriminal infractions:

- (a) Section 328.46, relating to operation of unregistered and un-numbered vessels.
- (b) Section 328.48(4), relating to display of number and possession of registration certificate.
- (c) Section 328.48(5), relating to display of decal.
- (d) Section 328.52(2), relating to display of number.
- (e) Section 328.54, relating to spacing of digits and letters of identification number.
- (f) Section 328.60, relating to military personnel and registration of vessels.
- (g) Section 328.72(13), relating to operation with an expired registration.
- (h) Section 327.33(2), relating to careless operation.
- (i) Section 327.37, relating to water skiing, aquaplaning, parasailing, and similar activities.
- (j) Section 327.44, relating to interference with navigation.
- (k) Violations relating to *boating-restricted* ~~restricted~~ areas and speed limits:
 1. *Established by the commission or by local governmental authorities pursuant to s. 327.46.*
 2. ~~Established by local governmental authorities pursuant to s. 327.22 or s. 327.60.~~
 2. ~~3.~~ *Speed limits established pursuant to s. 379.2431(2).*
- (l) Section 327.48, relating to regattas and races.
- (m) Section 327.50(1) and (2), relating to required safety equipment, lights, and shapes.
- (n) Section 327.65, relating to muffling devices.
- (o) Section 327.33(3)(b), relating to navigation rules.
- (p) Section 327.39(1), (2), (3), and (5), relating to personal watercraft.
- (q) Section 327.53(1), (2), and (3), relating to marine sanitation.
- (r) Section 327.53(4), (5), and (7), relating to marine sanitation, for which the civil penalty is \$250.
- (s) Section 327.395, relating to boater safety education.
- (t) Section 327.52(3), relating to operation of overloaded or over-powered vessels.
- (u) Section 327.331, relating to divers-down flags, except for violations meeting the requirements of s. 327.33.
- (v) Section 327.391(1), relating to the requirement for an adequate muffler on an airboat.
- (w) Section 327.391(3), relating to the display of a flag on an airboat.
- (x) *Section 253.04(4)(a), relating to carelessly causing seagrass scarring, for which the civil penalty upon conviction is:*
 1. *For a first offense, \$50.*
 2. *For a second offense occurring within 12 months after a prior conviction, \$250.*
 3. *For a third offense occurring within 36 months after a prior conviction, \$500.*
 4. *For a fourth or subsequent offense occurring within 72 months after a prior conviction, \$1,000.*

Any person cited for a violation of any such provision shall be deemed to be charged with a noncriminal infraction, shall be cited for such an infraction, and shall be cited to appear before the county court. The civil penalty for any such infraction is \$50, except as otherwise provided in this section. Any person who fails to appear or otherwise properly respond to a uniform boating citation shall, in addition to the charge relating to the violation of the boating laws of this state, be charged with the offense of failing to respond to such citation and, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A written warning to this effect shall be provided at the time such uniform boating citation is issued.

Section 19. Effective October 1, 2009, subsection (1) of section 327.731, Florida Statutes, is amended to read:

327.731 Mandatory education for violators.—

(1) Every person convicted of a criminal violation of this chapter, every person convicted of a noncriminal infraction under this chapter if the infraction resulted in a reportable boating accident, and every person convicted of two noncriminal infractions as defined in s. 327.73(1)(h)-(k), (m), (o), (p), and (s)-(x) ~~(s)-(w)~~, said infractions occurring within a 12-month period, must:

(a) Enroll in, attend, and successfully complete, at his or her own expense, a boating safety course that meets minimum standards established by the commission by rule; however, the commission may provide by rule pursuant to chapter 120 for waivers of the attendance requirement for violators residing in areas where classroom presentation of the course is not available;

(b) File with the commission within 90 days proof of successful completion of the course;

(c) Refrain from operating a vessel until he or she has filed the proof of successful completion of the course with the commission.

Any person who has successfully completed an approved boating course shall be exempt from these provisions upon showing proof to the commission as specified in paragraph (b).

Renumber subsequent sections.

And the title is amended as follows:

Delete lines 27-54 and insert: 10-horsepower motor or greater; providing a short title; amending s. 327.40, F.S.; revising provisions for placement of navigation, safety, and informational markers of waterways; providing for uniform waterway markers; removing an exemption from permit requirements for certain markers placed by county, municipal, or other government entities; amending s. 327.41, F.S.; relating to placement of markers by a county or municipality; revising terminology; providing for a county or municipality that has adopted a boating-restricted area by ordinance under specified provisions to apply for permission to place regulatory markers; amending s. 327.42, F.S.; revising provisions prohibiting mooring to or damaging markers or buoys; amending s. 327.46, F.S.; revising provisions for establishment by the Fish and Wildlife Conservation Commission of boating-restricted areas; providing for counties and municipalities to establish boating-restricted areas with approval of the commission; directing the commission to adopt rules for the approval; revising a prohibition against operating a vessel in a prohibited manner in a boating-restricted area; amending s. 327.60, F.S.; revising provisions limiting regulation by a county or municipality of the operation, equipment, and other matters relating to vessels operated upon the waters of this state; prohibiting certain county or municipality ordinances or regulations; amending s. 327.65, F.S.; correcting a cross reference; creating s. 327.66, F.S.; prohibiting

Senator Baker moved the following amendment which was adopted:

Amendment 2 (565450) (with title amendment)—Between lines 1337 and 1338 insert:

Section 35. Effective July 1, 2010, paragraphs (h), (i), and (j) of subsection (4) and subsections (8), (11), and (12) of section 379.354, Florida Statutes, are amended, and effective July 15, 2009, paragraph (k) is added to subsection (4) of that section, to read:

379.354 Recreational licenses, permits, and authorization numbers; fees established.—

(4) RESIDENT HUNTING AND FISHING LICENSES.—The licenses and fees for residents participating in hunting and fishing activities in this state are as follows:

(h) Annual sportsman's license, \$79, except that an annual sportsman's license for a resident 64 years of age or older is \$12. A sportsman's license authorizes the person to whom it is issued to take game and freshwater fish, subject to the state and federal laws, rules, and regulations, including rules of the commission, in effect at the time of the taking. Other authorized activities include activities authorized by a management area permit, a muzzle-loading gun season permit, a crossbow season permit, a turkey permit, a Florida waterfowl permit, a deer permit, and an archery season permit.

(i) Annual gold sportsman's license, \$98.50. The gold sportsman's license authorizes the person to whom it is issued to take freshwater fish, saltwater fish, and game, subject to the state and federal laws, rules, and regulations, including rules of the commission, in effect at the time of taking. Other authorized activities include activities authorized by a management area permit, a muzzle-loading gun season permit, a crossbow season permit, a turkey permit, a Florida waterfowl permit, a deer permit, an archery season permit, a snook permit, and a spiny lobster permit.

(j) Annual military gold sportsman's license, \$18.50. The gold sportsman's license authorizes the person to whom it is issued to take freshwater fish, saltwater fish, and game, subject to the state and federal laws, rules, and regulations, including rules of the commission, in effect at the time of taking. Other authorized activities include activities authorized by a management area permit, a muzzle-loading gun season permit, a crossbow season permit, a turkey permit, a Florida waterfowl permit, a deer permit, an archery season permit, a snook permit, and a spiny lobster permit. Any resident who is an active or retired member of the United States Armed Forces, the United States Armed Forces Reserve, the National Guard, the United States Coast Guard, or the United States Coast Guard Reserve is eligible to purchase the military gold sportsman's license upon submission of a current military identification card.

(8) SPECIFIED HUNTING, FISHING, AND RECREATIONAL ACTIVITY PERMITS.—*In order to ensure that the cultural heritage of hunting and sport fishing as recognized in s. 379.104 is passed on to future Floridians, the commission shall use up to 10 percent of the proceeds from the hunting and sport fishing permits issued pursuant to this subsection to promote hunting and sport fishing activities with an emphasis on youth participation.* In addition to any license required under this chapter, the following permits and fees for specified hunting, fishing, and other recreational uses and activities are required:

(a) An annual Florida waterfowl permit for a resident or nonresident to take wild ducks or geese within the state or its coastal waters is \$5 ~~\$2~~. *Revenue generated from the sale of waterfowl permits or that pro rata portion of any license that includes waterfowl hunting privileges provided for in this paragraph shall be used for conservation, research, and management of waterfowl; for the development, restoration, maintenance, and preservation of wetlands within the state; or to promote the cultural heritage of hunting.*

(b)1. An annual Florida turkey permit for a resident to take wild turkeys within the state is \$10 ~~\$5~~. *Revenue generated from the sale of resident wild turkey permits or that pro rata portion of any license that includes turkey hunting privileges provided for in this subparagraph shall be used for the conservation, research, and management of wild turkeys or to promote the cultural heritage of hunting.*

2. An annual Florida turkey permit for a nonresident to take wild turkeys within the state is \$125 ~~\$100~~. *Revenue generated from the sale of nonresident wild turkey permits or that pro rata portion of any license that includes turkey hunting privileges provided for in this subparagraph shall be used for the conservation, research, and management of wild turkeys or to promote the cultural heritage of hunting.*

(c) An annual snook permit for a resident or nonresident to take or possess any snook from any waters of the state is \$10 ~~\$2~~. Revenue

generated from the sale of snook permits shall be used exclusively for programs to benefit the snook population.

(d) An annual spiny lobster permit for a resident or nonresident to take or possess any spiny lobster for recreational purposes from any waters of the state is \$5 ~~\$2~~. Revenue generated from the sale of spiny lobster permits shall be used exclusively for programs to benefit the spiny lobster population.

