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CALL TO ORDER

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

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

Excused: Senator Hill

PRAYER

The following prayer was offered by Rev. Donald Grantham, University Baptist Church, Tampa:

We begin this day's labor by coming into your presence with thanksgiving. For the grace and mercy we have received by your good hand, we give thanks. For your bountiful supply, we give thee thanks. Your loving kindness indeed never ceases. Your compassions never fail. They are fresh every morning. "Great is thy faithfulness."

Today, we are mindful of families that are dealing with economic difficulties. We pray for resources to assist those in need - to aid the helpless and minister to the weak. Help us to be good and faithful stewards of all you have provided.

On this day, our leaders will make decisions that will affect those who are under their care. For this reason, we would ask that you look mercifully upon them as they rule over the citizens of this great state. May they lead us with honesty and integrity. Bless them with faithfulness of

heart as they serve in their office to promote the well-being of all people. Inspire them with the courage to make laws for the good of all rather than for the few. May you grant them wisdom in their judgment, compassion in their decisions, diligence in their duty.

King of heaven, we ask you to bless this nation and this great state. Bless its citizens and its leaders. "God bless America, the land that we love." Hear our prayer this day. Amen.

PLEDGE

Senate Pages Lucy Beall of Apopka; Herman Sanchez of Miami; Courtney Dean of North Miami; and Morgan Miller of Summerfield, 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. James O. Brookins of Sunrise, sponsored by Senator Joyner, as doctor of the day. Dr. Brookins specializes in Internal Medicine.

ADOPTION OF RESOLUTIONS

On motion by Senator Gaetz—

By Senator Gaetz—

SR 2798—A resolution honoring the 40th Anniversary of Florida Special Olympics, recognizing Okaloosa County as the birthplace of Florida Special Olympics, and paying tribute to Dr. Charles McFarland and the late Max Bruner, Jr.

WHEREAS, in 1969, a group of dedicated educators and parents, inspired by Eunice Kennedy Shriver and led by Okaloosa County educator Charles McFarland, founded Special Olympics in this state, and

WHEREAS, thanks to the support of Superintendent of Schools Max Bruner, Jr., and the Okaloosa County School Board, Fort Walton Beach and Okaloosa County 40 years ago became the birthplace of Florida Special Olympics and hosted the first Florida state games and the first Florida winter games, and

WHEREAS, Okaloosa County's Special Olympics Program has won the world championship in girls basketball and boys handball, an international gold medal in skiing, and hundreds of state-level gold medals and state championships in numerous sports, and serves as a teacher and model for other communities in the development of physical education and special education programs for exceptional students, and

WHEREAS, as a consequence, tens of thousands of special athletes from every county in Florida have participated, competed, and excelled in Special Olympics individual and team sports, including alpine skiing, track and field, bocce, cycling, soccer, volleyball, equestrian, aquatics, softball, golf, bowling, gymnastics, powerlifting, roller skating, basketball, sailing, speed skating, figure skating, and tennis, NOW, THEREFORE,

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

That the Senate pays special tribute to Dr. Charles McFarland as the father of Florida Special Olympics and to the late Superintendent Max Bruner, Jr., and the other Okaloosa County pioneers of Special Olympics, and notes their historic contributions to the education of excep-

tional students and the incalculable value of their leadership to Florida's special children and their parents.

BE IT FURTHER RESOLVED that the Senate rises in respect to Florida's special athletes who have run the races, skied the slopes, excelled at the games, persevered in the competition, and proven by their success that ability is more important than disability, that strength of spirit and greatness of heart can overcome adversity, and that performance, despite challenge, can lift lives and inspire the admiration of an entire state.

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

—was introduced out of order and read by title. On motion by Senator Gaetz, **SR 2798** was read the second time in full and adopted.

At the request of Senator Hill—

By Senator Hill—

SR 946—A resolution recognizing April 28 2009, as “Workers’ Memorial Day” in Florida.

WHEREAS, 37 years ago Congress passed the Occupational Safety and Health Act, promising every American worker the right to a safe job, and

WHEREAS, unions and their allies have fought hard to make that promise a reality, winning protections that have saved hundreds of thousands of lives and prevented millions of workplace injuries, and

WHEREAS, the toll of workplace injuries, illnesses, and death nonetheless remains enormous, with 60,000 American workers dying from job-related injuries each year and another 15.6 million workers injured on the job, and

WHEREAS, the unions of the AFL-CIO are committed to the continuing struggle to make workers’ safety a priority and to keep and create good jobs in America, for American workers, and

WHEREAS, America’s economy and the health and vigor of American society depend on the availability of decent jobs for American workers and on the safety of those jobs, NOW, THEREFORE,

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

That April 28, 2009, is recognized as “Workers’ Memorial Day” in the State of Florida in honor of the many American workers who have suffered injury and death on the job, and in recognition of the work of the unions of the AFL-CIO to protect the safety of American workers and to secure the availability of decent jobs for Americans.

—**SR 946** was introduced, read and adopted by publication.

At the request of Senator Gaetz—

By Senator Gaetz—

SR 2794—A resolution recognizing and celebrating 2009 as Panama City’s Centennial Year.

WHEREAS, three visionaries, George Mortimer West, Robert Lee McKenzie, and A.J. Gay in 1906 formed the Gulf Coast Development Company and mapped development plans for an area in the Panhandle of Florida previously known as Floriopolis, Park Resort, and Harrison, and

WHEREAS, these visionaries saw the opportunity to promote the area as a direct shipping port to the Panama Canal, which was under construction at the time, and officially changed its name to Panama City, and

WHEREAS, construction of the home of Panama City Mayor Robert Lee McKenzie was completed in 1909, which coincides with the birth of this beautiful and vibrant city, and

WHEREAS, on March 12, 1926, the State of Florida passed legislation combining three municipalities, Panama City, St. Andrews, and Millville, into one municipality known as Panama City, and

WHEREAS, the population of Panama City was 12,000 in 1926 and today stands at 36,806, and

WHEREAS, Panama City was founded by dreamers who had global vision and continues to be a beautiful and vibrant community of citizens who have dreams and visions for the future, NOW, THEREFORE,

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

That 2009 is recognized as “The City of Panama City’s Centennial Year,” and people throughout the state are urged to celebrate this centennial and plan for the coming 100 years, as Panama City honors the past, celebrates the present, and continues to imagine the future.

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

—**SR 2794** was introduced, read and adopted by publication.

At the request of Senator Fasano—

By Senator Fasano—

SR 2804—A resolution recognizing Lawrence “Ed” Hoffman for his 50 years of professional and public service as Dean of the Lobbying Corps.

WHEREAS, Lawrence “Ed” Hoffman served in his much-beloved United States Marine Corps with great honor and distinction in the Pacific Theater during World War II and in the Korean War, and

WHEREAS, Ed Hoffman brought his can-do attitude and outstanding leadership abilities to the legislative arena, where he has represented law enforcement officers, correctional officers, and firefighters since 1959, and

WHEREAS, Ed Hoffman has served with distinction as the assistant fire chief for the City of West Palm Beach, as president and president emeritus of Florida Professional Firefighters, and, for the last 27 years, as the senior lobbyist for the Florida Police Benevolent Association, and

WHEREAS, Ed Hoffman’s efforts have resulted in many laws that have provided much-needed protection and support for law enforcement officers, correctional officers, firefighters, and their families, and

WHEREAS, as a result of Mr. Hoffman’s efforts, death benefits for the surviving families of law enforcement officers, correctional officers, and firefighters killed in the line of duty have been greatly expanded, legislation has been enacted to ensure that premium tax revenue received by municipalities are properly used for municipal police and fire pensions, and the Special Risk Retirement benefit accrual rate has been fully restored, and

WHEREAS, Ed Hoffman has worked on behalf of our nation’s veterans on a pro bono basis as an advocate for legislation benefiting them and their families, and

WHEREAS, in 1989, the Legislature recognized Ed Hoffman as “Dean of the Lobbying Corps,” and

WHEREAS, 2009 is Ed Hoffman’s 50th year representing public safety officers before the Legislature, NOW, THEREFORE,

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

That Lawrence “Ed” Hoffman, Dean of the Lobbying Corps, is recognized for his 50 years of professional and public service as a true champion of public safety, military veterans, and our representative system of government, and is celebrated for his unsurpassed knowledge of the issues, his legendary work ethic, his ferocious passion for the enactment of legislation benefiting his constituency, and his unequalled integrity.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Ed Hoffman as a tangible token of the sentiments expressed in this resolution.

—**SR 2804** was introduced, read and adopted by publication.

At the request of Senator Wilson—

By Senator Wilson—

SR 2822—A resolution recognizing May 18, 2009, as “AIDS Vaccine Advocacy Day” in Florida.

WHEREAS, the AIDS Vaccine Advocacy Coalition (AVAC) was founded in 1995 as a nonprofit, community and consumer-based organization that uses public education, policy analysis, advocacy, and community mobilization to accelerate the ethical development and global delivery of AIDS vaccines and other HIV-prevention options, and

WHEREAS, more than 40 million people worldwide are infected with HIV/AIDS and 14,000 new infections occur every day, and

WHEREAS, a safe, effective, and globally accessible vaccine is the best hope for controlling the devastating AIDS pandemic, with vaccines having played the key role in saving more lives and resources than any other public health intervention in eradicating or dramatically reducing the incidence of other diseases, such as smallpox and polio, and

WHEREAS, despite unprecedented efforts, no effective vaccine has yet been developed against HIV, which killed 3 million people in 2003, more than any other infectious disease, and

WHEREAS, results are expected this year from a Project Unity study of different risk-reduction interventions for HIV vaccine trials in the United States, NOW, THEREFORE,

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

That efforts to accelerate ethical research and global delivery of AIDS vaccines and other HIV prevention options are strongly encouraged and that May 18, 2009, is recognized as “AIDS Vaccine Advocacy Day” in Florida.

—**SR 2822** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Alexander, by two-thirds vote **CS for SB 888** was withdrawn from the Policy and Steering Committee on Ways and Means.

BILLS ON THIRD READING

SB 902—A bill to be entitled An act relating to public health; amending ss. 381.855, 381.911, and 381.912, F.S.; conforming terminology to changes made by the act; amending s. 381.98, F.S.; changing the name of the Florida Public Health Foundation, Inc., to the Florida Public Health Institute, Inc.; modifying the purpose of the institute; deleting the mission of the institute; revising the membership of the board of directors and the term of membership; deleting the duties of the institute to facilitate communication between biomedical researchers and health care providers, to provide an annual report of its finances, and to provide an annual report of its activities to the Governor and the Florida Center for Universal Research to Eradicate Disease; amending s. 381.981, F.S.; conforming terminology to changes made by the act; amending s. 499.01, F.S.; revising the criteria for health care clinic establishment permits; providing an effective date.

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

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

Amendment 1 (473892) (with title amendment)—Delete lines 286-338.

And the title is amended as follows:

Delete lines 18-19 and insert: providing an

On motion by Senator Deutch, further consideration of **SB 902** as amended was deferred.

Consideration of **CS for CS for SB 148, CS for CS for CS for SB 1004, SB 2656, CS for SB 642, CS for CS for SB 1894 and CS for CS for SB 2536** was deferred.

SB 68—A bill to be entitled An act relating to equine activities; providing a short title; providing legislative intent; creating s. 773.06, F.S.; 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.

—as amended April 24 was read the third time by title.

An amendment was considered and adopted to conform **SB 68** to **CS for HB 169**.

Pending further consideration of **SB 68** as amended, on motion by Senator Aronberg, by two-thirds vote **CS for HB 169** was withdrawn from the Committees on Agriculture; Transportation; Judiciary; and General Government Appropriations.

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

CS for HB 169—A bill to be entitled An act relating to equine activities; providing a short title; providing legislative intent; creating s. 773.06, F.S.; 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.

—a companion measure, was substituted for **SB 68** as amended and read the second time by title.

On motion by Senator Aronberg, by two-thirds vote **CS for HB 169** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—3

Dean	King	Oelrich
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Vote after roll call:

Yea—Garcia, Peaden

CS for SB 718—A bill to be entitled An act relating to discretionary sales surtaxes; amending s. 212.055, F.S.; deleting a limitation upon the imposition of indigent care and trauma center discretionary sales surtaxes by certain counties; providing an effective date.

—was read the third time by title.

On motion by Senator King, **CS for SB 718** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Peaden

CS for CS for HB 179—A bill to be entitled An act relating to property appraisers; amending s. 193.023, F.S.; revising property appraisers' authority to inspect property for assessment purposes to include use of image technology in lieu of physical inspection; requiring the Department of Revenue to establish minimum standards for use of image technology; providing a criterion; amending s. 196.011, F.S.; revising required time limitations for filing applications for homestead exemptions; revising procedural requirements for property appraiser approval of such exemptions; amending s. 196.015, F.S.; revising factors for consideration by property appraisers in determining permanent residency for homestead exemption purposes; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **CS for CS for HB 179** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Peaden