(e) A \$5 fee is imposed for each of the following permits:

1. An annual archery season permit for a resident or nonresident to hunt within the state during any archery season authorized by the commission.

2. An annual crossbow season permit for a resident or nonresident to hunt within the state during any crossbow season authorized by the commission.

3. An annual muzzle-loading gun season permit for a resident or nonresident to hunt within the state during any muzzle-loading gun season authorized by the commission.

(f) A special use permit for a resident or nonresident to participate in limited entry hunting or fishing activities as authorized by commission rule shall not exceed \$150 ~~\$100~~ per day or \$300 ~~\$250~~ per week. Notwithstanding any other provision of this chapter, there are no exclusions, exceptions, or exemptions from this permit fee. In addition to the permit fee, the commission may charge each special use permit applicant a nonrefundable application fee not to exceed \$10.

(g)1. A management area permit for a resident or nonresident to hunt on, fish on, or otherwise use for outdoor recreational purposes land owned, leased, or managed by the commission, or by the state for the use and benefit of the commission, shall not exceed \$30 ~~\$25~~ per year.

2. Permit fees for short-term use of land that is owned, leased, or managed by the commission may be established by rule of the commission for activities on such lands. Such permits may be in lieu of, or in addition to, the annual management area permit authorized in subparagraph 1. *and subparagraph 4.*

3. Other than for hunting or fishing, the provisions of this paragraph shall not apply on any lands not owned by the commission, unless the commission has obtained the written consent of the owner or primary custodian of such lands.

4. *A management area permit for a resident or nonresident to hike, camp, or otherwise engage in other outdoor recreational activities, except hunting or fishing, on management area lands shall not exceed \$5 per day or \$30 per year.*

(h)1. A recreational user permit is required to hunt on, fish on, or otherwise use for outdoor recreational purposes land leased by the commission from private nongovernmental owners, ~~except for those lands located directly north of the Apalachicola National Forest, east of the Ochlocknee River until the point the river meets the dam forming Lake Talquin, and south of the closest federal highway.~~ The fee for a recreational user permit shall be based upon the economic compensation desired by the landowner, game population levels, desired hunter density, and administrative costs. The permit fee shall be set by commission rule on a per-acre basis. The recreational user permit fee, less administrative costs of up to \$30 ~~\$25~~ per permit, shall be remitted to the landowner as provided in the lease agreement for each area.

2. One minor dependent under 16 years of age may hunt under the supervision of the permittee and is exempt from the recreational user permit requirements. The spouse and dependent children of a permittee are exempt from the recreational user permit requirements when engaged in outdoor recreational activities other than hunting and when accompanied by a permittee. Notwithstanding any other provision of this chapter, no other exclusions, exceptions, or exemptions from the recreational user permit fee are authorized.

(i) *An annual deer permit for a resident or nonresident to take deer within the state during any season authorized by the commission is \$5. Revenue generated from the sale of deer permits shall be used for the conservation, research, and management of white-tailed deer or to promote the cultural heritage of hunting.*

The commission shall prepare an annual report documenting the use of funds generated pursuant to paragraphs (a) and (b) and shall submit the report to the Governor, the Speaker of the House of Representatives, and the President of the Senate no later than September 1 of each year.

(11) RESIDENT LIFETIME HUNTING LICENSES.—

(a) Lifetime hunting licenses are available to residents only, as follows, for:

1. Persons 4 years of age or younger, for a fee of \$200.

2. Persons 5 years of age or older, but under 13 years of age, for a fee of \$350.

3. Persons 13 years of age or older, for a fee of \$500.

(b) The following activities are authorized by the purchase of a lifetime hunting license:

1. Taking, or attempting to take or possess, game consistent with the state and federal laws and regulations and rules of the commission in effect at the time of the taking.

2. All activities authorized by a muzzle-loading gun season permit, a crossbow season permit, a turkey permit, an archery season permit, a Florida waterfowl permit, *a deer permit*, and a management area permit, excluding fishing.

(12) RESIDENT LIFETIME SPORTSMAN'S LICENSES.—

(a) Lifetime sportsman's licenses are available to residents only, as follows, for:

1. Persons 4 years of age or younger, for a fee of \$400.

2. Persons 5 years of age or older, but under 13 years of age, for a fee of \$700.

3. Persons 13 years of age or older, for a fee of \$1,000.

(b) The following activities are authorized by the purchase of a lifetime sportsman's license:

1. Taking, or attempting to take or possess, freshwater and saltwater fish, and game, consistent with the state and federal laws and regulations and rules of the commission in effect at the time of taking.

2. All activities authorized by a management area permit, a muzzle-loading gun season permit, a crossbow season permit, a turkey permit, an archery season permit, a Florida waterfowl permit, *a deer permit*, a snook permit, and a spiny lobster permit.

Section 36. *Effective July 1, 2010, section 379.2211, Florida Statutes, is repealed.*

Section 37. *Effective July 1, 2010, section 379.2212, Florida Statutes, is repealed.*

Renumber subsequent sections

And the title is amended as follows:

Delete line 152 and insert: Health Care Administration; amending s. 379.354, F.S.; providing for an annual resident shoreline fishing license and fee; authorizing the commission to use proceeds of specified hunting, fishing, and recreational licenses for certain purposes; increasing the fee amounts for waterfowl, wild turkey, snook, spiny lobster, management area, special use, and recreational user permits; providing for a management area permit and fee for outdoor recreational activities other than hunting and fishing; providing for a deer permit and fee; requiring the commission to prepare an annual report and submit the report to the Governor and the Legislature; providing report requirements; repealing s. 379.2212, F.S.; providing for use of funds for the Florida wild turkey permit program; amending s. 379.3671,

Senator Constantine moved the following amendment which was adopted:

Amendment 3 (859128)—Delete lines 2009-2089 and insert:

(2) If two or more persons violate s. 379.501(1) so that the damage is indivisible, each violator shall be jointly and severally liable for the damage and for the reasonable cost and expenses of the state incurred in restoring the waters and property of the state, including the animal, plant, and aquatic life, to their former condition. However, if the damage is divisible and may be attributed to a particular violator or violators, each violator is liable only for that damage attributable to his or her violation.

(3) In assessing damages for fish killed, the value of the fish shall be determined in accordance with a table of values for individual categories of fish, which shall be adopted by the Department of Environmental Protection pursuant to s. 403.141(3). The total number of fish killed may be estimated by standard practices used in estimating fish population.

Section 46. Subsection (1) of section 403.088, Florida Statutes, is amended to read:

403.088 Water pollution operation permits; conditions.—

(1) No person, without written authorization of the department, shall discharge into waters within the state any waste which, by itself or in combination with the wastes of other sources, reduces the quality of the receiving waters below the classification established for them. However, this section shall not be deemed to prohibit the application of pesticides to waters in the state for the control of insects, aquatic weeds, or algae, provided the application is performed pursuant to a program approved by the Department of Health, in the case of insect control, or the *Fish and Wildlife Conservation Commission* department, in the case of aquatic weed or algae control. The department is directed to enter into interagency agreements to establish the procedures for program approval. Such agreements shall provide for public health, welfare, and safety, as well as environmental factors. Approved programs must provide that only chemicals approved for the particular use by the United States Environmental Protection Agency or by the Department of Agriculture and Consumer Services may be employed and that they be applied in accordance with registered label instructions, state standards for such application, and the provisions of the Florida Pesticide Law, part I of chapter 487.

Section 47. *The statutory powers, duties, and functions related to ss. 369.20, 369.22, and 369.252, Florida Statutes, which were transferred by chapter 2008-150, Laws of Florida, and all records, personnel, and property; unexpended balances of appropriations, allocations, and other funds; administrative authority; administrative rules; pending issues; and existing contracts of the Bureau of Invasive Plant Management in the Department of Environmental Protection are transferred by a type two transfer, pursuant to s. 20.06(2), Florida Statutes, to the Fish and Wildlife Conservation Commission. All actions taken pursuant to chapter 2008-150, Laws of Florida, and the Interagency Agreement executed thereto are ratified.*

Section 48. *The Invasive Plant Control Trust Fund, FLAIR number 37-2-030, in the Department of Environmental Protection is transferred to the Fish and Wildlife Conservation Commission, FLAIR number 77-2-030.*

Section 49. For the purpose of incorporating the amendment made by this act to section 319.32, Florida Statutes, in a reference thereto, paragraph (a) of subsection (2) of section 379.209, Florida Statutes, is reenacted to read:

379.209 Nongame Wildlife Trust Fund.—

(2)(a) There is established within the Fish and Wildlife Conservation Commission the Nongame Wildlife Trust Fund. The fund shall be credited with moneys collected pursuant to ss. 319.32(3) and 320.02(8). Additional funds may be provided from legislative appropriations and by donations from interested individuals and organizations. The commission shall designate an identifiable unit to administer the trust fund.

Section 50. For the purpose of incorporating the amendment made by this act to section 379.353, Florida Statutes, in a reference thereto, subsection (7) of section 379.3581, Florida Statutes, is reenacted to read:

379.3581 Hunter safety course; requirements; penalty.—

(7) The hunter safety requirements of this section do not apply to persons for whom licenses are not required under s. 379.353(2).

Section 51. *For the 2009-2010 fiscal year, the sum of \$185,000 is appropriated from the State Game Trust Fund to the Fish and Wildlife Conservation Commission for license issuance costs resulting from changes to the saltwater fishing shoreline exemption.*

Section 52. *Effective October 1, 2009, section 327.22, Florida Statutes, is repealed.*

Pursuant to Rule 4.19, **CS for CS for SB 2536** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for SM 152—A memorial to the Congress of the United States, urging Congress to support federally funded and state-funded home and community-based services for individuals with disabilities of any age, especially elders.

WHEREAS, federal and state financial assistance is provided for nursing home care under the Medicare and Medicaid programs for elders and individuals with disabilities, and

WHEREAS, home and community-based services are a valuable cost-effective alternative to institutional care which benefit both the individual receiving such services and the federal and state programs that fund such services, and

WHEREAS, studies document that elders and individuals with disabilities who receive health care in their homes or other community settings in contrast to those who receive care in a nursing home experience improved outcomes, quality of care, and quality of life, and

WHEREAS, publicly funded programs that cover home and community-based services for elders and individuals with disabilities are limited, and

WHEREAS, federal and state programs provide limited support for home and community-based services that serve as an alternative to institutional care, and

WHEREAS, support is needed to develop consistent quality assurance measures for home and community-based services, and

WHEREAS, individuals receiving home and community-based services deserve an assurance of protection from abuse and neglect, and

WHEREAS, home and community-based services benefit not only our parents and grandparents, but also our children and grandchildren, NOW, THEREFORE,

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

That the Congress of the United States is urged to:

(1) Increase federal financial assistance and encourage states to increase financial assistance for, and broaden access to, publicly supported home and community-based services for elders and individuals with disabilities; and

(2) Implement on the federal and state level more unified training and supervision standards for certified nurse assistants and home health aides.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

—was read the second time in full. On motion by Senator Aronberg, **CS for SM 152** was adopted and certified to the House.

On motion by Senator Ring—

CS for CS for SB 162—A bill to be entitled An act relating to electronic health records; amending s. 395.3025, F.S.; expanding access to a patient's health records in order to facilitate the exchange of data between certain health care facility personnel, practitioners, and providers

and attending physicians; creating s. 408.051, F.S.; creating the "Florida Electronic Health Records Exchange Act"; providing definitions; authorizing the release of certain health records under emergency medical conditions without the consent of the patient or the patient representative; providing for immunity from civil liability; providing duties of the Agency for Health Care Administration with regard to the availability of specified information on the agency's Internet website; requiring the agency to develop and implement a universal patient authorization form in paper and electronic formats for the release of certain health records; providing procedures for use of the form; providing penalties; providing for certain compensation and attorney's fees and costs; creating s. 408.0512, F.S.; requiring the Agency for Health Care Administration to operate an electronic health record technology loan fund, subject to a specific appropriation; requiring the agency to adopt rules related to standard terms and conditions for the loan program; amending s. 409.916, F.S.; requiring that the agency deposit into the Grants and Donations Trust Fund private donations provided for the purpose of funding a certified electronic health record technology loan fund; amending s. 483.181, F.S.; expanding access to laboratory reports in order to facilitate the exchange of data between certain health care practitioners and providers; providing an effective date.

—was read the second time by title.

Senator Ring moved the following amendments which were adopted:

Amendment 1 (854910) (with title amendment)—Delete lines 100-125 and insert:

~~(h) The State Long Term Care Ombudsman Council and the local long term care ombudsman councils, with respect to the records of a patient who has been admitted from a nursing home or long term care facility, when the councils are conducting an investigation involving the patient as authorized under part II of chapter 400, upon presentation of identification as a council member by the person making the request. Disclosure under this paragraph shall only be made after a competent patient or the patient's representative has been advised that disclosure may be made and the patient has not objected.~~

(h) ~~(h)~~ A local trauma agency or a regional trauma agency that performs quality assurance activities, or a panel or committee assembled to assist a local trauma agency, or a regional trauma agency in performing quality assurance activities. Patient records obtained under this paragraph are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(i) ~~(i)~~ Organ procurement organizations, tissue banks, and eye banks required to conduct death records reviews pursuant to s. 395.2050.

(j) ~~(j)~~ The Medicaid Fraud Control Unit in the Department of Legal Affairs pursuant to s. 409.920.

(k) ~~(k)~~ The Department of Financial Services, or an agent, employee, or independent contractor of the department who is auditing for unclaimed property pursuant to chapter 717.

(l) ~~(l)~~ A regional poison control center for purposes of

And the title is amended as follows:

Delete line 6 and insert: practitioners, and providers and attending physicians; deleting the exemption that allows long-term ombudsman councils to have access to certain nursing home patient records;

Amendment 2 (400398)—Delete line 191 and insert: *in any form or medium under this subsection is immune from civil*

Amendment 3 (169606)—Delete lines 225-226 and insert: *of confidentiality and is immune from civil liability for accessing or releasing an identifiable health record under this subsection.*

Pursuant to Rule 4.19, **CS for CS for SB 162** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Baker—

SB 498—A bill to be entitled An act relating to clinical, counseling, and psychotherapy services; amending s. 491.0147, F.S.; providing for a

waiver of confidentiality and privileged communications when, in the clinical judgment of a person licensed or certified under ch. 491, F.S., there is a clear and immediate probability of certain harm; providing immunity from liability for, and prohibiting causes of action against, such person for disclosure of otherwise confidential communications under such circumstances; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 498** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

CS for SB 720—A bill to be entitled An act relating to supervisory physician requirements; amending ss. 458.347 and 459.022, F.S.; providing that a supervising physician may not be required to review and cosign a physician assistant's charts or medical records; deleting certain supervisory physician requirements related to prescribing and dispensing medications noted in appropriate medical records; amending s. 458.348, F.S.; exempting offices at which laser hair removal is the exclusive service being performed from certain provisions requiring direct supervision by a physician; providing an effective date.

—was read the second time by title.

Senator Peaden moved the following amendment:

Amendment 1 (646884) (with title amendment)—Between lines 16 and 17 insert:

Section 1. Section 458.3312, Florida Statutes, is amended to read:

458.3312 Specialties.—A physician licensed under this chapter may not hold himself or herself out as a board-certified specialist unless the physician has received formal recognition as a specialist from a specialty board of the American Board of Medical Specialties or other recognizing agency that has been approved by the board, *subject to triennial board review of such approval and reauthorization by the board.* However, a physician may indicate the services offered and may state that his or her practice is limited to one or more types of services when this accurately reflects the scope of practice of the physician.

And the title is amended as follows:

Delete line 3 and insert: amending s. 458.3312, F.S.; revising requirements that authorize a physician to hold himself or herself out as a board-certified specialist; amending ss. 458.347 and 459.022, F.S.; providing that

MOTION

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

Senator Peaden moved the following substitute amendment which was adopted:

Amendment 2 (971662) (with title amendment)—Between lines 16 and 17 insert:

Section 1. Section 458.3312, Florida Statutes, is amended to read:

458.3312 Specialties.—A physician licensed under this chapter may not hold himself or herself out as a board-certified specialist unless the physician has received formal recognition as a specialist from a specialty board of the American Board of Medical Specialties or other recognizing agency that has been approved by the board. However, a physician may indicate the services offered and may state that his or her practice is limited to one or more types of services when this accurately reflects the scope of practice of the physician. *A physician may not hold himself or herself out as a board-certified specialist in dermatology unless the recognizing agency, whether authorized in statute or by rule, is triennially reviewed and reauthorized by the Board of Medicine.*

And the title is amended as follows:

Delete line 2 and insert: An act relating to physician practice; amending s. 458.3312, F.S.; revising provisions regarding board certification of a physician as a specialist;

Pursuant to Rule 4.19, **CS for SB 720** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for CS for SB 1276** was deferred.

On motion by Senator Detert—

SB 1848—A bill to be entitled An act relating to verification of a prisoner's immigration status; creating s. 907.06, F.S.; requiring the staff of a jail or other detention center or facility to make a reasonable effort to determine the citizenship status of a person charged with specified crimes; requiring that facility staff make a reasonable effort to verify whether the prisoner is lawfully present in the United States; requiring facility staff to verify the person's immigration status and notify the United States Department of Homeland Security if the person is not lawfully in the United States; creating, for purposes of a release bond, a rebuttable presumption that a prisoner is at risk of flight if the Department of Homeland Security verifies that the prisoner is a foreign national and is not lawfully present in the United States; authorizing the Department of Law Enforcement to adopt rules; requiring that the act be construed consistent with applicable federal law; providing an effective date.

—was read the second time by title.

The Committee on Military Affairs and Domestic Security recommended the following amendment which was moved by Senator Detert and adopted:

Amendment 1 (246484) (with title amendment)—Delete lines 56-58 and insert:

(5) Any state or local agency complying with this section shall adopt written procedures governing how the inquiries and actions required by this section shall be performed. Any such procedures shall be in compliance with federal immigration law, policies, or procedures as applied to the agency actions.

And the title is amended as follows:

Delete lines 18-19 and insert: United States; requiring agencies affected by this act to adopt written procedures to conform to the act; requiring that the act be

Pursuant to Rule 4.19, **SB 1848** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lawson, by two-thirds vote **CS for CS for HB 873** was withdrawn from the Committees on Health Regulation; and Health and Human Services Appropriations.

On motion by Senator Lawson—

CS for CS for HB 873—A bill to be entitled An act relating to inactive licenses and certificates of need for health care providers; amending s. 408.040, F.S.; extending the period for which a certificate of need is valid; amending s. 408.808, F.S.; providing for renewal of inactive license status for statutory rural hospitals under certain circumstances; requiring plan approval and commencement of construction under certain circumstances; requiring certain proof of enforceable capital expenditures under certain circumstances; providing an effective date.