On motion by Senator Richter, by two-thirds vote **CS for CS for CS for HB 1495** was withdrawn from the Committees on Banking and In-

urance; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

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

CS for CS for CS for HB 1495—A bill to be entitled An act relating to property and casualty insurance; amending s. 215.47, F.S.; authorizing the State Board of Administration to invest in certain revenue bonds under certain circumstances; amending s. 215.555, F.S., relating to the Florida Hurricane Catastrophe Fund; revising the dates of an insurer's contract year for purposes of calculating the insurer's retention; revising reimbursement contract coverage payment provisions; extending application of provisions relating to reimbursement contracts; revising the dates on which the State Board of Administration is required to publish a statement of the estimated borrowing capacity of the Florida Hurricane Catastrophe Fund; requiring the board to publish a statement of the estimated claims-paying capacity of the Florida Hurricane Catastrophe Fund; requiring a reimbursement premium formula to provide cash build-up factors for certain contract years; extending provisions relating to temporary increase in coverage limit operations for the fund; providing additional reimbursement requirements for temporary increase in coverage addenda for additional contract years; expanding the powers and duties of the board; specifying required increases in TICL reimbursement premiums for certain contract years; specifying non-application of cash build-up factors to TICL reimbursement premiums; deleting authority for the State Board of Administration to increase the claims-paying capacity of the fund; amending s. 215.5586, F.S., relating to the My Safe Florida Home Program; 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; deleting provisions relating to no-interest loans; requiring that contracts valued at or greater than a specified amount be subject to review and approval by the Legislative Budget Commission; requiring the Department of Financial Services to implement a condominium weatherization and mitigation loan program for certain purposes; specifying program requirements; specifying an administration requirement for the program; requiring the department to adopt rules; amending s. 624.4622, F.S.; prohibiting withdrawal notice requirements of longer than 30 days for members of a local government self-insurance fund; requiring local government self-insurance funds to submit an affidavit to specified entities; specifying affidavit contents; amending s. 624.605, F.S.; revising the definition of the term "casualty insurance" to include certain debt cancellation products sold or leased by certain business entities; amending s.626.753, F.S.; prohibiting certain uses of commissions derived from the sale of crop hail or multiple-peril crop insurance which are shared between certain agents and certain production credit associations or federal land bank associations; providing penalties; providing that patronage dividends and other payments to members of production credit associations or federal land bank associations are unlawful rebates under certain circumstances; providing penalties for an agent who shares commissions with a production credit association or federal land bank association under certain circumstances; amending s. 626.9541, F.S.; specifying that certain patronage dividends and other payments are unfair methods of competition and unfair or deceptive acts; providing penalties; amending s. 627.062, F.S.; extending application of file and use filing requirements for certain property insurance filings; prohibiting the Office of Insurance Regulation from interfering with an insurer's right to solicit, sell, promote, or otherwise acquire policyholders and implement coverage; specifying limited application to certain rates; specifying that certain rate filings are not subject to office determination as excessive or unfairly discriminatory; providing limitations; providing a definition; prohibiting certain rate filings under certain circumstances; preserving the office's authority to disapprove certain rate filings under certain circumstances; providing procedures for insurers submitting certain rate filings; specifying nonapplication to certain types of insurance; 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 relating to rate filings; amending s. 627.0628, F.S.; requiring the Florida Commission on Hurricane Loss Projection Methodology to hold public meetings for purposes of implementing certain windstorm mitigation discounts, credits, other rate differentials, and deductible reductions; requiring a report to the Governor, Cabinet, and Legislature; amending s. 627.0629, F.S.; requiring certain hurricane mitigation measure discounts, credits, and rate differentials to supersede certain other discounts, credits, and rate differentials; authorizing residential property

insurers to include reinsurance costs without certain TICL adjustments; amending s. 627.0655, F.S.; discontinuing authorization for a premium discount for a policyholder having multiple policies from Citizens Property Insurance Corporation or a policy that has been removed from the corporation by another insurer; amending s. 627.351, F.S.; deleting application of certain personal lines residential property insurance requirements for wind-borne debris regions insured by the corporation; revising the basis of a surcharge to offset an account deficit; providing for members of the board of governors of the corporation to serve staggered terms; providing exceptions to actuarially sound rate requirements for the corporation; providing legislative findings; requiring the corporation to implement certain actuarially sound rates for certain lines of business; providing limitations; providing for cessation of certain rate increases upon implementation of actuarially sound rates; requiring the corporation to transfer certain funds from the rate increase to the Insurance Regulatory Trust Fund in the Department of Financial Services for a certain time; deleting certain wind-only coverage maximum loss reporting requirements; amending s. 627.711, F.S.; revising eligible entities authorized to certify uniform mitigation inspection forms; authorizing insurers to contract with inspection firms to review certain verification forms and reinspect properties for certain purposes; providing for such contracts to be at the insurer's expense; providing a criminal penalty for knowingly submitting a false or fraudulent mitigation form with the intent to receive an undeserved discount; amending s. 627.712, F.S.; providing an additional exception to residential property insurance windstorm coverage requirements for certain risks; expanding a requirement that insurers notify mortgageholders or lienholders of policyholder elections for coverage not covering wind; amending s. 631.65, F.S.; providing construction relating to certain prohibited advertisements or solicitations; requiring the My Safe Florida Home Program to use certain funds for certain mitigation grants; authorizing the department to establish a separate account in the trust fund for accounting purposes; amending s. 626.854, F.S.; prohibiting public adjusters from compensating, or agreeing to compensate, any person for referrals of business; providing an exception; amending s. 626.865, F.S.; revising qualifications for public adjuster's license; deleting requirement that applicant for public adjuster's license pass a written examination; amending s. 626.8651, F.S.; revising qualifications for public adjuster apprentice license; requiring that applicant for public adjuster apprentice license pass a written examination, complete certain training, and receive a specified designation; limiting the number of public adjuster apprentices that may be appointed by a public adjusting firm or supervised by a supervising public adjuster; amending s. 627.7011, F.S.; specifying that provisions regulating homeowners' policies do not prohibit insurers from repairing damaged property; requiring the Office of Program Policy Analysis and Government Accountability to submit a report to the Legislature, Commissioner of Insurance, Chief Financial Officer, and Governor reviewing laws governing public adjuster; specifying review requirements; specifying a required notice for real property insurance policies issued or renewed in this state; providing notice requirements; amending s. 626.9541, F.S.; authorizing licensed general lines agents to collect a service charge for processing certain installment payments under certain circumstances; providing a limitation; providing requirements; amending s. 624.46226, F.S.; authorizing reinsurance companies to issue coverage directly to certain public housing authorities under certain circumstances; specifying that a public housing authority is considered an insurer under certain circumstances; requiring that certain reinsurance contracts issued to public housing authorities receive the same tax treatment as contracts issued to insurance companies; providing construction; requiring rating agencies or rating services to disclose certain information in public reports and ratings; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1950** as amended and by two-thirds vote read the second time by title.

MOTION

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

Senator Richter moved the following amendment which was adopted:

Amendment 1 (947090) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (e) of subsection (2), subsection (4), paragraph (b) of subsection (5), and subsections (7) and (17) of section 215.555, Florida Statutes, are amended to read:

215.555 Florida Hurricane Catastrophe Fund.—

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

(e) “Retention” means the amount of losses below which an insurer is not entitled to reimbursement from the fund. An insurer's retention shall be calculated as follows:

1. The board shall calculate and report to each insurer the retention multiples for that year. For the contract year beginning June 1, 2005, the retention multiple shall be equal to \$4.5 billion divided by the total estimated reimbursement premium for the contract year; for subsequent years, the retention multiple shall be equal to \$4.5 billion, adjusted based upon the reported exposure from the prior contract year to reflect the percentage growth in exposure to the fund for covered policies since 2004, divided by the total estimated reimbursement premium for the contract year. Total reimbursement premium for purposes of the calculation under this subparagraph shall be estimated using the assumption that all insurers have selected the 90-percent coverage level. *In 2010, the contract year begins June 1 and ends December 31, 2010. In 2011 and thereafter, the contract year begins January 1 and ends December 31.*

2. The retention multiple as determined under subparagraph 1. shall be adjusted to reflect the coverage level elected by the insurer. For insurers electing the 90-percent coverage level, the adjusted retention multiple is 100 percent of the amount determined under subparagraph 1. For insurers electing the 75-percent coverage level, the retention multiple is 120 percent of the amount determined under subparagraph 1. For insurers electing the 45-percent coverage level, the adjusted retention multiple is 200 percent of the amount determined under subparagraph 1.

3. An insurer shall determine its provisional retention by multiplying its provisional reimbursement premium by the applicable adjusted retention multiple and shall determine its actual retention by multiplying its actual reimbursement premium by the applicable adjusted retention multiple.

4. For insurers who experience multiple covered events causing loss during the contract year, beginning June 1, 2005, each insurer's full retention shall be applied to each of the covered events causing the two largest losses for that insurer. For each other covered event resulting in losses, the insurer's retention shall be reduced to one-third of the full retention. The reimbursement contract shall provide for the reimbursement of losses for each covered event based on the full retention with adjustments made to reflect the reduced retentions *on or after* January 1 of the contract year provided the insurer reports its losses as specified in the reimbursement contract.

(4) REIMBURSEMENT CONTRACTS.—

(a) The board shall enter into a contract with each insurer writing covered policies in this state to provide to the insurer the reimbursement described in paragraphs (b) and (d), in exchange for the reimbursement premium paid into the fund under subsection (5). As a condition of doing business in this state, each such insurer shall enter into such a contract.

(b)1. The contract shall contain a promise by the board to reimburse the insurer for 45 percent, 75 percent, or 90 percent of its losses from each covered event in excess of the insurer's retention, plus 5 percent of the reimbursed losses to cover loss adjustment expenses.

2. The insurer must elect one of the percentage coverage levels specified in this paragraph and may, upon renewal of a reimbursement contract, elect a lower percentage coverage level if no revenue bonds issued under subsection (6) after a covered event are outstanding, or elect a higher percentage coverage level, regardless of whether or not revenue bonds are outstanding. All members of an insurer group must elect the same percentage coverage level. Any joint underwriting association, risk apportionment plan, or other entity created under s. 627.351 must elect the 90-percent coverage level.

3. The contract shall provide that reimbursement amounts shall not be reduced by reinsurance paid or payable to the insurer from other sources.

4. Notwithstanding any other provision contained in this section, the board shall make available to insurers that purchased coverage provided by this subparagraph in 2008 ~~2007~~, insurers qualifying as limited apportionment companies under s. 627.351(6)(c), and insurers that have been approved to participate in the Insurance Capital Build-Up Incentive Program pursuant to s. 215.5595 a contract or contract addendum that provides an additional amount of reimbursement coverage of up to \$10 million. The premium to be charged for this additional reimbursement coverage shall be 50 percent of the additional reimbursement coverage provided, which shall include one prepaid reinstatement. The minimum retention level that an eligible participating insurer must retain associated with this additional coverage layer is 30 percent of the insurer's surplus as of December 31, 2008, for the 2009 contract year; as of December 31, 2009, for the 2010 contract year; and as of December 31, 2010, for the 2011 contract year ~~December 31, 2007~~. This coverage shall be in addition to all other coverage that may be provided under this section. The coverage provided by the fund under this subparagraph shall be in addition to the claims-paying capacity as defined in subparagraph (c)1., but only with respect to those insurers that select the additional coverage option and meet the requirements of this subparagraph. The claims-paying capacity with respect to all other participating insurers and limited apportionment companies that do not select the additional coverage option shall be limited to their reimbursement premium's proportionate share of the actual claims-paying capacity otherwise defined in subparagraph (c)1. and as provided for under the terms of the reimbursement contract. *The optional coverage retention as specified shall be accessed before the mandatory coverage under the reimbursement contract, but once the limit of coverage selected under this option is exhausted, the insurer's retention under the mandatory coverage will apply. This coverage will apply and be paid concurrently with mandatory coverage. Coverage provided in the reimbursement contract shall not be affected by the additional premiums paid by participating insurers exercising the additional coverage option allowed in this subparagraph.* This subparagraph expires on ~~December 31, 2011~~ ~~May 31, 2009~~.

(c)1. The contract shall also provide that the obligation of the board with respect to all contracts covering a particular contract year shall not exceed the actual claims-paying capacity of the fund up to a limit of \$15 billion for that contract year adjusted based upon the reported exposure from the prior contract year to reflect the percentage growth in exposure to the fund for covered policies since 2003, provided the dollar growth in the limit may not increase in any year by an amount greater than the dollar growth of the balance of the fund as of December 31, less any premiums or interest attributable to optional coverage, as defined by rule which occurred over the prior calendar year.

2. In ~~May before the start of the upcoming contract year and in October of during~~ the contract year, the board shall publish in the Florida Administrative Weekly a statement of the fund's estimated borrowing capacity, *the fund's estimated claims-paying capacity*, and the projected balance of the fund as of December 31. After the end of each calendar year, the board shall notify insurers of the estimated borrowing capacity, *estimated claims-paying capacity*, and the balance of the fund as of December 31 to provide insurers with data necessary to assist them in determining their retention and projected payout from the fund for loss reimbursement purposes. In conjunction with the development of the premium formula, as provided for in subsection (5), the board shall publish factors or multiples that assist insurers in determining their retention and projected payout for the next contract year. For all regulatory and reinsurance purposes, an insurer may calculate its projected payout from the fund as its share of the total fund premium for the current contract year multiplied by the sum of the projected balance of the fund as of December 31 and the estimated borrowing capacity for that contract year as reported under this subparagraph.

(d)1. For purposes of determining potential liability and to aid in the sound administration of the fund, the contract shall require each insurer to report such insurer's losses from each covered event on an interim basis, as directed by the board. The contract shall require the insurer to report to the board no later than December 31 of each year, and quarterly thereafter, its reimbursable losses from covered events for the year. The contract shall require the board to determine and pay, as soon as practicable after receiving these reports of reimbursable losses, the initial amount of reimbursement due and adjustments to this amount based on later loss information. The adjustments to reimbursement amounts shall require the board to pay, or the insurer to return, amounts reflecting the most recent calculation of losses.

2. In determining reimbursements pursuant to this subsection, the contract shall provide that the board shall pay to each insurer such insurer's projected payout, which is the amount of reimbursement it is owed, up to an amount equal to the insurer's share of the actual premium paid for that contract year, multiplied by the actual claims-paying capacity available for that contract year.

3. *The board may reimburse insurers for amounts up to the published factors or multiples for determining each participating insurer's retention and projected payout derived as a result of the development of the premium formula in those situations in which the total reimbursement of losses to such insurers would not exceed the estimated claims-paying capacity of the fund. Otherwise, such factors or multiples shall be reduced uniformly among all insurers to reflect the estimated claims-paying capacity.*

(e)1. Except as provided in subparagraphs 2. and 3., the contract shall provide that if an insurer demonstrates to the board that it is likely to qualify for reimbursement under the contract, and demonstrates to the board that the immediate receipt of moneys from the board is likely to prevent the insurer from becoming insolvent, the board shall advance the insurer, at market interest rates, the amounts necessary to maintain the solvency of the insurer, up to 50 percent of the board's estimate of the reimbursement due the insurer. The insurer's reimbursement shall be reduced by an amount equal to the amount of the advance and interest thereon.

2. With respect only to an entity created under s. 627.351, the contract shall also provide that the board may, upon application by such entity, advance to such entity, at market interest rates, up to 90 percent of the lesser of:

a. The board's estimate of the amount of reimbursement due to such entity; or

b. The entity's share of the actual reimbursement premium paid for that contract year, multiplied by the currently available liquid assets of the fund. In order for the entity to qualify for an advance under this subparagraph, the entity must demonstrate to the board that the advance is essential to allow the entity to pay claims for a covered event and the board must determine that the fund's assets are sufficient and are sufficiently liquid to allow the board to make an advance to the entity and still fulfill the board's reimbursement obligations to other insurers. The entity's final reimbursement for any contract year in which an advance has been made under this subparagraph must be reduced by an amount equal to the amount of the advance and any interest on such advance. In order to determine what amounts, if any, are due the entity, the board may require the entity to report its exposure and its losses at any time to determine retention levels and reimbursements payable.