—a companion measure, was substituted for **CS for SB 1926** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 873** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1978** and **CS for CS for SB 2066** was deferred.

On motion by 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.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2612** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gaetz, by two-thirds vote **CS for HB 285** was withdrawn from the Committees on Health Regulation; and Health and Human Services Appropriations; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Gaetz—

CS for HB 285—A bill to be entitled An act relating to the Medicaid low-income pool and disproportionate share program; amending s. 409.911, F.S.; expanding the membership of the Medicaid Low-Income Pool Council; providing for composition of expanded membership; designating a council chair; providing restrictions on specified appointments; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 556** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 285** was placed on the calendar of Bills on Third Reading.

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.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1682** to **CS for CS for HB 991**.

Pending further consideration of **CS for SB 1682** as amended, on motion by Senator Wise, by two-thirds vote **CS for CS for HB 991** was withdrawn from the Committee on Education Pre-K - 12 Appropriations.

On motion by Senator Wise—

CS for CS for HB 991—A bill to be entitled An act relating to school improvement and accountability; providing a short title; 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 state board to adopt rules in compliance with the ESEA and 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 and turning around 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 to prescribe reporting requirements to review and monitor the progress of schools; requiring that the department 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 state board approval, for implementing one of four options to improve the performance of the lowest-performing schools; requiring that a school district submit a plan, subject to state board approval, for implementing another option under certain circumstances; 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 the state board to 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 and provisions relating to the assignment of teachers to conform to changes made by the act; providing an effective date.

—a companion measure, was substituted for **CS for SB 1682** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 991** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 2058** was deferred.

CS for SB 2504—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; providing for the adoption of the 2009 version of the Internal Revenue Code; providing exceptions; amending s. 220.13, F.S.; revising the definition of the term "adjusted federal income" for purposes of specifying the treatment by this state of certain provisions dealing with depreciation and expensing of assets and deferral of income that are allowed for federal income tax purposes; authorizing the Department of Revenue to adopt rules; providing for retroactive operation; providing an effective date.

—was read the second time by title.

On motion by Senator Altman, further consideration of **CS for SB 2504** was deferred.

Consideration of **CS for CS for SB 2482** was deferred.

RECESS

On motion by Senator Villalobos, the Senate recessed at 5:06 p.m. to reconvene at 5:21 p.m.

CALL TO ORDER

The Senate was called to order by Senator Fasano at 5:37 p.m. A quorum present—38:

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

SPECIAL ORDER CALENDAR, continued

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

CS for CS for SB 1404—A bill to be entitled An act relating to child-restraint requirements; amending s. 316.613, F.S.; providing child-restraint requirements for children ages 4 through 7; providing exceptions; redefining the term “motor vehicle” to exclude certain vehicles from such requirements; providing a grace period; providing exceptions; providing effective dates.

—which was previously considered and amended this day.

RECONSIDERATION OF AMENDMENT

On motion by Senator Altman, the Senate reconsidered the vote by which **Amendment 1 (412944)** was adopted.

MOTION

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

Senator Altman moved the following substitute amendment which was adopted:

Amendment 4 (655044)—Delete line 26 and insert: *transported in the bed of a pick-up truck in compliance with s. 316.2015 or the child is*

Pursuant to Rule 4.19, **CS for CS for SB 1404** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

CS for SB 2504—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; providing for the adoption of the 2009 version of the Internal Revenue Code; providing exceptions; amending s. 220.13, F.S.; revising the definition of the term “adjusted federal income” for purposes of specifying the treatment by this state of certain provisions dealing with depreciation and expensing of assets and deferral of income that are allowed for federal income tax purposes; authorizing the Department of Revenue to adopt rules; providing for retroactive operation; providing an effective date.

—which was previously considered this day.

Pursuant to Rule 4.19, **CS for SB 2504** was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos—

CS for CS for SB 2066—A bill to be entitled An act relating to certification of public school athletic coaches; amending s. 1012.55, F.S.; providing that completion of a sports safety course shall meet certain certification requirements; requiring the sports safety course to be approved by the Florida High School Athletic Association Board of Directors and to meet specified requirements; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2066** was placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Villalobos, by two-thirds vote **CS for CS for SJR 1302** was withdrawn from the Committee on Rules.

On motion by Senator Haridopolos, by two-thirds vote **SB 2162** and **SB 2652** were withdrawn from the Committee on Governmental Oversight and Accountability.

On motion by Senator Alexander, by two-thirds vote **CS for CS for SB 274**, **CS for SB 1380**, **CS for SB 1864**, and **CS for CS for SB 2262** were withdrawn from the Committee on General Government Appropriations; **CS for SB 508** and **SB 1370** were withdrawn from the Committee on Criminal and Civil Justice Appropriations; **SB 1500** and **CS for SB 2312** were withdrawn from the Committee on Finance and Tax; **CS for CS for SB 126** and **CS for SB 2030** were withdrawn from the Committee on Health and Human Services Appropriations; **SB 1426** was withdrawn from the Committee on Higher Education Appropriations; **CS for CS for SB 168**, **CS for CS for SB 308**, **CS for CS for SB 340**, **SB 442**, **CS for SB 538**, **SB 644**, **CS for SB 1054**, **CS for SB 1104**, **SB 1370**, **CS for CS for CS for SB 2034**, and **CS for CS for SB 2322** were withdrawn from the Policy and Steering Committee on Ways and Means; and **CS for SB 344**, **CS for CS for SB 424**, **SB 628**, and **CS for CS for SB 2248** were withdrawn from the Committee on Transportation and Economic Development Appropriations.

MOTIONS RELATING TO COMMITTEE MEETINGS

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

MOTIONS

On motion by Senator Villalobos, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the next Special Order Calendar.

On motion by Senator Villalobos, the rules were waived and a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Monday, April 27.

MOTION

On motion by Senator Villalobos, the rules were waived and time of recess was extended until 6:30 p.m.

RECESS

On motion by Senator Villalobos, the Senate recessed at 5:53 p.m. to reconvene upon call of the President.

CALL TO ORDER

The Senate was called to order by Senator Fasano at 6:23 p.m. A quorum present—35:

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

Peadar	Smith	Villalobos
Rich	Sobel	Wise
Siplin	Storms	

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

COMMITTEE SUBSTITUTES

MOTION

On motion by Senator Villalobos, the rules were waived and time of recess was extended until 6:45 p.m.

RECESS

On motion by Senator Villalobos, the Senate recessed at 6:25 p.m. to reconvene upon call of the President.

CALL TO ORDER

The Senate was called to order by President Atwater at 6:28 p.m. A quorum was present.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Villalobos, by two-thirds vote **CS for CS for SB 564** and **SJR 566** were withdrawn from the Committee on Rules.

REPORTS OF COMMITTEES

Pursuant to Rule 4.17(2), the President Pro Tempore, the Minority Leader, and the Chair of the Policy and Steering Committee on Ways and Means submit the following bills to be placed on the Claim Bill Calendar for Friday, April 24, 2009: SB 30, CS for SB 40, CS for SB 46, CS for SB 52, CS for SB 522, SB 524.

Respectfully submitted,
Mike Fasano, President Pro Tempore
Alfred "Al" Lawson, Jr., Minority Leader
JD Alexander, Chair, Policy and Steering Committee on Ways and Means

Pursuant to Rule 4.17(2), the President Pro Tempore, the Minority Leader, and the Chair of the Policy and Steering Committee on Ways and Means submit the following bills to be placed on the Special Order Calendar for Friday, April 24, 2009: CS for SB 342, CS for SB 642, CS for SB 650, CS for SB's 674 and 1422, CS for CS for SB 714, SB 860, SB 872, CS for CS for CS for SB 1088, SB 1398, CS for CS for SB 1404, CS for SB 582, CS for CS for SB 1950, SB 2064, CS for SB 2210, SB 2330, CS for CS for SB 1894, SB 216, SB 324, CS for CS for SB 2160, CS for CS for CS for SB 494, CS for SB 624, CS for SB 852, CS for CS for SB 2536, SB 68, CS for SM 152, CS for CS for SB 162, SB 498, CS for SB 720, CS for CS for CS for CS for SB 1276, SB 1848, CS for SB 1926, CS for CS for SB 1978, CS for CS for SB 2066, CS for CS for SB 2612, CS for CS for SB 556, CS for SB 1682, SB 2058, CS for CS for CS for SB's 2430 and SB 1960, CS for SB 2504, CS for SB 1576, CS for CS for SB 2482.

Respectfully submitted,
Mike Fasano, President Pro Tempore
Alfred "Al" Lawson, Jr., Minority Leader
JD Alexander, Chair, Policy and Steering Committee on Ways and Means

The Policy and Steering Committee on Ways and Means recommends the following pass: CS for CS for SB 1502

The bill was placed on the Calendar.

The Policy and Steering Committee on Ways and Means recommends committee substitutes for the following: CS for SB 732; CS for SB 1114; CS for SB 2088; CS for CS for SB 2244

FIRST READING

By the Policy and Steering Committee on Ways and Means; the Committee on Governmental Oversight and Accountability; and Senator Smith—

CS for CS for SB 732—A bill to be entitled An act relating to financial instruments; amending s. 17.57, F.S.; increasing the maximum percentage of funds under the control of the Chief Financial Officer to be invested in certain securities; deleting a provision relating to concurrent deposits by a unit of local government and customers of other federally insured financial institutions; requiring that the Chief Financial Officer and local governments deposit surplus funds in financial deposit instruments insured by the Federal Deposit Insurance Corporation rather than in certificates of deposit; providing for the expiration of such increase and the reversion of statutory text; creating s. 17.575, F.S.; creating the Treasury Investment Committee within the Division of Treasury; providing for membership on the committee; requiring that the committee annually elect a chair and vice chair from among its membership; providing duties of the committee; requiring that the committee submit an annual report on a specified date and annually thereafter outlining its activities and recommendations to the Chief Financial Officer and the Joint Legislative Auditing Committee; amending s. 218.415, F.S.; requiring that the Chief Financial Officer and local governments deposit surplus funds in financial deposit instruments insured by the Federal Deposit Insurance Corporation rather than in certificates of deposit; deleting a provision relating to concurrent deposits by a unit of local government and customers of other federally insured financial institutions; amending s. 532.01, F.S.; including payroll debit cards under requirements applicable to payment instruments; providing an effective date.

By the Policy and Steering Committee on Ways and Means; the Committee on Criminal Justice; and Senator Richter—

CS for CS for SB 1114—A bill to be entitled An act relating to highway safety; amending s. 318.18, F.S.; providing an additional penalty for violations of provisions that require traffic to stop for a school bus, prohibit racing on highways, and prohibit reckless driving; providing for distribution of moneys collected; amending s. 318.21, F.S.; providing for distribution of specified civil penalties; amending s. 322.0261, F.S.; requiring the Department of Highway Safety and Motor Vehicles to identify a person who has committed a first violation of specified provisions and require such person to complete a driver improvement course; providing for cancellation of license for failure to complete such course within a specified time period; amending s. 395.4036, F.S.; providing for distribution of funds to trauma centers; amending s. 316.193, F.S.; requiring a court to order a defendant, after a first conviction for driving under the influence, to participate in a minimum of 50 hours of community service as a condition of probation; authorizing a court to impose a specified fine under certain conditions; providing an effective date.

By the Policy and Steering Committee on Ways and Means; the Committee on Governmental Oversight and Accountability; and Senator Alexander—

CS for CS for SB 2088—A bill to be entitled An act relating to the Florida Financial Management Information System; amending s. 215.90, F.S.; conforming a cross-reference; amending s. 215.91, F.S.; providing that the Financial Management Information Board is responsible for the system; deleting provisions relating to the Florida Financial Management Information System Coordinating Council; deleting references to functional owner subsystems; amending s. 215.92, F.S.; redefining terms and adding and deleting definitions; creating s. 215.922, F.S.; establishing the Agency for Enterprise Business Services within the Department of Financial Services; providing that the office is a separate budget entity not subject to the department; providing that the agency is headed by the Governor and Cabinet acting as the Financial Management Information Board; providing for an executive di-

rector; providing the duties of the agency; creating s. 215.923, F.S.; establishing the Enterprise Financial Business Operations Council to act in an advisory capacity to the agency; providing the members of the council; providing council duties; creating s. 215.924, F.S.; providing for an Enterprise Financial Business Strategic Plan; requiring the plan to be annually reviewed, updated and submitted to the Legislature; providing for the contents of the plan; amending s. 215.93, F.S.; revising provisions relating to the Florida Financial Management Information System; renaming the Florida Accounting Information Resource Subsystem the Financial Management Subsystem; adding the Revenue and Tax Collection, Processing, and Distribution Subsystem; deleting references to functional owner subsystems and providing for enterprise business owners; revising the duties of the owners; deleting references to the design and coordination staff; providing for the ownership and functions of the Revenue and Tax Collection, Processing, and Distribution Subsystem by the Department of Revenue; amending s. 215.94, F.S.; deleting references to functional owner subsystems and providing for enterprise business owners; amending s. 215.95, F.S.; providing additional duties for the Financial Management Information Board; repealing s. 215.96, F.S., relating to the coordinating council and design and coordination staff; creating s. 215.961, F.S.; providing state agency requirements relating to the Florida Financial Management Information System and the use of functional information and enterprise agency business subsystems; repealing s. 570.07(41), F.S., relating to the Department of Agriculture and Consumer Services' exemption from using the state online procurement system; amending ss. 17.11, 216.102, 216.141, and 216.237, F.S.; conforming terms; providing for funding; providing an effective date.

By the Policy and Steering Committee on Ways and Means; the Committees on Finance and Tax; and Environmental Preservation and Conservation; and Senator Altman—

CS for CS for 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; defining terms; 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 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; requiring the owner of the land to annually apply to the property appraiser by a certain date for the assessment based on character or use; authorizing the value adjustment board to grant late applications for such assessments if extenuating circumstances are shown; 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

purpose; requiring that a property owner notify the property appraiser when the use of the property no longer complies with the requirements for a conservation easement; 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.

REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

By the Committees on Judiciary; and Military Affairs and Domestic Security; and Senators Fasano, Aronberg, Deutch, and Ring—

CS for CS for SB 1000—A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.055, F.S.; authorizing certain counties to levy by ordinance a discretionary sales surtax for emergency fire rescue services and facilities under certain circumstances; requiring a referendum; providing for distribution of surtax proceeds; authorizing an administrative fee; providing for interlocal agreements; providing agreement requirements; requiring a reduction in the budget for ad valorem tax levies and non-ad valorem assessments for emergency fire rescue service by the amount of the estimated surtax; requiring any surplus surtax revenues to be used to further reduce ad valorem taxes; prohibiting entities not entering into an interlocal agreement from receiving a portion of surtax proceeds; specifying the distribution of surtax revenues and limiting reimbursements among participating jurisdictions under certain circumstances; providing an effective date.

—was placed on the Calendar.

By the Committees on Governmental Oversight and Accountability; Ethics and Elections; and Community Affairs; and Senators Fasano, Gaetz, and Dockery—

CS for CS for CS for SB 1182—A bill to be entitled An act relating to the state retirement system; amending s. 121.021, F.S.; redefining the terms “employer,” “termination,” and “retiree”; amending s. 121.051, F.S.; conforming a cross-reference; clarifying when a State Community College System Optional Retirement Program participant is considered a retiree; amending s. 121.052, F.S.; limiting the membership of elected officers of a municipality or special district in the Elected Officers Class unless designated for inclusion during a specified period; amending s. 121.053, F.S.; prohibiting elected officials who retire after a certain date from reenrolling in the Florida Retirement System; amending s. 121.055, F.S.; prohibiting elected officials who retire after a certain date from renewing membership in the Senior Management Service Class or in the Senior Management Service Optional Annuity Program; revising provisions relating to de minimum accounts; amending s. 121.091, F.S.; revising and clarifying provisions relating to retirement benefits; providing that retirees of a state-administered retirement system may not be reemployed by an employer participating in the Florida Retirement System for 6 months; deleting limitations relating to reemploying retirees within 12 months after retirement; revising provisions relating to the Deferred Retirement Option Program; extending DROP participation for instructional personnel employed by a developmental research school; clarifying that DROP participation cannot be canceled; revising DROP provisions for elected officials; providing that DROP participants who end DROP after a certain date may not renew membership in a state-administered retirement system; deleting obsolete provisions; amending s. 121.122, F.S.; prohibiting a retiree from renewing membership in the State Retirement System; revising conditions under which a retiree is entitled to certain additional retirement benefits; amending s. 121.35, F.S.; revising provisions relating to participation in the state university optional retirement program; defining the term “retiree”; amending s. 121.4501, F.S.; revising the term “eligible employee”; amending s. 121.591, F.S.; conforming provisions; amending ss. 238.183 and 1012.33, F.S.; conforming cross-references; repealing ss. 121.093 and 121.094, F.S., relating to the reemployment of instructional personnel after retirement from a developmental research school, the Florida School for

the Deaf and the Blind, or a charter school, the provisions of which are included in ss. 238.183 and 238.184, F.S.; providing a declaration of important state interest; requiring the Department of Management Services to request an actuarial study to determine the effect of the act on employer contributions and to notify the Governor and Legislature of the results; providing a contingent effective date.

—was placed on the Calendar.

By the Committee on Governmental Oversight and Accountability; and Senator Detert—

CS for SB 2038—A bill to be entitled An act relating to exceptional students; amending s. 1003.57, F.S.; revising provisions relating to due process hearings for exceptional students; requiring that such hearings be conducted by an administrative law judge from the Division of Administrative Hearings pursuant to a contract with the Department of Education; providing that any party to a hearing related to gifted students may request that the findings or decision be reviewed by the district court of appeal; authorizing a district school board to consider a change in placement for a student who has a disability if the student engages in behavior that violates the district school board's code of student conduct; providing for the removal and placement of such student in an alternative educational setting for a limited period; specifying the grounds for removal; providing definitions for the terms "weapon" and "controlled substance"; creating s. 1003.571, F.S.; requiring that the State Board of Education comply with the Individuals with Disabilities Education Act after evaluating and determining that such act is consistent with certain principles; requiring that the State Board of Education adopt rules; amending s. 1003.58, F.S.; conforming a cross-reference; providing an effective date.

—was placed on the Calendar.