3. The contract shall also provide specifically and solely with respect to any limited apportionment company under s. 627.351(2)(b)3. that the board may, upon application by such company, advance to such company the amount of the estimated reimbursement payable to such company as calculated pursuant to paragraph (d), at market interest rates, if the board determines that the fund's assets are sufficient and are sufficiently liquid to permit the board to make an advance to such company and at the same time fulfill its reimbursement obligations to the insurers that are participants in the fund. Such company's final reimbursement for any contract year in which an advance pursuant to this subparagraph has been made shall be reduced by an amount equal to the amount of the advance and interest thereon. In order to determine what amounts, if any, are due to such company, the board may require such company to report its exposure and its losses at such times as may be required to determine retention levels and loss reimbursements payable.

(f) In order to ensure that insurers have properly reported the insured values on which the reimbursement premium is based and to ensure that insurers have properly reported the losses for which reimbursements have been made, the board shall inspect, examine, and verify the records of each insurer's covered policies at such times as the board deems appropriate and according to standards established by rule for the specific purpose of validating the accuracy of exposures and losses required to be reported under the terms and conditions of the reimbursement contract. The costs of the examinations shall be borne by the board. However, in order to remove any incentive for an insurer to delay preparations for an examination, the board shall be reimbursed by the insurer for any examination expenses incurred in addition to the

usual and customary costs of the examination, which additional expenses were incurred as a result of an insurer's failure, despite proper notice, to be prepared for the examination or as a result of an insurer's failure to provide requested information while the examination is in progress. If the board finds any insurer's records or other necessary information to be inadequate or inadequately posted, recorded, or maintained, the board may employ experts to reconstruct, rewrite, record, post, or maintain such records or information, at the expense of the insurer being examined, if such insurer has failed to maintain, complete, or correct such records or deficiencies after the board has given the insurer notice and a reasonable opportunity to do so. Any information contained in an examination report, which information is described in s. 215.557, is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, as provided in s. 215.557. Nothing in this paragraph expands the exemption in s. 215.557.

(g) The contract shall provide that in the event of the insolvency of an insurer, the fund shall pay directly to the Florida Insurance Guaranty Association for the benefit of Florida policyholders of the insurer the net amount of all reimbursement moneys owed to the insurer. As used in this paragraph, the term "net amount of all reimbursement moneys" means that amount which remains after reimbursement for:

1. Preliminary or duplicate payments owed to private reinsurers or other inuring reinsurance payments to private reinsurers that satisfy statutory or contractual obligations of the insolvent insurer attributable to covered events to such reinsurers; or

2. Funds owed to a bank or other financial institution to cover obligations of the insolvent insurer under a credit agreement that assists the insolvent insurer in paying claims attributable to covered events.

The private reinsurers, banks, or other financial institutions shall be reimbursed or otherwise paid prior to payment to the Florida Insurance Guaranty Association, notwithstanding any law to the contrary. The guaranty association shall pay all claims up to the maximum amount permitted by chapter 631; thereafter, any remaining moneys shall be paid pro rata to claims not fully satisfied. This paragraph does not apply to a joint underwriting association, risk apportionment plan, or other entity created under s. 627.351.

(5) REIMBURSEMENT PREMIUMS.—

(b) The State Board of Administration shall select an independent consultant to develop a formula for determining the actuarially indicated premium to be paid to the fund. The formula shall specify, for each zip code or other limited geographical area, the amount of premium to be paid by an insurer for each \$1,000 of insured value under covered policies in that zip code or other area. In establishing premiums, the board shall consider the coverage elected under paragraph (4)(b) and any factors that tend to enhance the actuarial sophistication of ratemaking for the fund, including deductibles, type of construction, type of coverage provided, relative concentration of risks, and other such factors deemed by the board to be appropriate. *The formula must provide for a cash build-up factor. For the 2009-2010 contract year, the factor is 5 percent. For the contract year beginning June 1, 2010, and ending December 31, 2010, the factor is 10 percent. For the 2011 contract year, the factor is 15 percent. For the 2012 contract year, the factor is 20 percent. For the 2013 contract year and thereafter, the factor is 25 percent.* The formula may provide for a procedure to determine the premiums to be paid by new insurers that begin writing covered policies after the beginning of a contract year, taking into consideration when the insurer starts writing covered policies, the potential exposure of the insurer, the potential exposure of the fund, the administrative costs to the insurer and to the fund, and any other factors deemed appropriate by the board. The formula must be approved by unanimous vote of the board. The board may, at any time, revise the formula pursuant to the procedure provided in this paragraph.

(7) ADDITIONAL POWERS AND DUTIES.—

(a) The board may procure reinsurance from reinsurers acceptable to the Office of Insurance Regulation for the purpose of maximizing the capacity of the fund and may enter into capital market transactions, including, but not limited to, industry loss warranties, catastrophe bonds, side-car arrangements, or financial contracts permissible for the board's usage under s. 215.47(10) and (11), consistent with prudent management of the fund.

(b) In addition to borrowing under subsection (6), the board may also borrow from, or enter into other financing arrangements with, any market sources at prevailing interest rates.

(c) Each fiscal year, the Legislature shall appropriate from the investment income of the Florida Hurricane Catastrophe Fund an amount no less than \$10 million and no more than 35 percent of the investment income based upon the most recent fiscal year-end audited financial statements for the purpose of providing funding for local governments, state agencies, public and private educational institutions, and nonprofit organizations to support programs intended to improve hurricane preparedness, reduce potential losses in the event of a hurricane, provide research into means to reduce such losses, educate or inform the public as to means to reduce hurricane losses, assist the public in determining the appropriateness of particular upgrades to structures or in the financing of such upgrades, or protect local infrastructure from potential damage from a hurricane. Moneys shall first be available for appropriation under this paragraph in fiscal year 1997-1998. Moneys in excess of the \$10 million specified in this paragraph shall not be available for appropriation under this paragraph if the State Board of Administration finds that an appropriation of investment income from the fund would jeopardize the actuarial soundness of the fund.

(d) The board may allow insurers to comply with reporting requirements and reporting format requirements by using alternative methods of reporting if the proper administration of the fund is not thereby impaired and if the alternative methods produce data which is consistent with the purposes of this section.

(e) In order to assure the equitable operation of the fund, the board may impose a reasonable fee on an insurer to recover costs involved in reprocessing inaccurate, incomplete, or untimely exposure data submitted by the insurer.

(f) *The board may require insurers to notarize documents submitted to the board.*

(17) TEMPORARY INCREASE IN COVERAGE LIMIT OPTIONS.—

(a) Findings and intent.—

1. The Legislature finds that:

a. Because of temporary disruptions in the market for catastrophic reinsurance, many property insurers were unable to procure sufficient amounts of reinsurance for the 2006 hurricane season or were able to procure such reinsurance only by incurring substantially higher costs than in prior years.

b. The reinsurance market problems were responsible, at least in part, for substantial premium increases to many consumers and increases in the number of policies issued by Citizens Property Insurance Corporation.

c. It is likely that the reinsurance market disruptions will not significantly abate prior to the 2007 hurricane season.

2. It is the intent of the Legislature to create options for insurers to purchase a temporary increased coverage limit above the statutorily determined limit in subparagraph (4)(c)1., applicable for the 2007, 2008, ~~and 2009, 2010, 2011, 2012, and 2013~~ hurricane seasons, to address market disruptions and enable insurers, at their option, to procure additional coverage from the Florida Hurricane Catastrophe Fund.

(b) Applicability of other provisions of this section.—All provisions of this section and the rules adopted under this section apply to the coverage created by this subsection unless specifically superseded by provisions in this subsection.

(c) Optional coverage.—For the contract year commencing June 1, 2007, and ending May 31, 2008, the contract year commencing June 1, 2008, and ending May 31, 2009, ~~and the contract year commencing June 1, 2009, and ending May 31, 2010, the contract year commencing June 1, 2010, and ending December 31, 2010, the contract year commencing January 1, 2011, and ending December 31, 2011, the contract year commencing January 1, 2012, and ending December 31, 2012, and the contract year commencing January 1, 2013, and ending December 31,~~

2013, the board shall offer, for each of such years, the optional coverage as provided in this subsection.

(d) Additional definitions.—As used in this subsection, the term:

1. “FHCf” means Florida Hurricane Catastrophe Fund.
2. “FHCf reimbursement premium” means the premium paid by an insurer for its coverage as a mandatory participant in the FHCf, but does not include additional premiums for optional coverages.
3. “Payout multiple” means the number or multiple created by dividing the statutorily defined claims-paying capacity as determined in subparagraph (4)(c)1. by the aggregate reimbursement premiums paid by all insurers estimated or projected as of calendar year-end.
4. “TICL” means the temporary increase in coverage limit.
5. “TICL options” means the temporary increase in coverage options created under this subsection.
6. “TICL insurer” means an insurer that has opted to obtain coverage under the TICL options addendum in addition to the coverage provided to the insurer under its FHCf reimbursement contract.
7. “TICL reimbursement premium” means the premium charged by the fund for coverage provided under the TICL option.
8. “TICL coverage multiple” means the coverage multiple when multiplied by an insurer’s reimbursement premium that defines the temporary increase in coverage limit.
9. “TICL coverage” means the coverage for an insurer’s losses above the insurer’s statutorily determined claims-paying capacity based on the claims-paying limit in subparagraph (4)(c)1., which an insurer selects as its temporary increase in coverage from the fund under the TICL options selected. A TICL insurer’s increased coverage limit options shall be calculated as follows:

a. The board shall calculate and report to each TICL insurer the TICL coverage multiples based on 12 options for increasing the insurer’s FHCf coverage limit. Each TICL coverage multiple shall be calculated by dividing \$1 billion, \$2 billion, \$3 billion, \$4 billion, \$5 billion, \$6 billion, \$7 billion, \$8 billion, \$9 billion, \$10 billion, \$11 billion, or \$12 billion by the total estimated aggregate FHCf reimbursement premiums for the 2007-2008 contract year, *and the 2008-2009 contract year,* ~~and the 2009-2010 contract year.~~

b. *For the 2009-2010 contract year, the board shall calculate and report to each TICL insurer the TICL coverage multiples based on 10 options for increasing the insurer’s FHCf coverage limit. Each TICL coverage multiple shall be calculated by dividing \$1 billion, \$2 billion, \$3 billion, \$4 billion, \$5 billion, \$6 billion, \$7 billion, \$8 billion, \$9 billion, and \$10 billion by the total estimated aggregate FHCf reimbursement premiums for the 2009-2010 contract year.*

c. *For the contract year beginning June 1, 2010, and ending December 31, 2010, the board shall calculate and report to each TICL insurer the TICL coverage multiples based on eight options for increasing the insurer’s FHCf coverage limit. Each TICL coverage multiple shall be calculated by dividing \$1 billion, \$2 billion, \$3 billion, \$4 billion, \$5 billion, \$6 billion, \$7 billion, and \$8 billion by the total estimated aggregate FHCf reimbursement premiums for the contract year.*

d. *For the 2011 contract year, the board shall calculate and report to each TICL insurer the TICL coverage multiples based on six options for increasing the insurer’s FHCf coverage limit. Each TICL coverage multiple shall be calculated by dividing \$1 billion, \$2 billion, \$3 billion, \$4 billion, \$5 billion, and \$6 billion by the total estimated aggregate FHCf reimbursement premiums for the 2011 contract year.*

e. *For the 2012 contract year, the board shall calculate and report to each TICL insurer the TICL coverage multiples based on four options for increasing the insurer’s FHCf coverage limit. Each TICL coverage multiple shall be calculated by dividing \$1 billion, \$2 billion, \$3 billion, and \$4 billion by the total estimated aggregate FHCf reimbursement premiums for the 2012 contract year.*

f. *For the 2013 contract year, the board shall calculate and report to each TICL insurer the TICL coverage multiples based on two options for increasing the insurer’s FHCf coverage limit. Each TICL coverage multiple shall be calculated by dividing \$1 billion and \$2 billion by the total estimated aggregate FHCf reimbursement premiums for the 2013 contract year.*

g. ~~b.~~ The TICL insurer’s increased coverage shall be the FHCf reimbursement premium multiplied by the TICL coverage multiple. In order to determine an insurer’s total limit of coverage, an insurer shall add its TICL coverage multiple to its payout multiple. The total shall represent a number that, when multiplied by an insurer’s FHCf reimbursement premium for a given reimbursement contract year, defines an insurer’s total limit of FHCf reimbursement coverage for that reimbursement contract year.

10. “TICL options addendum” means an addendum to the reimbursement contract reflecting the obligations of the fund and insurers selecting an option to increase an insurer’s FHCf coverage limit.

(e) TICL options addendum.—

1. The TICL options addendum shall provide for reimbursement of TICL insurers for covered events occurring between June 1, 2007, and May 31, 2008, ~~and~~ between June 1, 2008, and May 31, 2009, ~~or~~ between June 1, 2009, and May 31, 2010, *between June 1, 2010, and December 31, 2010, between January 1, 2011, and December 31, 2011, between January 1, 2012, and December 31, 2012, or between January 1, 2013, and December 31, 2013,* in exchange for the TICL reimbursement premium paid into the fund under paragraph (f). Any insurer writing covered policies has the option of selecting an increased limit of coverage under the TICL options addendum and shall select such coverage at the time that it executes the FHCf reimbursement contract.

2. The TICL addendum shall contain a promise by the board to reimburse the TICL insurer for 45 percent, 75 percent, or 90 percent of its losses from each covered event in excess of the insurer’s retention, plus 5 percent of the reimbursed losses to cover loss adjustment expenses. The percentage shall be the same as the coverage level selected by the insurer under paragraph (4)(b).

3. The TICL addendum shall provide that reimbursement amounts shall not be reduced by reinsurance paid or payable to the insurer from other sources.

4. The priorities, schedule, and method of reimbursements under the TICL addendum shall be the same as provided under subsection (4).

(f) TICL reimbursement premiums.—Each TICL insurer shall pay to the fund, in the manner and at the time provided in the reimbursement contract for payment of reimbursement premiums, a TICL reimbursement premium determined as specified in subsection (5), *except that a cash build-up factor does not apply to the TICL reimbursement premiums. However, the TICL reimbursement premium shall be increased in contract year 2009-2010 by a factor of two, in the contract year beginning June 1, 2010, and ending December 31, 2010, by a factor of three, in the 2011 contract year by a factor of four, in the 2012 contract year by a factor of five, and in the 2013 contract year by a factor of six.*

(g) Effect on claims-paying capacity of the fund.—For the contract terms commencing June 1, 2007, June 1, 2008, ~~and~~ June 1, 2009, *June 1, 2010, January 1, 2011, January 1, 2012, and January 1, 2013,* the program created by this subsection shall increase the claims-paying capacity of the fund as provided in subparagraph (4)(c)1. by an amount not to exceed \$12 billion and shall depend on the TICL coverage options selected and the number of insurers that select the TICL optional coverage. The additional capacity shall apply only to the additional coverage provided under the TICL options and shall not otherwise affect any insurer’s reimbursement from the fund if the insurer chooses not to select the temporary option to increase its limit of coverage under the FHCf.