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 CS for HB 127, CS for CS for HB 215, CS for HB 281, CS for CS for HB 821, HB 949, CS for HB 1139, CS for CS for HB 1205, CS for HB 1213, CS for HB 1517, CS for CS for HB 1539, HB 7023, HB 7089; has passed as amended CS for HB 123, CS for CS for HB 227, CS for HB 515, HB 701, CS for CS for CS for HB 935, CS for CS for HB 1171, CS for HB 1409, HB 7087, HB 7123, CS for HB 7141; has passed by the required constitutional two-thirds vote of the members present CS for HB 135, CS for HB 631, CS for HB 895, HB 7119, HB 7125 and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

By Economic Development & Community Affairs Policy Council, Economic Development Policy Committee and Representative(s) Chestnut, Kelly, O'Toole, Schultz, Van Zant—

CS for CS for HB 127—A bill to be entitled An act relating to enterprise zones; creating s. 290.00725, F.S.; authorizing the City of Ocala to apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing an application deadline; providing requirements for the area of the enterprise zone; providing the office to establish the effective date of the enterprise zone; providing an effective date.

—was referred to the Committees on Commerce; Community Affairs; Finance and Tax; and Transportation and Economic Development Appropriations.

By Policy Council, Criminal & Civil Justice Policy Council and Representative(s) Eisnaugle, McKeel, Murzin, Plakon, Zapata—

CS for CS for HB 215—A bill to be entitled An act relating to contingency fee agreements between the Department of Legal Affairs and private attorneys; creating s. 16.0155, F.S.; providing definitions; prohibiting the Department of Legal Affairs of the Office of the Attorney General from entering into a contingency fee contract with a private attorney unless the Attorney General makes a written determination prior to entering into such a contract that contingency fee representation is both cost-effective and in the public interest; requiring that such written determination include certain findings; requiring that the Attorney General, upon making his or her written determination, request proposals from private attorneys to represent the department on a contingency fee basis unless the Attorney General determines in writing that requesting such proposals is not feasible under the circumstances; providing that the written determination does not constitute a final agency action subject to review pursuant to state law; providing that the request for proposals and contract award are not subject to challenge under the Administrative Procedure Act; requiring that a private attorney maintain detailed contemporaneous time records with regard to work performed on the matter by any attorneys or paralegals assigned to the matter in specified increments; requiring that a private attorney provide such record to the department upon request; limiting the amount of a contingency fee that may be paid to a private attorney pursuant to a contract with the department; requiring that copies of any executed contingency fee contract and the Attorney General's written determination to enter into such contract be posted on the department's website within a specified period after the date on which the contract is executed; requiring that such information remain posted on the website for a specified duration; requiring that any payment of contingency fees be posted on the department's website within a specified period after the date on which payment of such contingency fees is made to the private attorney; requiring that such information remain posted on the website for a specified duration; providing an effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Accountability; and Criminal and Civil Justice Appropriations; and the Policy and Steering Committee on Ways and Means.

By State Universities & Private Colleges Policy Committee and Representative(s) Weinstein, Adkins, Burgin, Culp, Homan, Horner, Jones, Kelly, Precourt, Ray, Rogers, Soto, Stargel, Steinberg, Wood—

CS for HB 281—A bill to be entitled An act relating to prepaid college programs; amending s. 1009.98, F.S.; providing that a purchaser of an advance payment contract may receive a refund of the unused portion of the contract under certain circumstances; providing an effective date.

—was referred to the Committees on Higher Education; Finance and Tax; and Higher Education Appropriations.

By Economic Development & Community Affairs Policy Council, Military & Local Affairs Policy Committee and Representative(s) O'Toole—

CS for CS for HB 821—A bill to be entitled An act relating to community development districts; amending s. 190.003, F.S.; defining the term "compact, urban, mixed-use district"; amending s. 190.006, F.S.; providing for application of certain board of supervisors election time periods to compact, urban, mixed-use districts; providing for retroactive application; amending ss. 190.005, 190.011, 190.016, 190.021, and 348.968, F.S.; conforming cross-references; amending s. 190.012, F.S.; revising deed restriction enforcement rulemaking authority of boards of directors of community development districts; authorizing certain property owners to elect a district board advisor; providing advisor responsibilities; providing requirements for district board advisor review and recommendations relating to enforcement of the district rules outside the boundaries of the district; requiring creation of a district board advisor seat after an interlocal agreement is entered into; providing for election of the advisor and the term of office; providing election procedures and requirements; amending s. 190.046, F.S.; revising procedures and requirements to amend the boundaries of a community development district; revising procedures and requirements to merge community development districts; providing limitations; providing for petition filing fees; preserving rights of creditors, liens upon

property, and claims and pending actions or proceedings; providing an effective date.

—was referred to the Committees on Community Affairs; and Judiciary.

By Representative(s) Van Zant, Garcia, Grady, Porth, Stargel—

HB 949—A bill to be entitled An act relating to grounds for non-recognition of foreign defamation judgments; amending s. 55.605, F.S.; providing that an out-of-country foreign judgment need not be recognized if the cause of action resulted in a defamation judgment obtained in a jurisdiction outside the United States, unless a court in this state first determines that the defamation law applied in the foreign court's adjudication provided at least as much protection for freedom of speech and press as would be provided in this state; creating s. 55.6055, F.S.; providing that the courts of this state have personal jurisdiction over a person who obtains a judgment in a defamation proceeding outside the United States against a person residing in or having property in this state for the purpose of determining whether the foreign defamation judgment should be deemed nonrecognizable; providing for retroactive application; providing an effective date.

—was referred to the Committees on Judiciary; and Rules.

By Health Care Regulation Policy Committee and Representative(s) Roberson, Y., Brisé, Bush, Grimsley, Nehr, Rogers, Soto, Taylor, P., Van Zant—

CS for HB 1139—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.

—was referred to the Committees on Health Regulation; and Health and Human Services Appropriations.

By Economic Development & Community Affairs Policy Council, Military & Local Affairs Policy Committee and Representative(s) Braynon—

CS for CS for HB 1205—A bill to be entitled An act relating to the charter county transit system surtax; amending s. 212.055, F.S.; changing the name of the surtax; expanding eligible counties authorized to levy the surtax; requiring interlocal agreements in certain counties to be updated no less than every 5 years to include certain municipalities; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; Finance and Tax; and Transportation and Economic Development Appropriations.

By Roads, Bridges & Ports Policy Committee and Representative(s) Gibson, Jones, McBurney—

CS for HB 1213—A bill to be entitled An act relating to the Jacksonville Transportation Authority; amending s. 349.02, F.S.; revising definitions; defining the term "transportation facilities"; amending s. 349.03, F.S.; revising a requirement for membership on the governing body of the authority to provide that an appointed member must be a resident and elector of Duval County; amending s. 349.04, F.S.; revising scope of the authority to include certain services throughout Duval County; revising authority, powers, rights, and responsibilities of the authority to provide for planning, coordinating, developing, financing, refinancing, constructing, owning, leasing, purchasing, operating, maintaining, relocating, equipping, repairing, and managing described transportation projects intended to address needs or concerns in the Jacksonville, Duval County, metropolitan area; revising bonding provisions; providing for the authority to fix, alter, charge, establish, and collect rates, fees, rentals, and other charges for any transportation fa-

cilities of the authority; revising eminent domain provisions to include specified procedural powers; authorizing use of local option taxes or county gasoline tax funds to secure the payment of bonds; authorizing the authority to establish and fund reserve accounts, adopt an annual budget, use purchasing schedules and master purchasing contracts, retain legal counsel and other consultants, construct and own and maintain transportation facilities outside the jurisdictional boundaries of Duval County, form public benefit corporations, require bid bonds and protest bonds, prequalify bidders or proposers, suspend or debar consultants and contractors, and create and operate an employees' benefit fund; providing for the authority to expand its service area and enter into a partnership with a contiguous county; providing that the powers and obligations of the authority shall not be subject to supervision, approval, or consent of any municipality or county except as agreed upon in an interlocal agreement; providing for certain contractual limitations and recovery of liquidated damages; providing for relocation of utility facilities interfering with transportation projects; authorizing the authority to enter lands, waters, and premises of another in the performance of its duties; amending s. 349.041, F.S.; revising provisions for funds appropriated by the City of Jacksonville to the authority; repealing s. 349.042, F.S., relating to the Jacksonville area planning board review of construction and operation of the expressway and transit functions of the authority; creating s. 349.043, F.S.; requiring a public hearing prior to designation or relocation of transportation facilities or substantive changes thereto; providing procedures; requiring compliance with federal and state requirements related to new or altered transportation facilities or services; amending s. 349.05, F.S.; authorizing bonds to be issued on behalf of the authority; revising provisions for issuance and sale of bonds; authorizing certain refunding bonds; revising provisions for resolutions authorizing bonds; revising provisions for fiscal agents; providing that bonds are not obligations of the state; repealing s. 349.06, F.S., relating to remedies of the bondholders; creating s. 349.061, F.S.; providing approval for bond financing by the authority; amending s. 349.07, F.S.; revising provisions authorizing the Department of Transportation to expend certain funds and use its resources for certain items related to the Jacksonville Expressway System; amending s. 349.10, F.S.; revising provisions for the authority to acquire lands and rights therein; limiting liability of the authority with respect to certain contamination of lands acquired; authorizing the authority and the Department of Environmental Protection to enter into agreements for the performance and funding of investigative and remedial acts; amending s. 349.12, F.S.; revising covenant of the state related to bonds of the authority; amending s. 349.13, F.S.; specifying conditions under which property leased by the authority is exempt from ad valorem taxes; amending s. 349.15, F.S.; revising provisions for enforcement of rights by bondholders; amending s. 349.17, F.S.; revising provisions for application of and exemption from other laws relating to issuance of bonds; amending s. 349.21, F.S.; revising provisions for use of charter county transit system surtax funds to secure payment of bonds of the authority; restricting use of surtax moneys collected within Duval County; creating s. 349.22, F.S.; providing conditions for the authority to receive or solicit proposals and enter into agreements with private entities for the building, operation, ownership, or financing of highways, bridges, multimodal transportation systems, transit-oriented development nodes, transit stations, or related transportation facilities; requiring certain costs to be paid by the private entity; authorizing the department to use state funds for projects on or that increase mobility on the State Highway System; requiring notice of proposals and providing procedures; providing for agreements to authorize the imposition of tolls; requiring public-private transportation facilities to comply with laws, comprehensive plans, and the authority's rules, policies, procedures, standards, and conditions; authorizing the authority to exercise its powers to facilitate public-private projects; providing for application; amending s. 20.23, F.S.; revising the functions of the Florida Transportation Commission; adding the authority to the transportation agencies monitored by the commission; providing an effective date.

—was referred to the Committees on Transportation; Judiciary; Finance and Tax; and Transportation and Economic Development Appropriations.

By Insurance, Business & Financial Affairs Policy Committee and Representative(s) Murzin, McBurney, Williams, T., Zapata—

CS for HB 1517—A bill to be entitled An act relating to corporate annual financial statements; amending s. 607.1620, F.S.; revising a requirement for corporations to provide annual financial statements to shareholders; specifying criteria for satisfaction of such requirement; providing application; providing an effective date.

—was referred to the Committees on Commerce; Judiciary; and Finance and Tax.

By Policy Council, PreK-12 Policy Committee and Representative(s) Fresen, Kiar—

CS for CS for HB 1539—A bill to be entitled An act relating to certification of public school athletic coaches; amending s. 1012.55, F.S.; providing that completion of a sports safety course shall meet certain inservice certification requirements; requiring the sports safety course to be approved by the Florida High School Athletic Association Board of Directors and to meet specified requirements; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations.

By Governmental Affairs Policy Committee and Representative(s) Mayfield—

HB 7023—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding the Florida Patient Safety Corporation; repealing s. 381.0271, F.S., creating the Florida Patient Safety Corporation and establishing its powers and duties; repealing s. 381.0273, F.S., providing a public record exemption for patient safety data or other records held by the Florida Patient Safety Corporation and its subsidiaries, advisory committees, or contractors, and providing a public meeting exemption for portions of meetings held by the corporation or its subsidiaries, advisory committees, or contractors during which confidential and exempt information is discussed; providing an effective date.

—was referred to the Committees on Health Regulation; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

By PreK-12 Policy Committee and Representative(s) Legg, Workman—

HB 7089—A bill to be entitled An act relating to exceptional students; amending s. 1003.57, F.S.; revising provisions relating to due process hearings for exceptional students; requiring that such hearings be conducted by an administrative law judge from the Division of Administrative Hearings pursuant to a contract with the Department of Education; providing that any party to a hearing related to gifted students may request that the findings or decision be reviewed by the district court of appeal; authorizing a district school board to consider a change in placement for a student who has a disability if the student engages in behavior that violates the district school board's code of student conduct; providing for the removal and placement of such student in an alternative educational setting for a limited period; specifying the grounds for removal; providing definitions for the terms "controlled substance" and "weapon"; creating s. 1003.571, F.S.; requiring that the State Board of Education comply with the Individuals with Disabilities Education Act after evaluating and determining that such act is consistent with certain principles; requiring that the State Board of Education adopt rules; amending s. 1003.58, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; and Governmental Oversight and Accountability.

By Full Appropriations Council on General Government & Health Care and Representative(s) Snyder, Garcia, Hudson, Kelly, Legg, Long, McBurney, Precourt, Sachs—

CS for HB 123—A bill to be entitled An act relating to human smuggling; creating s. 787.07, F.S.; providing that a person commits a misdemeanor if he or she transports an individual into this state from another country and knows, or should know, that the individual is illegally entering the United States; providing criminal penalties; providing an effective date.

—was referred to the Committees on Criminal Justice; Children, Families, and Elder Affairs; and Criminal and Civil Justice Appropriations.

By Economic Development & Community Affairs Policy Council, Military & Local Affairs Policy Committee and Representative(s) Aubuchon, Brandenburg, Fresen, Grimsley, Hays, Hooper, Precourt, Scionti—

CS for CS for HB 227—A bill to be entitled An act relating to impact fees; amending s. 163.31801, F.S.; requiring the government to prove certain elements of an impact fee by a preponderance of the evidence; prohibiting a court from using a deferential standard in a court action; prohibiting certain local governments from increasing impact fees or imposing new impact fees; providing nonapplication to impact fees pledged to retire debt or certain impact fee increases; providing for future repeal; providing an effective date.

—was referred to the Committees on Community Affairs; Judiciary; Finance and Tax; and Transportation and Economic Development Appropriations.

By General Government Policy Council and Representative(s) Evers, Bovo, Ford, Grimsley, Holder, Hooper, Murzin—

CS for HB 515—A bill to be entitled An act relating to oil and gas production taxes; amending s. 211.02, F.S.; providing a tiered tax rate structure for the oil production tax on tertiary oil; revising definitions; providing an effective date.

—was referred to the Committees on Community Affairs; Finance and Tax; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Representative(s) Hudson, Abruzzo, Burgin, Clarke-Reed, Crisafulli, Drake, Fresen, Holder, Horner, Kelly, Murzin, Renuart, Schultz, Snyder, Soto, Stargel, Van Zant, Wood, Zapata—

HB 701—A bill to be entitled An act relating to notices of proposed property taxes; amending s. 200.069, F.S.; revising the form of the notice of proposed property taxes to include additional information relating to past and proposed millage rates and ad valorem taxes and assessment reductions and exemptions; defining a term; amending ss. 192.0105 and 200.065, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Community Affairs; Finance and Tax; and General Government Appropriations.

By Healthy Seniors Appropriations Committee, Health & Family Services Policy Council, Elder & Family Services Policy Committee and Representative(s) Bogdanoff, Waldman—

CS for CS for CS for HB 935—A bill to be entitled An act relating to area agencies on aging; amending s. 20.41, F.S.; requiring the Department of Elderly Affairs to contract with area agencies on aging to fulfill programmatic and funding requirements; revising responsibilities of the governing body of an area agency on aging and the executive director of the agency; amending s. 430.203, F.S.; revising the definition of "lead agency"; removing obsolete language; revising requirements with respect to the request for proposal process for the designation of a lead agency for community care for the elderly; requiring the Department of Elderly Affairs to create a dispute resolution mechanism by rule; pro-

viding requirements with respect to the dispute resolution mechanism; specifying required standards for a bid protest; providing for specified entitlement of litigants when certain lead agency designations are the subject matter of litigation; eliminating provisions that require an area agency on aging to exempt specified providers from the competitive bid process; amending s. 430.2053, F.S.; conforming a cross-reference; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

By General Government Policy Council, Insurance, Business & Financial Affairs Policy Committee and Representative(s) Proctor, Abruzzo, Adkins, Bovo, Burgin, Carroll, Coley, Crisafulli, Dorworth, Eisnagle, Ford, Fresen, Grady, Hays, Heller, Homan, Horner, Jones, Kelly, Long, McBurney, McKeel, Murzin, Nehr, Nelson, O'Toole, Patterson, Plakon, Precourt, Rader, Ray, Renuart, Roberson, K., Stargel, Tobia, Van Zant, Weinstein, Williams, T., Wood, Workman, Zapata—

CS for CS for HB 1171—A bill to be entitled An act relating to residential property insurance; amending s. 627.062, F.S.; authorizing certain insurers to use a rate in excess of the otherwise applicable filed rate; prohibiting the consideration of certain policies when making a specified calculation; preserving the authority of the Office of Insurance Regulation to disapprove rates as inadequate or disapprove a rate filing for using an unlawful rating factor; authorizing the office to direct an insurer to make a specified type of rate filing under certain circumstances; creating s. 627.7031, F.S.; authorizing an insurer to offer or renew policies at rates established in accordance with specified provisions of state law if certain conditions are met; requiring that certain policies contain a specified notice; providing for applicability; requiring written notice of nonrenewal, cancellation, or termination; providing an effective date.