(h) ~~Increasing the claims paying capacity of the fund.—For the contract years commencing June 1, 2007, June 1, 2008, and June 1, 2009, the board may increase the claims paying capacity of the fund as provided in paragraph (g) by an amount not to exceed \$4 billion in four \$1 billion options and shall depend on the TICL coverage options selected and the number of insurers that select the TICL optional coverage. Each insurer’s TICL premium shall be calculated based upon the additional~~

~~limit of increased coverage that the insurer selects. Such limit is determined by multiplying the TICL multiple associated with one of the four options times the insurer's FHCF reimbursement premium. The reimbursement premium associated with the additional coverage provided in this paragraph shall be determined as specified in subsection (5).~~

Section 2. Section 215.5586, Florida Statutes, as amended by section 1 of chapter 2009-10, Laws of Florida, is amended to read:

215.5586 My Safe Florida Home Program.—There is established within the Department of Financial Services the My Safe Florida Home Program. The department shall provide fiscal accountability, contract management, and strategic leadership for the program, consistent with this section. This section does not create an entitlement for property owners or obligate the state in any way to fund the inspection or retrofitting of residential property in this state. Implementation of this program is subject to annual legislative appropriations. It is the intent of the Legislature that the My Safe Florida Home Program provide *trained and certified inspectors to perform inspections for owners of for at least 400,000 site-built, single-family, residential properties and provide grants to eligible at least 35,000 applicants as funding allows before June 30, 2009.* The program shall develop and implement a comprehensive and coordinated approach for hurricane damage mitigation that ~~may shall~~ include the following:

(1) HURRICANE MITIGATION INSPECTIONS.

(a) *Certified inspectors to provide free* home-retrofit inspections of site-built, single-family, residential property ~~may shall~~ be offered ~~throughout the state~~ to determine what mitigation measures are needed, what insurance premium discounts may be available, and what improvements to existing residential properties are needed to reduce the property's vulnerability to hurricane damage. The Department of Financial Services shall contract with wind certification entities to provide ~~free~~ hurricane mitigation inspections. The inspections provided to homeowners, at a minimum, must include:

1. A home inspection and report that summarizes the results and identifies recommended improvements a homeowner may take to mitigate hurricane damage.
2. A range of cost estimates regarding the recommended mitigation improvements.
3. Insurer-specific information regarding premium discounts correlated to the current mitigation features and the recommended mitigation improvements identified by the inspection.
4. A hurricane resistance rating scale specifying the home's current as well as projected wind resistance capabilities. As soon as practical, the rating scale must be the uniform home grading scale adopted by the Financial Services Commission pursuant to s. 215.55865.

(b) To qualify for selection by the department as a wind certification entity to provide hurricane mitigation inspections, the entity shall, at a minimum, meet the following requirements:

1. Use hurricane mitigation inspectors who:
 - a. Are certified as a building inspector under s. 468.607;
 - b. Are licensed as a general or residential contractor under s. 489.111;
 - c. Are licensed as a professional engineer under s. 471.015 and who have passed the appropriate equivalency test of the Building Code Training Program as required by s. 553.841;
 - d. Are licensed as a professional architect under s. 481.213; or
 - e. Have at least 2 years of experience in residential construction or residential building inspection and have received specialized training in hurricane mitigation procedures. Such training may be provided by a class offered online or in person.
2. Use hurricane mitigation inspectors who also:

a. Have undergone drug testing and level 2 background checks pursuant to s. 435.04. The department may conduct criminal record checks of inspectors used by wind certification entities. Inspectors must submit a set of the fingerprints to the department for state and national criminal history checks and must pay the fingerprint processing fee set forth in s. 624.501. The fingerprints shall be sent by the department to the Department of Law Enforcement and forwarded to the Federal Bureau of Investigation for processing. The results shall be returned to the department for screening. The fingerprints shall be taken by a law enforcement agency, designated examination center, or other department-approved entity; and

b. Have been certified, in a manner satisfactory to the department, to conduct the inspections.

3. Provide a quality assurance program including a reinspection component.

(c) The department shall implement a quality assurance program that includes a statistically valid number of reinspections.

(d) An application for an inspection must contain a signed or electronically verified statement made under penalty of perjury that the applicant has submitted only a single application for that home.

(e) The owner of a site-built, single-family, residential property may apply for and receive an inspection without also applying for a grant pursuant to subsection (2) and without meeting the requirements of paragraph (2)(a).

(2) MITIGATION GRANTS.—Financial grants shall be used to encourage single-family, site-built, owner-occupied, residential property owners to retrofit their properties to make them less vulnerable to hurricane damage.

(a) *For a homeowner to be eligible for a grant, the following criteria for persons who have obtained a completed inspection after May 1, 2007, a residential property must be met:*

1. *The homeowner must* have been granted a homestead exemption *on the home* under chapter 196.
2. *The home must* be a dwelling with an insured value of \$300,000 or less. Homeowners who are low-income persons, as defined in s. 420.0004(10), are exempt from this requirement.
3. *The home must* have undergone an acceptable hurricane mitigation inspection *after May 1, 2007.*
4. *The home must* be located in the "wind-borne debris region" as that term is defined in s. 1609.2, International Building Code (2006), *or as subsequently amended.*
5. ~~Be a home for which~~ The building permit application for initial construction ~~of the home must have been~~ ~~was~~ made before March 1, 2002.

An application for a grant must contain a signed or electronically verified statement made under penalty of perjury that the applicant has submitted only a single application and must have attached documents demonstrating the applicant meets the requirements of this paragraph.

(b) All grants must be matched on a dollar-for-dollar basis *up to for* a total of \$10,000 for the actual cost of the mitigation project with the state's contribution not to exceed \$5,000.

(c) The program shall create a process in which contractors agree to participate and homeowners select from a list of participating contractors. All mitigation must be based upon the securing of all required local permits and inspections and must be performed by properly licensed contractors. Mitigation projects are subject to random reinspection of up to at least 5 percent of all projects. Hurricane mitigation inspectors qualifying for the program may also participate as mitigation contractors as long as the inspectors meet the department's qualifications and certification requirements for mitigation contractors.

(d) Matching fund grants shall also be made available to local governments and nonprofit entities for projects that will reduce hurricane damage to single-family, site-built, owner-occupied, residential property. The department shall liberally construe those requirements in favor of

availing the state of the opportunity to leverage funding for the My Safe Florida Home Program with other sources of funding.

(e) When recommended by a hurricane mitigation inspection, grants may be used for the following improvements ~~only~~:

1. Opening protection.
2. Exterior doors, including garage doors.
3. Brace gable ends.
4. *Reinforcing roof-to-wall connections.*
5. *Improving the strength of roof-deck attachments.*
6. *Upgrading roof covering from code to code plus.*
7. *Secondary water barrier for roof.*

The department may require that improvements be made to all openings, including exterior doors and garage doors, as a condition of reimbursing a homeowner approved for a grant. *The department may adopt, by rule, the maximum grant allowances for any improvement allowable under this paragraph.*

(f) Grants may be used on a previously inspected existing structure or on a rebuild. A rebuild is defined as a site-built, single-family dwelling under construction to replace a home that was destroyed or significantly damaged by a hurricane and deemed unlivable by a regulatory authority. The homeowner must be a low-income homeowner as defined in paragraph (g), must have had a homestead exemption for that home prior to the hurricane, and must be intending to rebuild the home as that homeowner's homestead.

(g) Low-income homeowners, as defined in s. 420.0004(10), who otherwise meet the requirements of paragraphs (a), (c), (e), and (f) are eligible for a grant of up to \$5,000 and are not required to provide a matching amount to receive the grant. Additionally, for low-income homeowners, grant funding may be used for repair to existing structures leading to any of the mitigation improvements provided in paragraph (e), limited to 20 percent of the grant value. The program may accept a certification directly from a low-income homeowner that the homeowner meets the requirements of s. 420.0004(10) if the homeowner provides such certification in a signed or electronically verified statement made under penalty of perjury.

(h) The department shall establish objective, reasonable criteria for prioritizing grant applications, consistent with the requirements of this section.

(i) The department shall develop a process that ensures the most efficient means to collect and verify grant applications to determine eligibility and may direct hurricane mitigation inspectors to collect and verify grant application information or use the Internet or other electronic means to collect information and determine eligibility.

(3) EDUCATION AND CONSUMER AWARENESS.—The department may undertake a statewide multimedia public outreach and advertising campaign to inform consumers of the availability and benefits of hurricane inspections and of the safety and financial benefits of residential hurricane damage mitigation. The department may seek out and use local, state, federal, and private funds to support the campaign.

(4) ADVISORY COUNCIL.—There is created an advisory council to provide advice and assistance to the department regarding administration of the program. The advisory council shall consist of:

(a) A representative of lending institutions, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Bankers Association.

(b) A representative of residential property insurers, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Insurance Council.

(c) A representative of home builders, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Home Builders Association.

(d) A faculty member of a state university, selected by the Financial Services Commission, who is an expert in hurricane-resistant construction methodologies and materials.

(e) Two members of the House of Representatives, selected by the Speaker of the House of Representatives.

(f) Two members of the Senate, selected by the President of the Senate.

(g) The Chief Executive Officer of the Federal Alliance for Safe Homes, Inc., or his or her designee.

(h) The senior officer of the Florida Hurricane Catastrophe Fund.

(i) The executive director of Citizens Property Insurance Corporation.

(j) The director of the *Florida* Division of Emergency Management ~~of the Department of Community Affairs.~~

Members appointed under paragraphs (a)-(d) shall serve at the pleasure of the Financial Services Commission. Members appointed under paragraphs (e) and (f) shall serve at the pleasure of the appointing officer. All other members shall serve *as voting ex officio members*. Members of the advisory council shall serve without compensation but may receive reimbursement as provided in s. 112.061 for per diem and travel expenses incurred in the performance of their official duties.

(5) FUNDING.—The department may seek out and leverage local, state, federal, or private funds to enhance the financial resources of the program.

(6) RULES.—The Department of Financial Services shall adopt rules pursuant to ss. 120.536(1) and 120.54 to govern the program; implement the provisions of this section; including rules governing hurricane mitigation inspections *and grants*, mitigation contractors, and training of inspectors and contractors; and carry out the duties of the department under this section.

(7) HURRICANE MITIGATION INSPECTOR LIST.—The department shall develop and maintain as a public record a current list of hurricane mitigation inspectors authorized to conduct hurricane mitigation inspections pursuant to this section.

~~(8) NO-INTEREST LOANS.—The department shall implement a no-interest loan program by October 1, 2008, contingent upon the selection of a qualified vendor and execution of a contract acceptable to the department and the vendor. The department shall enter into partnerships with the private sector to provide loans to owners of site built, single-family, residential property to pay for mitigation measures listed in subsection (2). A loan eligible for interest payments pursuant to this subsection may be for a term of up to 3 years and cover up to \$5,000 in mitigation measures. The department shall pay the creditor the market rate of interest using funds appropriated for the My Safe Florida Home Program. In no case shall the department pay more than the interest rate set by s. 687.03. To be eligible for a loan, a loan applicant must first obtain a home inspection and report that specifies what improvements are needed to reduce the property's vulnerability to windstorm damage pursuant to this section and meet loan underwriting requirements set by the lender. The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection which may include eligibility criteria.~~

(8) ~~(9)~~ PUBLIC OUTREACH FOR CONTRACTORS AND REAL ESTATE BROKERS AND SALES ASSOCIATES.—The program shall develop brochures for distribution to general contractors, roofing contractors, and real estate brokers and sales associates licensed under part I of chapter 475 explaining the benefits to homeowners of residential hurricane damage mitigation. The program shall encourage contractors to distribute the brochures to homeowners at the first meeting with a homeowner who is considering contracting for home or roof repairs or contracting for the construction of a new home. The program shall encourage real estate brokers and sales associates licensed under part I of chapter 475 to distribute the brochures to clients prior to the purchase of a home. The brochures may be made available electronically.

(9) ~~(10)~~ CONTRACT MANAGEMENT.—The department may contract with third parties for grants management, inspection services,

contractor services for low-income homeowners, information technology, educational outreach, and auditing services. Such contracts shall be considered direct costs of the program and shall not be subject to administrative cost limits, but contracts valued at \$1 million ~~\$500,000~~ or more shall be subject to review and approval by the Legislative Budget Commission. The department shall contract with providers that have a demonstrated record of successful business operations in areas directly related to the services to be provided and shall ensure the highest accountability for use of state funds, consistent with this section.

(10) ~~(11)~~ INTENT.—It is the intent of the Legislature that grants made to residential property owners under this section shall be considered disaster-relief assistance within the meaning of s. 139 of the Internal Revenue Code of 1986, as amended.

(11) ~~(12)~~ REPORTS.—The department shall make an annual report on the activities of the program that shall account for the use of state funds and indicate the number of inspections requested, the number of inspections performed, the number of grant applications received, and the number and value of grants approved. The report shall be delivered to the President of the Senate and the Speaker of the House of Representatives by February 1 of each year.

Section 3. Subsection (13) is added to section 626.854, Florida Statutes, to read:

626.854 “Public adjuster” defined; prohibitions.—The Legislature finds that it is necessary for the protection of the public to regulate public insurance adjusters and to prevent the unauthorized practice of law.

(13) A public adjuster, public adjuster apprentice, or any person acting on behalf of a public adjuster or apprentice may not accept referrals of business from any person with whom the public adjuster conducts business if there is any form or manner of agreement to compensate the person, whether directly or indirectly, for referring business to the public adjuster. A public adjuster may not compensate any person, except for another public adjuster, whether directly or indirectly, for the principal purpose of referring business to the public adjuster.

The provisions of subsections (5)-(13) ~~subsections (5)-(12)~~ apply only to residential property insurance policies and condominium association policies as defined in s. 718.111(11).

Section 4. Subsection (7) is added to section 627.7011, Florida Statutes, to read:

627.7011 Homeowners’ policies; offer of replacement cost coverage and law and ordinance coverage.—

(7) This section does not prohibit an insurer from exercising its right to repair damaged property in compliance with its policy and s. 627.702(7).