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

By Health Care Services Policy Committee and Representative(s) Sands—

CS for HB 1409—A bill to be entitled An act relating to the placement of children; creating s. 409.408, F.S.; authorizing the Governor to execute a new Interstate Compact for the Placement of Children; specifying the provisions of the compact; creating s. 409.409, F.S.; providing for the present compact to remain in effect until the Governor enters into the new compact; creating s. 409.410, F.S.; providing rulemaking authority to the Department of Children and Family Services; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Judiciary; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

By PreK-12 Policy Committee and Representative(s) Legg, Burgin, McBurney—

HB 7087—A bill to be entitled An act relating to public K-12 education; amending s. 1008.34, F.S.; revising provisions relating to schools receiving a school grade; amending s. 1003.413, F.S.; redefining the term “secondary school” to no longer include an elementary school serving students through grade 6 only; deleting the requirement that the Commissioner of Education create and implement the Secondary School Improvement Award Program; amending s. 1003.4156, F.S.; revising provisions relating to the general requirements for middle grades promotion; providing an exception; amending s. 1003.428, F.S.; revising provisions relating to the general requirements for high school graduation; providing exceptions; amending s. 1003.429, F.S.; updating references to general requirements for high school graduation; revising the credits for certain courses required under the 3-year standard college preparatory program which apply to students who enter grade 9 in the 2009-2010 school year; amending s. 1003.433, F.S.; providing that a

student who enters middle school at the eighth grade from out of state or from a foreign country is not required to spend additional time in school to meet the requirements for middle grades promotion under certain circumstances; amending s. 1003.621, F.S.; requiring that the State Board of Education annually designate districts as academically high-performing schools districts if certain criteria are met; 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. 1008.22, F.S.; providing that concordant scores earned before taking the grade 10 FCAT may not be used to qualify for a standard high school diploma; providing requirements for retake of the assessment for a student who has not earned passing scores on the grade 10 FCAT; deleting provisions relating to concordant scores for the FCAT; amending s. 1008.25, F.S.; revising annual district school board reporting requirements relating to student progress; amending s. 1008.36, F.S.; revising the date for agreement for distribution of Florida School Recognition Program awards; providing a short title; amending s. 1003.4156, F.S.; providing requirements for a civics education course that a student must successfully complete for middle grades promotion beginning with students entering grade 6 in the 2011-2012 school year; amending s. 1008.22, F.S.; requiring the administration of an end-of-course assessment in civics education as a field test at the middle school level during the 2011-2012 school year; providing requirements for course grade and course credit for subsequent school years; amending s. 1008.34, F.S.; requiring the inclusion of civics education end-of-course assessment data in determining school grades beginning with the 2012-2013 school year; amending ss. 1003.428 and 1003.429, F.S.; requiring students entering grade 9 to earn one credit in Biology I or in a series of equivalent courses for high school graduation beginning with the 2010-2011 school year; amending s. 1008.22, F.S.; requiring the administration of an end-of-course assessment in biology as a field test during the 2010-2011 school year; requiring the end-of-course assessment in biology to replace the comprehensive assessment of science administered at the high school level beginning with the 2011-2012 school year; providing requirements for course grade and course credit; requiring the State Board of Education to designate a passing score for the end-of-course assessment in biology; amending s. 1008.34, F.S.; requiring the inclusion of biology end-of-course assessment data in determining school grades beginning with the 2011-2012 school year; creating s. 1003.572, F.S.; requiring district school boards to provide parental notice of requirements and procedures for requesting evaluations for gifted student classification; requiring district school board reporting of gifted student classification, services, and performance data; requiring the Department of Education to develop data elements for district reporting; requiring rulemaking; creating s. 1003.573, F.S.; requiring the department to develop procedures and eligibility criteria for whole-grade and subject matter acceleration; requiring district school boards to implement procedures and eligibility criteria; requiring district school board reporting of student acceleration data; requiring the department to develop data elements for district reporting; requiring rulemaking; amending s. 1004.04, F.S.; requiring state-approved teacher preparation programs to incorporate specified gifted student instruction; amending s. 1011.62, F.S.; requiring certain school district guaranteed allocation expenditures to be reported separately; creating the Gifted and Academically Talented Student Task Force within the department; designating members; requiring members to serve without compensation or reimbursement for per diem and travel expenses; requiring the task force to submit a report to the Governor and Legislature; providing report requirements; providing for the future abolishment of the task force; providing effective dates.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations.

By Economic Development & Community Affairs Policy Council and Representative(s) Murzin, Hukill, Patronis—

HB 7123—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 for the mission of the council; 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 reimbursement of members for

expenses; requiring the Office of Tourism, Trade, and Economic Development to provide administrative support; providing for council workgroups and tasks thereof; requiring an annual report to the Legislature and Governor; providing an effective date.

—was referred to the Committees on Military Affairs and Domestic Security; and Commerce; and the Policy and Steering Committee on Ways and Means.

By Full Appropriations Council on General Government & Health Care, Criminal & Civil Justice Policy Council and Representative(s) Adams—

CS for HB 7141—A bill to be entitled An act relating to seaport security; creating s. 311.115, F.S.; establishing the Seaport Security Standards Advisory Council; providing for membership and terms of office; providing duties; providing for per diem and travel expenses; requiring reports to the Governor and Legislature; amending s. 311.12, F.S.; revising provisions relating to seaport security; authorizing the Department of Law Enforcement to exempt all or part of a port from certain security requirements; providing criteria for determining eligibility to enter secure or restricted areas; establishing a statewide access eligibility reporting system within the department; requiring all access eligibility to be submitted to the department and retained within the system; deleting the requirement that seaports promptly notify the department of any changes in access levels; requiring changes in access eligibility status to be reported within a certain time; providing for fees; providing a procedure for obtaining access to secure and restricted areas using federal credentialing; specifying the process for conducting criminal history checks and for the retention of fingerprint information; providing a criminal penalty for providing false information related to obtaining access to restricted seaport areas; providing additional criminal offenses that disqualify a person from employment by or access to a seaport; deleting the requirement that the department notify the port authority that denied employment of the final disposition of a waiver request from background screening requirements; allowing, rather than requiring, certain applications for a waiver from security requirements to be submitted to the Domestic Security Oversight Council for review; requiring a copy of the department's legislative report to be provided to each seaport governing body or authority; adding the department to those entities responsible for allocating funds for security projects; deleting provisions relating to the Seaport Security Standards Advisory Council; repealing s. 311.111, F.S., relating to unrestricted and restricted public access areas and secured restricted access areas; repealing s. 311.125, F.S., relating to the Uniform Port Access Credential System and the Uniform Port Access Credential Card; amending s. 311.121, F.S.; revising the membership of the Seaport Security Officer Qualification, Training, and Standards Coordinating Council; amending ss. 311.123, 311.124, 311.13, 943.0585, and 943.059, F.S.; conforming terms and cross-references; directing the Office of Drug Control to commission an update of the Florida Seaport Security Assessment 2000, which shall be presented to the Legislature by a certain date; authorizing the Department of Law Enforcement to create a pilot project to implement the seaport employee access system; transferring certain equipment from the Department of Highway Safety and Motor Vehicles to the Department of Law Enforcement for use in the project; providing an effective date.

—was referred to the Committees on Military Affairs and Domestic Security; Criminal Justice; and Criminal and Civil Justice Appropriations.

By Insurance, Business & Financial Affairs Policy Committee and Representative(s) McKeel, Stargel—

CS for HB 135—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for personal identifying information of certain insured dependents; providing a statement of retroactive application of the exemption; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Oversight and Accountability; and Rules.

By Civil Justice & Courts Policy Committee and Representative(s) Hukill, Grady—

CS for HB 631—A bill to be entitled An act relating to public records; amending s. 733.604, F.S.; providing exemptions from public records requirements for certain estate inventories and accountings; requiring custodians to disclose certain inventories or accountings to certain persons or by court order; providing retroactive application; providing for review and repeal of the exemptions; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Accountability; and Rules.

By PreK-12 Policy Committee and Representative(s) Roberson, K.—

CS for HB 895—A bill to be entitled An act relating to public records; amending s. 1008.24, F.S.; providing an exemption from public records requirements for personally identifiable information or allegations of misconduct obtained or reported in connection with an investigation of a testing impropriety conducted by the Department of Education; providing that the exemption applies until the investigation is concluded or becomes inactive; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Governmental Oversight and Accountability; and Rules.

By Education Policy Council and Representative(s) Culp—

HB 7119—A bill to be entitled An act relating to public records; creating s. 1002.221, F.S.; providing an exemption from public records requirements for K-12 education records held by an agency, public school, center, institution, or other entity that is part of the state's education system; providing requirements for the release, use, and maintenance of education records; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; amending s. 1006.52, F.S.; expanding the exemption from public records requirements for records of students in public postsecondary educational institutions to include education records and applicant records; providing requirements for the release, use, and maintenance of education records; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing legislative findings; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Education Pre-K - 12; Governmental Oversight and Accountability; and Rules.

By Economic Development & Community Affairs Policy Council and Representative(s) Murzin—

HB 7125—A bill to be entitled An act relating to public records and public meetings; creating s. 288.985, F.S.; creating an exemption from public records requirements for specified records relating to military bases which are held by the Florida Council on Military Base and Mission Support; creating an exemption from public meetings requirements for council meetings at which exempt information is presented or discussed; creating an exemption from public records requirements for records generated during council meetings that are closed to the public; providing a penalty; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Military Affairs and Domestic Security; Governmental Oversight and Accountability; and Rules.

VOTES DISCLOSURE

I have an ownership interest in Caregivers Inc., a company based in Pensacola, Florida. The company provides services to the elderly and the disabled and a minority of its revenues are derived from reimbursements from the Escambia County Council on Aging and the Florida Medicaid program. Because Caregivers Inc. is among a class of health care providers receiving funds from such state sources, it appears to me that the company may be affected by **SB 2600** (SPB 7072), **SB 2602** (SPB 7074), **CS for SB 1798**, **CS for SB 1800**, **CS for SB 1802**, **CS for SB 1804**, **CS for SB 1658**, **CS for SB 1660**, **CS for SB 1662** and **CS for SB 1664** which came before the Senate for a vote on April 16, 2009.

Therefore, I believe that, because Caregivers Inc. is a member of such class, I am required by Senate Rule 1.39 to disclose the above facts.

Senator Don Gaetz, District 4

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 23 was corrected and approved.

CO-INTRODUCERS

Senators Dean—CS for SB 456; Deutch—CS for SM 152; Oelrich—CS for SB 1126

RECESS

On motion by Senator Villalobos, the Senate recessed at 6:32 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 1:00 p.m., Monday, April 27 or upon call of the President.