Section 5. Subsection (1) of section 626.865, Florida Statutes, is amended to read:

626.865 Public adjuster’s qualifications, bond.—

(1) The department shall issue a license to an applicant for a public adjuster’s license upon determining that the applicant has paid the applicable fees specified in s. 624.501 and possesses the following qualifications:

- (a) Is a natural person at least 18 years of age.
- (b) Is a United States citizen or legal alien who possesses work authorization from the United States Bureau of Citizenship and Immigration Services and a bona fide resident of this state.
- (c) Is trustworthy and has such business reputation as would reasonably assure that the applicant will conduct his or her business as insurance adjuster fairly and in good faith and without detriment to the public.
- (d) Has had sufficient experience, training, or instruction concerning the adjusting of damages or losses under insurance contracts, other than life and annuity contracts, is sufficiently informed as to the terms and effects of the provisions of those types of insurance contracts, and pos-

sesses adequate knowledge of the laws of this state relating to such contracts as to enable and qualify him or her to engage in the business of insurance adjuster fairly and without injury to the public or any member thereof with whom the applicant may have business as a public adjuster.

~~(e) Has passed the required written examination.~~

Section 6. Section 626.8651, Florida Statutes, is amended to read:

626.8651 Public adjuster apprentice license; qualifications.—

(1) The department shall issue a license as a public adjuster apprentice to an applicant who is:

- (a) A natural person at least 18 years of age.
- (b) A United States citizen or legal alien who possesses work authorization from the United States Bureau of Citizenship and Immigration Services and is a resident of this state.
- (c) Trustworthy and has such business reputation as would reasonably ensure that the applicant will conduct business as a public adjuster apprentice fairly and in good faith and without detriment to the public.

(2) All applicable license fees, as prescribed in s. 624.501, must be paid in full before issuance of the license.

(3) An applicant must pass the required written examination before a license may be issued.

(4) An applicant must have received designation as an Accredited Claims Adjuster (ACA) after completion of training that qualifies the applicant to engage in the business of a public adjuster apprentice fairly and without injury to the public. Such training and instruction must address adjusting damages and losses under insurance contracts, the terms and effects of insurance contracts, and knowledge of the laws of this state relating to insurance contracts.

(5) At the time of application for license as a public adjuster apprentice, the applicant shall file with the department a bond executed and issued by a surety insurer authorized to transact such business in this state in the amount of \$50,000, conditioned upon the faithful performance of his or her duties as a public adjuster apprentice under the license for which the applicant has applied, and thereafter maintain the bond unimpaired throughout the existence of the license and for at least 1 year after termination of the license. The bond shall be in favor of the department and shall specifically authorize recovery by the department of the damages sustained in case the licensee commits fraud or unfair practices in connection with his or her business as a public adjuster apprentice. The aggregate liability of the surety for all such damages may not exceed the amount of the bond, and the bond may not be terminated by the issuing insurer unless written notice of at least 30 days is given to the licensee and filed with the department.

(6) ~~(4)~~ A public adjuster apprentice shall complete at a minimum 100 hours of employment per month for 12 months of employment under the supervision of a licensed and appointed all-lines public adjuster in order to qualify for licensure as a public adjuster. The department may adopt rules that establish standards for such employment requirements.

(7) ~~(5)~~ An appointing public adjusting firm may not maintain more than 12 public adjuster apprentices simultaneously. However, a supervising public adjuster may not ~~shall~~ be responsible for more than 3 public adjuster apprentices simultaneously and shall be accountable for the acts of all a public adjuster apprentices ~~apprentice~~ which are related to transacting business as a public adjuster apprentice.

(8) ~~(6)~~ An apprentice license is effective for 18 months unless the license expires due to lack of maintaining an appointment; is surrendered by the licensee; is terminated, suspended, or revoked by the department; or is canceled by the department upon issuance of a public adjuster license. The department may not issue a public adjuster apprentice license to any individual who has held such a license in this state within 2 years after expiration, surrender, termination, revocation, or cancellation of the license.

(9) ~~(7)~~ After completing the requirements for employment as a public adjuster apprentice, the licensee may file an application for a public adjuster license. The applicant and supervising public adjuster or public

adjusting firm must each file a sworn affidavit, on a form prescribed by the department, verifying that the employment of the public adjuster apprentice meets the requirements of this section.

(10) (8) In no event shall a public adjuster apprentice licensed under this section perform any of the functions for which a public adjuster's license is required after expiration of the public adjuster apprentice license without having obtained a public adjuster license.

(11) (9) A public adjuster apprentice has the same authority as the licensed public adjuster or public adjusting firm that employs the apprentice except that an apprentice may not execute contracts for the services of a public adjuster or public adjusting firm and may not solicit contracts for the services except under the direct supervision and guidance of the supervisory public adjuster. An individual may not be, act as, or hold himself or herself out to be a public adjuster apprentice unless the individual is licensed and holds a current appointment by a licensed public all-lines adjuster or a public adjusting firm that employs a licensed all-lines public adjuster.

Section 7. Subsections (2) and (5) of section 627.062, Florida Statutes, are amended to read:

627.062 Rate standards.—

(2) As to all such classes of insurance:

(a) Insurers or rating organizations shall establish and use rates, rating schedules, or rating manuals to allow the insurer a reasonable rate of return on such classes of insurance written in this state. A copy of rates, rating schedules, rating manuals, premium credits or discount schedules, and surcharge schedules, and changes thereto, shall be filed with the office under one of the following procedures except as provided in subparagraph 3.:

1. If the filing is made at least 90 days before the proposed effective date and the filing is not implemented during the office's review of the filing and any proceeding and judicial review, then such filing shall be considered a "file and use" filing. In such case, the office shall finalize its review by issuance of a notice of intent to approve or a notice of intent to disapprove within 90 days after receipt of the filing. The notice of intent to approve and the notice of intent to disapprove constitute agency action for purposes of the Administrative Procedure Act. Requests for supporting information, requests for mathematical or mechanical corrections, or notification to the insurer by the office of its preliminary findings shall not toll the 90-day period during any such proceedings and subsequent judicial review. The rate shall be deemed approved if the office does not issue a notice of intent to approve or a notice of intent to disapprove within 90 days after receipt of the filing.

2. If the filing is not made in accordance with the provisions of subparagraph 1., such filing shall be made as soon as practicable, but no later than 30 days after the effective date, and shall be considered a "use and file" filing. An insurer making a "use and file" filing is potentially subject to an order by the office to return to policyholders portions of rates found to be excessive, as provided in paragraph (h).

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 an-

icipated 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 as 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 li-

quidity 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.

Section 8. Section 627.0621, Florida Statutes, is amended to read:

627.0621 Transparency in rate regulation.—

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

(a) "Rate filing" means any original or amended rate residential property insurance filing.

(b) "Recommendation" means any proposed, preliminary, or final recommendation from an office actuary reviewing a rate filing with respect to the issue of approval or disapproval of the rate filing or with respect to rate indications that the office would consider acceptable.

(2) WEBSITE FOR PUBLIC ACCESS TO RATE FILING INFORMATION.—

(a) With respect to any residential property rate filing ~~made on or after July 1, 2008~~, the office shall provide the following information on a publicly accessible Internet website:

1. ~~(a)~~ The overall rate change requested by the insurer.

2. The rate change approved by the office along with all of the actuary's assumptions and recommendations forming the basis of the office's decision.

3. Certification by the office's actuary that, based on the actuary's knowledge, his or her recommendations are consistent with accepted actuarial principles.

(b) For any rate filing, whether or not the filing is subject to a public hearing, the office shall provide on its website a means for any policyholder who may be affected by a proposed rate change to send an e-mail regarding the proposed rate change. Such e-mail must be accessible to the actuary assigned to review the rate filing.

- ~~(b) All assumptions made by the office's actuaries.~~
- ~~(c) A statement describing any assumptions or methods that deviate from the actuarial standards of practice of the Casualty Actuarial Society or the American Academy of Actuaries, including an explanation of the nature, rationale, and effect of the deviation.~~
- ~~(d) All recommendations made by any office actuary who reviewed the rate filing.~~
- ~~(e) Certification by the office's actuary that, based on the actuary's knowledge, his or her recommendations are consistent with accepted actuarial principles.~~
- ~~(f) The overall rate change approved by the office.~~

~~(3) ATTORNEY CLIENT PRIVILEGE; WORK PRODUCT. It is the intent of the Legislature that the principles of the public records and open meetings laws apply to the assertion of attorney-client privilege and work product confidentiality by the office in connection with a challenge to its actions on a rate filing. Therefore, in any administrative or judicial proceeding relating to a rate filing, attorney-client privilege and work product exemptions from disclosure do not apply to communications with office attorneys or records prepared by or at the direction of an office attorney, except when the conditions of paragraphs (a) and (b) have been met:~~

~~(a) The communication or record reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or office that was prepared exclusively for civil or criminal litigation or adversarial administrative proceedings.~~

~~(b) The communication occurred or the record was prepared after the initiation of an action in a court of competent jurisdiction, after the issuance of a notice of intent to deny a rate filing, or after the filing of a request for a proceeding under ss. 120.569 and 120.57.~~

Section 9. *Section 627.0612, Florida Statutes, is repealed.*

Section 10. Subsection (5) of section 627.0629, Florida Statutes, is amended to read:

627.0629 Residential property insurance; rate filings.—

(5) In order to provide an appropriate transition period, an insurer may, in its sole discretion, implement an approved rate filing for residential property insurance over a period of years. An insurer electing to phase in its rate filing must provide an informational notice to the office setting out its schedule for implementation of the phased-in rate filing. *An 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. However, this cost for reinsurance may not include any expense or profit load or result in a total annual base rate increase in excess of 10 percent.*

Section 11. Paragraphs (a), (c), (m), and (x) of subsection (6) of section 627.351, Florida Statutes, are amended to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(a)1. It is the public purpose of this subsection to ensure the existence of an orderly market for property insurance for Floridians and Florida businesses. The Legislature finds that private insurers are unwilling or unable to provide affordable property insurance coverage in this state to the extent sought and needed. The absence of affordable property insurance threatens the public health, safety, and welfare and likewise threatens the economic health of the state. The state therefore has a compelling public interest and a public purpose to assist in assuring that property in the state is insured and that it is insured at affordable rates so as to facilitate the remediation, reconstruction, and replacement of damaged or destroyed property in order to reduce or avoid the negative effects otherwise resulting to the public health, safety, and welfare, to the economy of the state, and to the revenues of the state and local governments which are needed to provide for the public welfare. It is necessary, therefore, to provide affordable property

insurance to applicants who are in good faith entitled to procure insurance through the voluntary market but are unable to do so. The Legislature intends by this subsection that affordable property insurance be provided and that it continue to be provided, as long as necessary, through Citizens Property Insurance Corporation, a government entity that is an integral part of the state, and that is not a private insurance company. To that end, Citizens Property Insurance Corporation shall strive to increase the availability of affordable property insurance in this state, while achieving efficiencies and economies, and while providing service to policyholders, applicants, and agents which is no less than the quality generally provided in the voluntary market, for the achievement of the foregoing public purposes. Because it is essential for this government entity to have the maximum financial resources to pay claims following a catastrophic hurricane, it is the intent of the Legislature that Citizens Property Insurance Corporation continue to be an integral part of the state and that the income of the corporation be exempt from federal income taxation and that interest on the debt obligations issued by the corporation be exempt from federal income taxation.

2. The Residential Property and Casualty Joint Underwriting Association originally created by this statute shall be known, as of July 1, 2002, as the Citizens Property Insurance Corporation. The corporation shall provide insurance for residential and commercial property, for applicants who are in good faith entitled, but are unable, to procure insurance through the voluntary market. The corporation shall operate pursuant to a plan of operation approved by order of the Financial Services Commission. The plan is subject to continuous review by the commission. The commission may, by order, withdraw approval of all or part of a plan if the commission determines that conditions have changed since approval was granted and that the purposes of the plan require changes in the plan. The corporation shall continue to operate pursuant to the plan of operation approved by the Office of Insurance Regulation until October 1, 2006. For the purposes of this subsection, residential coverage includes both personal lines residential coverage, which consists of the type of coverage provided by homeowner's, mobile homeowner's, dwelling, tenant's, condominium unit owner's, and similar policies, and commercial lines residential coverage, which consists of the type of coverage provided by condominium association, apartment building, and similar policies.

3. Effective January 1, 2009, a personal lines residential structure that has a dwelling replacement cost of \$2 million or more, or a single condominium unit that has a combined dwelling and content replacement cost of \$2 million or more is not eligible for coverage by the corporation. Such dwellings insured by the corporation on December 31, 2008, may continue to be covered by the corporation until the end of the policy term. However, such dwellings that are insured by the corporation and become ineligible for coverage due to the provisions of this subparagraph may reapply and obtain coverage if the property owner provides the corporation with a sworn affidavit from one or more insurance agents, on a form provided by the corporation, stating that the agents have made their best efforts to obtain coverage and that the property has been rejected for coverage by at least one authorized insurer and at least three surplus lines insurers. If such conditions are met, the dwelling may be insured by the corporation for up to 3 years, after which time the dwelling is ineligible for coverage. The office shall approve the method used by the corporation for valuing the dwelling replacement cost for the purposes of this subparagraph. If a policyholder is insured by the corporation prior to being determined to be ineligible pursuant to this subparagraph and such policyholder files a lawsuit challenging the determination, the policyholder may remain insured by the corporation until the conclusion of the litigation.

4. It is the intent of the Legislature that policyholders, applicants, and agents of the corporation receive service and treatment of the highest possible level but never less than that generally provided in the voluntary market. It also is intended that the corporation be held to service standards no less than those applied to insurers in the voluntary market by the office with respect to responsiveness, timeliness, customer courtesy, and overall dealings with policyholders, applicants, or agents of the corporation.

5. Effective January 1, 2009, a personal lines residential structure that is located in the "wind-borne debris region," as defined in s. 1609.2, International Building Code (2006), and that has an insured value on the structure of \$750,000 or more is not eligible for coverage by the corporation unless the structure has opening protections as required under

the Florida Building Code for a newly constructed residential structure in that area. A residential structure shall be deemed to comply with the requirements of this subparagraph if it has shutters or opening protections on all openings and if such opening protections complied with the Florida Building Code at the time they were installed. ~~Effective January 1, 2010, for personal lines residential property insured by the corporation that is located in the wind borne debris region and has an insured value on the structure of \$500,000 or more, a prospective purchaser of any such residential property must be provided by the seller a written disclosure that contains the structure's windstorm mitigation rating based on the uniform home grading scale adopted under s. 215.55865. Such rating shall be provided to the purchaser at or before the time the purchaser executes a contract for sale and purchase.~~

(c) The plan of operation of the corporation:

1. Must provide for adoption of residential property and casualty insurance policy forms and commercial residential and nonresidential property insurance forms, which forms must be approved by the office prior to use. The corporation shall adopt the following policy forms:

a. Standard personal lines policy forms that are comprehensive multiperil policies providing full coverage of a residential property equivalent to the coverage provided in the private insurance market under an HO-3, HO-4, or HO-6 policy.

b. Basic personal lines policy forms that are policies similar to an HO-8 policy or a dwelling fire policy that provide coverage meeting the requirements of the secondary mortgage market, but which coverage is more limited than the coverage under a standard policy.

c. Commercial lines residential and nonresidential policy forms that are generally similar to the basic perils of full coverage obtainable for commercial residential structures and commercial nonresidential structures in the admitted voluntary market.

d. Personal lines and commercial lines residential property insurance forms that cover the peril of wind only. The forms are applicable only to residential properties located in areas eligible for coverage under the high-risk account referred to in sub-subparagraph (b)2.a.

e. Commercial lines nonresidential property insurance forms that cover the peril of wind only. The forms are applicable only to nonresidential properties located in areas eligible for coverage under the high-risk account referred to in sub-subparagraph (b)2.a.

f. The corporation may adopt variations of the policy forms listed in sub-subparagraphs a.-e. that contain more restrictive coverage.

2.a. Must provide that the corporation adopt a program in which the corporation and authorized insurers enter into quota share primary insurance agreements for hurricane coverage, as defined in s. 627.4025(2)(a), for eligible risks, and adopt property insurance forms for eligible risks which cover the peril of wind only. As used in this subsection, the term:

(I) "Quota share primary insurance" means an arrangement in which the primary hurricane coverage of an eligible risk is provided in specified percentages by the corporation and an authorized insurer. The corporation and authorized insurer are each solely responsible for a specified percentage of hurricane coverage of an eligible risk as set forth in a quota share primary insurance agreement between the corporation and an authorized insurer and the insurance contract. The responsibility of the corporation or authorized insurer to pay its specified percentage of hurricane losses of an eligible risk, as set forth in the quota share primary insurance agreement, may not be altered by the inability of the other party to the agreement to pay its specified percentage of hurricane losses. Eligible risks that are provided hurricane coverage through a quota share primary insurance arrangement must be provided policy forms that set forth the obligations of the corporation and authorized insurer under the arrangement, clearly specify the percentages of quota share primary insurance provided by the corporation and authorized insurer, and conspicuously and clearly state that neither the authorized insurer nor the corporation may be held responsible beyond its specified percentage of coverage of hurricane losses.

(II) "Eligible risks" means personal lines residential and commercial lines residential risks that meet the underwriting criteria of the cor-

poration and are located in areas that were eligible for coverage by the Florida Windstorm Underwriting Association on January 1, 2002.

b. The corporation may enter into quota share primary insurance agreements with authorized insurers at corporation coverage levels of 90 percent and 50 percent.

c. If the corporation determines that additional coverage levels are necessary to maximize participation in quota share primary insurance agreements by authorized insurers, the corporation may establish additional coverage levels. However, the corporation's quota share primary insurance coverage level may not exceed 90 percent.

d. Any quota share primary insurance agreement entered into between an authorized insurer and the corporation must provide for a uniform specified percentage of coverage of hurricane losses, by county or territory as set forth by the corporation board, for all eligible risks of the authorized insurer covered under the quota share primary insurance agreement.

e. Any quota share primary insurance agreement entered into between an authorized insurer and the corporation is subject to review and approval by the office. However, such agreement shall be authorized only as to insurance contracts entered into between an authorized insurer and an insured who is already insured by the corporation for wind coverage.

f. For all eligible risks covered under quota share primary insurance agreements, the exposure and coverage levels for both the corporation and authorized insurers shall be reported by the corporation to the Florida Hurricane Catastrophe Fund. For all policies of eligible risks covered under quota share primary insurance agreements, the corporation and the authorized insurer shall maintain complete and accurate records for the purpose of exposure and loss reimbursement audits as required by Florida Hurricane Catastrophe Fund rules. The corporation and the authorized insurer shall each maintain duplicate copies of policy declaration pages and supporting claims documents.

g. The corporation board shall establish in its plan of operation standards for quota share agreements which ensure that there is no discriminatory application among insurers as to the terms of quota share agreements, pricing of quota share agreements, incentive provisions if any, and consideration paid for servicing policies or adjusting claims.

h. The quota share primary insurance agreement between the corporation and an authorized insurer must set forth the specific terms under which coverage is provided, including, but not limited to, the sale and servicing of policies issued under the agreement by the insurance agent of the authorized insurer producing the business, the reporting of information concerning eligible risks, the payment of premium to the corporation, and arrangements for the adjustment and payment of hurricane claims incurred on eligible risks by the claims adjuster and personnel of the authorized insurer. Entering into a quota sharing insurance agreement between the corporation and an authorized insurer shall be voluntary and at the discretion of the authorized insurer.

3. May provide that the corporation may employ or otherwise contract with individuals or other entities to provide administrative or professional services that may be appropriate to effectuate the plan. The corporation shall have the power to borrow funds, by issuing bonds or by incurring other indebtedness, and shall have other powers reasonably necessary to effectuate the requirements of this subsection, including, without limitation, the power to issue bonds and incur other indebtedness in order to refinance outstanding bonds or other indebtedness. The corporation may, but is not required to, seek judicial validation of its bonds or other indebtedness under chapter 75. The corporation may issue bonds or incur other indebtedness, or have bonds issued on its behalf by a unit of local government pursuant to subparagraph (p)2., in the absence of a hurricane or other weather-related event, upon a determination by the corporation, subject to approval by the office, that such action would enable it to efficiently meet the financial obligations of the corporation and that such financings are reasonably necessary to effectuate the requirements of this subsection. The corporation is authorized to take all actions needed to facilitate tax-free status for any such bonds or indebtedness, including formation of trusts or other affiliated entities. The corporation shall have the authority to pledge assessments, projected recoveries from the Florida Hurricane Catastrophe Fund, other reinsurance recoverables, market equalization and other

surcharges, and other funds available to the corporation as security for bonds or other indebtedness. In recognition of s. 10, Art. I of the State Constitution, prohibiting the impairment of obligations of contracts, it is the intent of the Legislature that no action be taken whose purpose is to impair any bond indenture or financing agreement or any revenue source committed by contract to such bond or other indebtedness.

4.a. Must require that the corporation operate subject to the supervision and approval of a board of governors consisting of eight individuals who are residents of this state, from different geographical areas of this state. The Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives shall each appoint two members of the board. At least one of the two members appointed by each appointing officer must have demonstrated expertise in insurance. The Chief Financial Officer shall designate one of the appointees as chair. All board members serve at the pleasure of the appointing officer. All members of the board of governors are subject to removal at will by the officers who appointed them. All board members, including the chair, must be appointed to serve for 3-year terms beginning annually on a date designated by the plan. *However, for the first term beginning on or after July 1, 2009, each appointing officer shall appoint one member of the board for a 2-year term and one member for a 3-year term.* Any board vacancy shall be filled for the unexpired term by the appointing officer. The Chief Financial Officer shall appoint a technical advisory group to provide information and advice to the board of governors in connection with the board's duties under this subsection. The executive director and senior managers of the corporation shall be engaged by the board and serve at the pleasure of the board. Any executive director appointed on or after July 1, 2006, is subject to confirmation by the Senate. The executive director is responsible for employing other staff as the corporation may require, subject to review and concurrence by the board.

b. The board shall create a Market Accountability Advisory Committee to assist the corporation in developing awareness of its rates and its customer and agent service levels in relationship to the voluntary market insurers writing similar coverage. The members of the advisory committee shall consist of the following 11 persons, one of whom must be elected chair by the members of the committee: four representatives, one appointed by the Florida Association of Insurance Agents, one by the Florida Association of Insurance and Financial Advisors, one by the Professional Insurance Agents of Florida, and one by the Latin American Association of Insurance Agencies; three representatives appointed by the insurers with the three highest voluntary market share of residential property insurance business in the state; one representative from the Office of Insurance Regulation; one consumer appointed by the board who is insured by the corporation at the time of appointment to the committee; one representative appointed by the Florida Association of Realtors; and one representative appointed by the Florida Bankers Association. All members must serve for 3-year terms and may serve for consecutive terms. The committee shall report to the corporation at each board meeting on insurance market issues which may include rates and rate competition with the voluntary market; service, including policy issuance, claims processing, and general responsiveness to policyholders, applicants, and agents; and matters relating to depopulation.

5. Must provide a procedure for determining the eligibility of a risk for coverage, as follows:

a. Subject to the provisions of s. 627.3517, with respect to personal lines residential risks, if the risk is offered coverage from an authorized insurer at the insurer's approved rate under either a standard policy including wind coverage or, if consistent with the insurer's underwriting rules as filed with the office, a basic policy including wind coverage, for a new application to the corporation for coverage, the risk is not eligible for any policy issued by the corporation unless the premium for coverage from the authorized insurer is more than 15 percent greater than the premium for comparable coverage from the corporation. If the risk is not able to obtain any such offer, the risk is eligible for either a standard policy including wind coverage or a basic policy including wind coverage issued by the corporation; however, if the risk could not be insured under a standard policy including wind coverage regardless of market conditions, the risk shall be eligible for a basic policy including wind coverage unless rejected under subparagraph 8. However, with regard to a policyholder of the corporation or a policyholder removed from the corporation through an assumption agreement until the end of the assumption period, the policyholder remains eligible for coverage from the corporation regardless of any offer of coverage from an authorized in-

surer or surplus lines insurer. The corporation shall determine the type of policy to be provided on the basis of objective standards specified in the underwriting manual and based on generally accepted underwriting practices.

(I) If the risk accepts an offer of coverage through the market assistance plan or an offer of coverage through a mechanism established by the corporation before a policy is issued to the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who submitted the application to the plan or to the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record of the policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-sub-paragraph (A).

(II) When the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record of the corporation policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the corporation policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-sub-paragraph (A).

b. With respect to commercial lines residential risks, for a new application to the corporation for coverage, if the risk is offered coverage under a policy including wind coverage from an authorized insurer at its approved rate, the risk is not eligible for any policy issued by the corporation unless the premium for coverage from the authorized insurer is more than 15 percent greater than the premium for comparable coverage from the corporation. If the risk is not able to obtain any such offer, the risk is eligible for a policy including wind coverage issued by the corporation. However, with regard to a policyholder of the corporation or a policyholder removed from the corporation through an assumption agreement until the end of the assumption period, the policyholder remains eligible for coverage from the corporation regardless of any offer of coverage from an authorized insurer or surplus lines insurer.

(I) If the risk accepts an offer of coverage through the market assistance plan or an offer of coverage through a mechanism established by the corporation before a policy is issued to the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who submitted the application to the plan or the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record of the policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-sub-paragraph (A).

(II) When the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record of the corporation policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the corporation policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-sub-paragraph (A).

c. For purposes of determining comparable coverage under sub-sub-paragraphs a. and b., the comparison shall be based on those forms and coverages that are reasonably comparable. The corporation may rely on a determination of comparable coverage and premium made by the producing agent who submits the application to the corporation, made in the agent's capacity as the corporation's agent. A comparison may be made solely of the premium with respect to the main building or structure only on the following basis: the same coverage A or other building limits; the same percentage hurricane deductible that applies on an annual basis or that applies to each hurricane for commercial residential property; the same percentage of ordinance and law coverage, if the same limit is offered by both the corporation and the authorized insurer; the same mitigation credits, to the extent the same types of credits are offered both by the corporation and the authorized insurer; the same method for loss payment, such as replacement cost or actual cash value, if the same method is offered both by the corporation and the authorized insurer in accordance with underwriting rules; and any other form or coverage that is reasonably comparable as determined by the board. If an application is submitted to the corporation for wind-only coverage in the high-risk account, the premium for the corporation's wind-only policy plus the premium for the ex-wind policy that is offered by an authorized insurer to the applicant shall be compared to the premium for multiperil coverage offered by an authorized insurer, subject to the standards for comparison specified in this subparagraph. If the corporation or the applicant requests from the authorized insurer a breakdown of the premium of the offer by types of coverage so that a comparison may be made by the corporation or its agent and the authorized insurer refuses or is unable to provide such information, the corporation may treat the offer as not being an offer of coverage from an authorized insurer at the insurer's approved rate.

6. Must include rules for classifications of risks and rates therefor.

7. Must provide that if premium and investment income for an account attributable to a particular calendar year are in excess of projected losses and expenses for the account attributable to that year, such excess shall be held in surplus in the account. Such surplus shall be available to defray deficits in that account as to future years and shall be used for that purpose prior to assessing assessable insurers and assessable insureds as to any calendar year.

8. Must provide objective criteria and procedures to be uniformly applied for all applicants in determining whether an individual risk is so hazardous as to be uninsurable. In making this determination and in establishing the criteria and procedures, the following shall be considered:

a. Whether the likelihood of a loss for the individual risk is substantially higher than for other risks of the same class; and

b. Whether the uncertainty associated with the individual risk is such that an appropriate premium cannot be determined.

The acceptance or rejection of a risk by the corporation shall be construed as the private placement of insurance, and the provisions of chapter 120 shall not apply.

9. Must provide that the corporation shall make its best efforts to procure catastrophe reinsurance at reasonable rates, to cover its pro-

jected 100-year probable maximum loss as determined by the board of governors.

10. The policies issued by the corporation must provide that, if the corporation or the market assistance plan obtains an offer from an authorized insurer to cover the risk at its approved rates, the risk is no longer eligible for renewal through the corporation, except as otherwise provided in this subsection.

11. Corporation policies and applications must include a notice that the corporation policy could, under this section, be replaced with a policy issued by an authorized insurer that does not provide coverage identical to the coverage provided by the corporation. The notice shall also specify that acceptance of corporation coverage creates a conclusive presumption that the applicant or policyholder is aware of this potential.

12. May establish, subject to approval by the office, different eligibility requirements and operational procedures for any line or type of coverage for any specified county or area if the board determines that such changes to the eligibility requirements and operational procedures are justified due to the voluntary market being sufficiently stable and competitive in such area or for such line or type of coverage and that consumers who, in good faith, are unable to obtain insurance through the voluntary market through ordinary methods would continue to have access to coverage from the corporation. When coverage is sought in connection with a real property transfer, such requirements and procedures shall not provide for an effective date of coverage later than the date of the closing of the transfer as established by the transferor, the transferee, and, if applicable, the lender.

13. Must provide that, with respect to the high-risk account, any assessable insurer with a surplus as to policyholders of \$25 million or less writing 25 percent or more of its total countrywide property insurance premiums in this state may petition the office, within the first 90 days of each calendar year, to qualify as a limited apportionment company. A regular assessment levied by the corporation on a limited apportionment company for a deficit incurred by the corporation for the high-risk account in 2006 or thereafter may be paid to the corporation on a monthly basis as the assessments are collected by the limited apportionment company from its insureds pursuant to s. 627.3512, but the regular assessment must be paid in full within 12 months after being levied by the corporation. A limited apportionment company shall collect from its policyholders any emergency assessment imposed under subparagraph (b)3.d. The plan shall provide that, if the office determines that any regular assessment will result in an impairment of the surplus of a limited apportionment company, the office may direct that all or part of such assessment be deferred as provided in subparagraph (p)4. However, there shall be no limitation or deferral of an emergency assessment to be collected from policyholders under subparagraph (b)3.d.

14. Must provide that the corporation appoint as its licensed agents only those agents who also hold an appointment as defined in s. 626.015(3) with an insurer who at the time of the agent's initial appointment by the corporation is authorized to write and is actually writing personal lines residential property coverage, commercial residential property coverage, or commercial nonresidential property coverage within the state.

15. Must provide, by July 1, 2007, a premium payment plan option to its policyholders which allows at a minimum for quarterly and semi-annual payment of premiums. A monthly payment plan may, but is not required to, be offered.

16. Must limit coverage on mobile homes or manufactured homes built prior to 1994 to actual cash value of the dwelling rather than replacement costs of the dwelling.

17. May provide such limits of coverage as the board determines, consistent with the requirements of this subsection.

18. May require commercial property to meet specified hurricane mitigation construction features as a condition of eligibility for coverage.

(m)1. Rates for coverage provided by the corporation shall be actuarially sound and subject to the requirements of s. 627.062, except as otherwise provided in this paragraph. The corporation shall file its recommended rates with the office at least annually. The corporation shall

provide any additional information regarding the rates which the office requires. The office shall consider the recommendations of the board and issue a final order establishing the rates for the corporation within 45 days after the recommended rates are filed. The corporation may not pursue an administrative challenge or judicial review of the final order of the office.

2. In addition to the rates otherwise determined pursuant to this paragraph, the corporation shall impose and collect an amount equal to the premium tax provided for in s. 624.509 to augment the financial resources of the corporation.

3. After the public hurricane loss-projection model under s. 627.06281 has been found to be accurate and reliable by the Florida Commission on Hurricane Loss Projection Methodology, that model shall serve as the minimum benchmark for determining the windstorm portion of the corporation's rates. This subparagraph does not require or allow the corporation to adopt rates lower than the rates otherwise required or allowed by this paragraph.

4. The rate filings for the corporation which were approved by the office and which took effect January 1, 2007, are rescinded, except for those rates that were lowered. As soon as possible, the corporation shall begin using the lower rates that were in effect on December 31, 2006, and shall provide refunds to policyholders who have paid higher rates as a result of that rate filing. The rates in effect on December 31, 2006, shall remain in effect for the 2007 and 2008 calendar years except for any rate change that results in a lower rate. The next rate change that may increase rates shall take effect pursuant to a new rate filing recommended by the corporation and established by the office, subject to the requirements of this paragraph.

5. Beginning on July 15, 2009, and each year thereafter, the corporation must make a recommended actuarially sound rate filing for each personal and commercial line of business it writes, to be effective no earlier than January 1, 2010.

6. *Notwithstanding the board's recommended rates and the office's final order regarding the corporation's filed rates under subparagraph 1, the corporation shall implement a rate increase each year which does not exceed 5 percent for any single policy issued by the corporation, excluding coverage 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.*

(x) It is the intent of the Legislature that the amendments to this subsection enacted in 2002 should, over time, reduce the probable maximum windstorm losses in the residual markets and should reduce the potential assessments to be levied on property insurers and policyholders statewide. In furtherance of this intent:

1. The board shall, on or before February 1 of each year, provide a report to the President of the Senate and the Speaker of the House of Representatives showing the reduction or increase in the 100-year probable maximum loss attributable to wind-only coverages and the quota share program under this subsection combined, as compared to the benchmark 100-year probable maximum loss of the Florida Windstorm Underwriting Association. For purposes of this paragraph, the benchmark 100-year probable maximum loss of the Florida Windstorm Underwriting Association shall be the calculation dated February 2001 and based on November 30, 2000, exposures. In order to ensure comparability of data, the board shall use the same methods for calculating its probable maximum loss as were used to calculate the benchmark probable maximum loss.

2. Beginning ~~December 1, 2010~~ ~~February 1, 2010~~, if the report under subparagraph 1. for any year indicates that the 100-year probable maximum loss attributable to wind-only coverages and the quota share program combined does not reflect a reduction of at least 25 percent from the benchmark, the board shall reduce the boundaries of the high-risk area eligible for wind-only coverages under this subsection in a manner calculated to reduce such probable maximum loss to an amount at least 25 percent below the benchmark.

3. Beginning February 1, 2015, if the report under subparagraph 1. for any year indicates that the 100-year probable maximum loss attributable to wind-only coverages and the quota share program combined does not reflect a reduction of at least 50 percent from the benchmark, the boundaries of the high-risk area eligible for wind-only coverages under this subsection shall be reduced by the elimination of any area that is not seaward of a line 1,000 feet inland from the Intracoastal Waterway.

Section 12. Section 627.3512, Florida Statutes, is amended to read:

627.3512 Recoupment of residual market deficit assessments.—

(1) *The Legislature finds and declares that all assessments paid by an insurer or insurer group as a result of a levy by any residual market entity, including regular assessments levied on insurers by Citizens Property Insurance Corporation and any other assessments levied on insurers by an insurance risk apportionment plan or assigned risk plan under s. 627.311 or s. 627.351 constitute advances of funds from the insurer to the residual market entity, and that the insurer is entitled to fully recoup such advances.* An insurer or insurer group may recoup any assessments that have been paid during or after 1995 by the insurer or insurer group to defray deficits of an insurance risk apportionment plan or assigned risk plan under ss. 627.311 and 627.351, net of any earnings returned to the insurer or insurer group by the association or plan for any year after 1993. A limited apportionment company as defined in s. 627.351(6)(c) may recoup any regular assessment that has been levied by, or paid to, Citizens Property Insurance Corporation.

(2) The recoupment shall be made by applying a separate ~~recoupment~~ ~~assessment~~ factor on policies of the same line or type as were considered by the residual markets in determining the assessment liability of the insurer or insurer group. An insurer or insurer group shall calculate a separate assessment factor for personal lines and commercial lines. The separate assessment factor shall provide for full recoupment of the assessments over a period of 1 year, unless the insurer or insurer group, at its option, elects to recoup the assessments over a longer period. The assessment factor expires upon collection of the full amount allowed to be recouped. Amounts recouped under this section are not subject to premium taxes, fees, or commissions.

(3) ~~(2)~~ ~~The recoupment assessment factor may not~~ ~~must~~ not be more than 3 percentage points above the ratio of the deficit assessment to the Florida direct written premium for policies for the lines or types of business as to which the assessment was calculated, as written in the year the deficit assessment was paid. If an insurer or insurer group ~~does not fail to~~ collect the full amount of the deficit assessment during one 12-month period, the insurer or insurer group may apply recalculated recoupment factors to policies issued or renewed during one or more succeeding 12-month periods ~~must carry forward the amount of the deficit and adjust the deficit assessment to be recouped in a subsequent year by that amount.~~

(4) ~~(3)~~ The insurer or insurer group shall file with the office a statement for informational purposes only setting forth the amount of the ~~recoupment assessment~~ factor and an explanation of how the factor will be applied, at least 15 days prior to the factor being applied to any policies. The informational statement shall include documentation of the assessment paid by the insurer or insurer group and the arithmetic calculations supporting the ~~recoupment assessment~~ factor. ~~The office shall complete its review within 15 days after receipt of the filing and shall limit its review to verification of the arithmetic calculations.~~ The insurer or insurer group may use the ~~recoupment assessment~~ factor at any time after the expiration of the 15-day period ~~unless the office has notified the insurer or insurer group in writing that the arithmetic calculations are incorrect.~~ The recoupment factor shall apply to all policies described in subsection (3) that are issued or renewed by the insurer or insurer group during a 12-month period. If full recoupment requires the insurer or insurer group to apply a recoupment factor over a subsequent

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. 626.854, F.S.; prohibiting a public adjuster from accepting referrals for compensation from a person with whom the public adjuster conducts business; prohibiting a public adjuster from compensating a person other than a public adjuster for referrals; amending s. 627.7011, F.S.; providing that an insurer may repair damaged property in compliance with its policy; amending s. 626.865, F.S.; deleting a requirement that an applicant for a license as a public adjuster pass a written examination as a prerequisite to licensure; amending s. 626.8651, F.S.; requiring an applicant for a public adjuster apprentice license to pass a written exam and receive an Accredited Claims Adjuster designation and related training before licensure; limiting the number of public adjuster apprentices that may be maintained by a single public adjusting firm or supervised by a public adjuster; amending s. 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.; requiring that the Office of Insurance Regulation provide certain information regarding any residential property rate filing on a publicly accessible Internet website; requiring that the office provide a means on its website for certain persons to submit e-mail regarding any rate filing; requiring that such e-mail be accessible by the actuary assigned to review the subject rate filing; 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; repealing s. 627.0612, F.S., relating to administrative proceedings in rating determinations; 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 date 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.; providing legislative findings; providing for the recoupment of residual market assessments paid by insurers or insurer groups; limiting the amount of a recoupment factor; authorizing an insurer to apply recalculated recoupment factors to policies issued or renewed during specified periods under certain circumstances; requiring that insurers or insurer groups file a statement setting forth certain information; providing for the application of recoupment factors to certain policies upon issuance or renewal; requiring that insurers or insurer groups file a supplemental statement under certain circumstances; requiring that such entities file a final accounting report documenting certain information within a specified period after the completion of the recoupment process; requiring that such report provide certain information; amending s. 627.711, F.S.; requiring that an insurer accept as valid a uniform mitigation verification form certified by the Department of Financial Services or signed by certain individuals or entities; providing a criminal penalty for knowingly submitting a false or fraudulent mitigation form with the intent to receive an undeserved discount; amending s. 627.712, F.S.; revising the properties for which an insurer must make policies available which exclude windstorm coverage; amending s. 631.65, F.S.; providing that an insurance agent is not pro-

hibited 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.

On motion by Senator Richter, by two-thirds vote **CS for CS for CS for HB 1495** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—2

Garcia	Sobel
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Vote after roll call:

Yea—Peaden, Wilson

Nay—Villalobos

CS for CS for HB 453—A bill to be entitled An act relating to tax credits for contributions to nonprofit scholarship-funding organizations; amending s. 220.186, F.S.; providing that the credit authorized under the Florida Tax Credit Scholarship Program does not apply to the credit for the Florida alternative minimum tax; amending s. 220.187, F.S.; defining the term "direct certification list"; expanding the Corporate Income Tax Credit Scholarship Program to include insurance premium tax credits; revising credits for contributions to nonprofit scholarship-funding organizations; providing that a taxpayer eligible to receive a credit against the insurance premium tax is not eligible to receive a credit against the corporate income tax; imposing an additional requirement on the Department of Education; specifying school district tax credit scholarship notification requirements and limitations; conforming cross-references; creating s. 624.51055, F.S.; providing for credits against the insurance premium tax for contributions to certain eligible nonprofit scholarship-funding organizations; providing application; amending ss. 1002.20, 1002.23, 1002.39, and 1002.421, F.S.; providing conforming revisions; authorizing certain insurers that made past contributions to the Florida Tax Credit Scholarship Program to claim the credits against future corporate income tax liability; requiring the insurer to apply to the Department of Revenue for the tax credits; requiring such insurers to file amended corporate income tax and insurance premium tax returns; providing severability; providing an effective date.

—was read the third time by title.

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

Amendment 1 (443806)—Delete lines 122-124 and insert: ~~each~~ ~~state fiscal year~~ under this section and s. 624.51055 is \$115,640,000 :

1. ~~Through June 30, 2008, \$88 million.~~
2. ~~Beginning July 1, 2008, and thereafter, \$118 million.~~

On motion by Senator Gardiner, **CS for CS for HB 453** was passed and certified to the House. The vote on passage was:

Yeas—26

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

Nays—11

Bullard	Joyner	Smith
Deutch	Justice	Sobel
Gelber	King	Wilson
Jones	Rich	

Vote after roll call:

Yea—Garcia

SB 234—A bill to be entitled An act relating to state university presidents; amending ss. 1001.706 and 1001.74, F.S.; revising powers and duties of the Board of Governors and university boards of trustees relating to personnel; providing that a state university president is not subject to the personnel program established by the Board of Governors; requiring that a board of trustees appoint the university president and administer a personnel program for the president; providing an effective date.

—was read the third time by title.

On motion by Senator Gaetz, **SB 234** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for CS for CS for HB 29—A bill to be entitled An act relating to the unlawful use of utility services; amending s. 812.14, F.S.; providing criminal penalties for permitting a tenant or occupant to use unlawfully connected utility services; providing that such violation is a first-degree misdemeanor; providing for prima facie evidence of intent to violate such prohibition; providing that theft of utility services for the purpose of manufacturing a controlled substance is a first-degree misdemeanor; providing penalties; providing for prima facie evidence of intent to commit theft of utility services for the purpose of manufacturing a controlled substance; providing an effective date.

—was read the third time by title.

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

Yeas—37

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

Nays—None

CS for CS for CS for SB 448—A bill to be entitled An act relating to sexual activities involving animals; creating s. 828.126, F.S.; providing definitions; prohibiting knowing sexual conduct or sexual contact with an animal; prohibiting specified related activities; providing penalties; providing that the act does not apply to certain husbandry, conformation judging, and veterinary practices; providing an effective date.

—was read the third time by title.

On motion by Senator Rich, **CS for CS for CS for SB 448** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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 read the third time by title.

On motion by Senator Dockery, **CS for HB 123** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Ring	Sobel	Wise	Wise
Siplin	Storms		Nays—1
Smith	Wilson		

Nays—None Storms

Vote after roll call:

Yea—Garcia

CS for CS for SB 526—A bill to be entitled An act relating to court costs; amending s. 938.10, F.S.; expanding the list of provisions of law for which a court is required to impose an additional court cost for certain pleadings or findings relating to offenses against a minor and certain other offenses; increasing the amount of the court cost; providing for distribution of a portion of the court costs to the Office of the Statewide Guardian Ad Litem and the Florida Network of Children’s Advocacy Centers, Inc.; providing an effective date.

—as amended April 27 was read the third time by title.

On motion by Senator Lynn, **CS for CS for SB 526** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla

CS for HB 739—A bill to be entitled An act relating to community college student fees; amending s. 1009.23, F.S.; authorizing community college boards of trustees to establish a transportation access fee; limiting the amount of the fee; providing a timeframe for a fee increase and implementation of an increase; prohibiting the inclusion of the fee in calculating the amount a student receives under Florida Bright Futures Scholarship Program awards; providing an effective date.

—was read the third time by title.

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

Yeas—37

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

CS for CS for CS for SB 1128—A bill to be entitled An act relating to the education for children in shelter care or foster care and exceptional students; amending s. 39.0016, F.S.; defining the term “surrogate parent”; requiring the Department of Education and district school boards to access the Florida Safe Families Network to obtain information about children known to the Department of Children and Family Services; providing legislative intent; providing conditions and requirements for district school superintendent or court appointment of a surrogate parent for educational decisionmaking for a child who has or is suspected of having a disability; providing requirements for educational placement; providing requirements relating to qualifications and responsibilities of surrogate parents; limiting liability; amending s. 39.202, F.S.; providing for access to certain records to liaisons between school districts and the Department of Children and Family Services; amending s. 39.402, F.S.; requiring access to a child’s medical records and educational records if a child is placed in a shelter; authorizing appointment of a surrogate parent; amending s. 39.701, F.S.; requiring the court and citizen review panel in judicial reviews to consider testimony by a surrogate parent for educational decisionmaking; providing for additional deliberations relating to appointment of an educational decisionmaker; requiring certain documentation relating to the educational setting; amending s. 1003.21, F.S.; providing access to free public education for children known to the department; authorizing a temporary exemption relating to school attendance; amending s. 1003.22, F.S.; authorizing a temporary exemption from school-entry health examinations for children known to the department; amending s. 1003.57, F.S.; providing definitions; requiring the Department of Children and Family Services, the Agency for Health Care Administration, and residential facilities licensed by the Agency for Persons with Disabilities to notify certain school districts following the placement of an exceptional student in a private residential care facility; requiring that an exceptional student be enrolled in school; requiring review of the student’s individual educational plan; providing for determining responsibility for educational instruction; requiring the school district to report the student for funding purposes; requiring the Department of Education, in consultation with specified agencies, to develop procedures for the placement of students in residential care facilities; requiring the State Board of Education to adopt rules; requiring a cooperative agreement between the Department of Education and agencies, to be executed on or before January 1, 2010; prescribing conditions and requirements for the agreement; providing an effective date.

—as amended April 27 was read the third time by title.

MOTION

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

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

Amendment 1 (804886) (with title amendment)—Delete lines 83-114 and insert:

(2) *AGENCY AGREEMENTS.*—

(a) (3) The department shall enter into an agreement with the Department of Education regarding the education and related care of children known to the department. Such agreement shall be designed to provide educational access to children known to the department for the purpose of facilitating the delivery of services or programs to children known to the department. The agreement shall avoid duplication of services or programs and shall provide for combining resources to maximize the availability or delivery of services or programs. *The agreement must require the Department of Education to access the department’s Florida Safe Families Network to obtain information about children known to the department, consistent with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g.*

(b) (4) The department shall enter into agreements with district school boards or other local educational entities regarding education and related services for children known to the department who are of school age and children known to the department who are younger than school age but who would otherwise qualify for services from the district school board. Such agreements shall include, but are not limited to:

1. (a) A requirement that the department shall:

a. 1. Enroll children known to the department in school. The agreement shall provide for continuing the enrollment of a child known to the department at the same school, if possible, with the goal of avoiding disruption of education.

b. 2. Notify the school and school district in which a child known to the department is enrolled of the name and phone number of the child known to the department caregiver and caseworker for child safety purposes.

c. 3. Establish a protocol for the department to share information about a child known to the department with the school district, consistent with the Family Educational Rights and Privacy Act, since the sharing of information will assist each agency in obtaining education and related services for the benefit of the child. The protocol must require the district school boards or other local educational entities to access the department's Florida Safe Families Network to obtain information about children known to the department, consistent with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g.

And the title is amended as follows:

Delete line 5 and insert: "surrogate parent"; requiring the Department of Education and district school boards to access the Florida Safe Families Network to obtain information about children known to the Department of Children and Family Services; providing legislative intent;

On motion by Senator Rich, CS for CS for CS for SB 1128 as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—39

Table with 3 columns: Mr. President, Dockery, Oelrich; Alexander, Fasano, Peaden; Altman, Gaetz, Pruitt; Aronberg, Garcia, Rich; Baker, Gardiner, Richter; Bennett, Gelber, Ring; Bullard, Haridopolos, Siplin; Constantine, Jones, Smith; Crist, Joyner, Sobel; Dean, Justice, Storms; Detert, King, Villalobos; Deutch, Lawson, Wilson; Diaz de la Portilla, Lynn, Wise

Nays—None

CS for HB 177—A bill to be entitled An act relating to firearms transactions; amending s. 790.335, F.S.; clarifying that violations of provisions prohibiting keeping any list, record, or registry of privately owned firearms or any list, record, or registry of the owners of those firearms may be committed by entities as well as individuals; requiring that secondhand dealers and pawnbrokers who electronically submit certain firearm transaction records to law enforcement agencies submit certain specified information in Florida Crime Information Center coding; providing an effective date.

—was read the third time by title.

On motion by Senator Crist, CS for HB 177 was passed and certified to the House. The vote on passage was:

Yeas—38

Table with 3 columns: Alexander, Fasano, Peaden; Altman, Gaetz, Pruitt; Aronberg, Garcia, Rich; Baker, Gardiner, Richter; Bennett, Gelber, Ring; Bullard, Haridopolos, Siplin; Constantine, Jones, Smith; Crist, Joyner, Sobel; Dean, Justice, Storms; Detert, King, Villalobos; Deutch, Lawson, Wilson; Diaz de la Portilla, Lynn, Wise; Dockery, Oelrich

Nays—None

CS for HB 1269—A bill to be entitled An act relating to breast cancer detection and screening; creating s. 381.932, F.S.; providing definitions; establishing a breast cancer early detection and treatment referral program within the Department of Health; providing purposes of the program; requiring the department to provide information regarding breast cancer and referrals for screening and treatment; requiring the State Surgeon General to submit a report to the Legislature; providing an effective date.

—was read the third time by title.

On motion by Senator Peaden, CS for HB 1269 was passed and certified to the House. The vote on passage was:

Yeas—38

Table with 3 columns: Alexander, Fasano, Peaden; Altman, Gaetz, Pruitt; Aronberg, Garcia, Rich; Baker, Gardiner, Richter; Bennett, Gelber, Ring; Bullard, Haridopolos, Siplin; Constantine, Jones, Smith; Crist, Joyner, Sobel; Dean, Justice, Storms; Detert, King, Villalobos; Deutch, Lawson, Wilson; Diaz de la Portilla, Lynn, Wise; Dockery, Oelrich

Nays—None

CS for CS for HB 1209—A bill to be entitled An act relating to nursing programs; amending s. 464.003, F.S.; revising the definition of the term "approved program" and defining terms for purposes of the Nurse Practice Act; amending s. 464.019, F.S.; revising provisions for the approval of nursing programs by the Board of Nursing; requiring institutions wishing to conduct certain nursing programs to submit a program application and pay a program review fee to the Department of Health; specifying that a program application is deemed approved if the board does not act within specified timeframes; providing application requirements and procedures; providing standards for the approval of nursing programs; specifying that, upon the board's approval of a program application, the program becomes an approved program; providing that programs provisionally approved by the board, and certain programs on probationary status, as of a specified date are approved programs under the act; providing that certain programs on probationary status as of a specified date remain on probationary status; requiring such programs on probationary status to comply within a specified period with a requirement related to program graduate passage rates; requiring the board to terminate programs that do not comply; requiring approved programs to annually submit a report; specifying contents of annual reports; providing for denial of program applications; providing procedures for processing incomplete program applications; requiring the board to provide a notice of intent to deny a program application that

does not document compliance with certain standards; authorizing an administrative hearing for review of a notice of intent to deny an application; requiring the board to publish on its Internet website certain data about nursing programs; requiring that a nursing program be placed on probation under certain circumstances; requiring programs placed on probation to disclose certain information to students and applicants; requiring the board to terminate a nursing program under certain circumstances; requiring a nursing program that closes to notify the board of certain information; specifying that the board, with certain exceptions, does not have rulemaking authority to administer the act; specifying that the board may not impose any condition or requirement on program approval or retention except as expressly provided in the act; requiring the board to repeal certain rules in existence as of a specified date; requiring the Florida Center for Nursing and the Office of Program Policy Analysis and Government Accountability to conduct studies and submit reports to the Governor and Legislature; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **CS for CS for HB 1209** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for CS for CS for SB 2404—A bill to be entitled An act relating to adult protective services; amending s. 415.101, F.S.; revising terminology; amending s. 415.102, F.S.; defining the term “activities of daily living” and revising the term “vulnerable adult”; conforming a cross-reference; amending s. 415.103, F.S.; requiring that the central abuse hotline, which is maintained by the Department of Children and Family Services, immediately transfer reports relating to vulnerable adults to the appropriate county sheriff’s office; amending s. 415.1051, F.S.; authorizing the department to file a petition to determine incapacity; prohibiting the department from acting as guardian or providing legal counsel to the guardian; amending s. 322.142, F.S.; providing a cross-reference to authorize the release of certain records for purposes of protective investigations; amending ss. 943.0585 and 943.059, F.S.; conforming cross-references; providing an effective date.

—was read the third time by title.

On motion by Senator Storms, **CS for CS for CS for SB 2404** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Smith	Storms	Wilson
Sobel	Villalobos	Wise

Nays—None

HB 7117—A bill to be entitled An act relating to student records; amending s. 1002.21, F.S.; deleting provisions relating to the rights parents have regarding their children’s postsecondary student records to conform to changes made by the act; amending s. 1002.22, F.S.; deleting certain provisions governing the release of K-12 student records and reports to specified parties; deleting definitions; defining the terms “agency” and “institution”; requiring that the State Board of Education comply with federal law with respect to the release of education records; requiring that the State Board of Education adopt rules; creating s. 1002.225, F.S.; defining the term “education records” for purposes of records of students in public postsecondary educational institutions; requiring that a public postsecondary educational institution comply with federal law; authorizing such institution to charge a fee for furnishing copies of education records; prohibiting an institution from charging a fee that exceeds the actual cost incurred by the institution for producing such copies; prohibiting the institution from including the costs of searching for or retrieving the records in the fee; providing an aggrieved student with the right to bring an action in court; providing for the award of attorney’s fees and court costs; amending ss. 220.187, 1002.39, 1003.451, and 1009.94, F.S.; conforming cross-references; providing an effective date.

—was read the third time by title.

On motion by Senator Detert, **HB 7117** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

HB 381—A bill to be entitled An act relating to care of children; creating the “Zahid Jones, Jr., Give Grandparents and Other Relatives a Voice Act”; creating s. 39.00145, F.S.; requiring that the case record of a child under the supervision or in the custody of the Department of Children and Family Services be maintained in a complete and accurate manner; specifying who has access to the case record; authorizing the court to directly release the child’s records to certain entities; providing that entities that have access to confidential information concerning a child may share it with other entities that provide services benefiting children; providing for exceptions for the sharing of confidential information under certain circumstances; amending s. 39.201, F.S.; providing for the Department of Children and Family Services to analyze certain unaccepted reports to the central abuse hotline; amending s. 39.202, F.S.; expanding the list of persons or entities that have access to child abuse records; revising how long the department must keep such records; requiring the department to provide notice of how the child’s records may be obtained after the child leaves the department’s custody; authorizing the department to adopt rules; amending s. 39.301, F.S.; requiring information to be provided to a reporter; authorizing the submission of a written report; providing conditions for a relative to be a collateral contact in certain child protective investigations; providing for a relative to request notice of proceedings and hearings relating to protective investigations under certain circumstances; specifying content of the request; providing that the failure to provide notice to a

relative does not undo any previous action of the court absent a finding that a change is in the child's best interests; conforming cross-references; amending s. 39.304, F.S.; providing for preservation in department records of certain photographs and X rays and reports on medical examinations and treatments of an abused child; amending s. 39.402, F.S.; requiring notification of certain relatives in an order for placement of a child in shelter care of their right to attend hearings, submit reports to the court, and speak to the court; amending s. 39.502, F.S.; providing for certain relatives to receive notice of dependency hearings under certain circumstances; providing an opportunity for certain relatives to be heard in court; providing an exception; amending s. 39.506, F.S.; providing for certain relatives to receive notice of arraignment hearings under certain circumstances; amending s. 39.5085, F.S.; revising legislative intent with regard to the Relative Caregiver Program; authorizing the department to develop liaison functions for certain relatives; amending s. 39.6011, F.S.; requiring a case plan for a child receiving services from the department to include a protocol for notification of certain relatives of proceedings and hearings; amending s. 39.6013, F.S.; conforming a cross-reference; amending s. 39.701, F.S.; requiring an attorney for the department to provide notice to certain relatives of the child regarding upcoming judicial hearings; conforming cross-references; amending s. 39.823, F.S.; conforming a cross-reference; amending s. 683.10, F.S.; designating the first Sunday after Labor Day as "Grandparents' and Family Caregivers' Day"; authorizing the Governor to issue proclamations commemorating the occasion; amending s. 409.147, F.S.; renaming "children's zones" as "children's initiatives"; revising legislative findings and intent; requiring the governing body to establish a children's initiative planning team and to develop and adopt a strategic community plan; revising provisions relating to the powers and responsibilities of the initiative planning team; revising provisions relating to the strategic community plan; revising requirement provisions relating to the children's initiative corporation; changing the name of the Magic City Children's Zone, Inc., to the Miami Children's Initiative, Inc.; providing for the corporation to be administratively housed within the Department of Children and Family Services, but not to be subject to control, supervision, or direction by the department; providing for the department to enter into a contract with a not-for-profit corporation to implement the children's initiative project; deleting provisions relating to the geographic boundaries and the board of directors; providing for the re-appropriation of funds; providing an effective date.

—was read the third time by title.

On motion by Senator Storms, **HB 381** was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Joyner

aVote Recorded:

April 30, 2009: Yea—Gelber

The Senate resumed consideration of—

SB 902—A bill to be entitled An act relating to public health; amending ss. 381.855, 381.911, and 381.912, F.S.; conforming terminology to changes made by the act; amending s. 381.98, F.S.; changing the name of the Florida Public Health Foundation, Inc., to the Florida Public Health Institute, Inc.; modifying the purpose of the institute; deleting the mission of the institute; revising the membership of the board of directors and the term of membership; deleting the duties of the institute to facilitate communication between biomedical researchers and health care providers, to provide an annual report of its finances, and to provide an annual report of its activities to the Governor and the Florida Center for Universal Research to Eradicate Disease; amending s. 381.981, F.S.; conforming terminology to changes made by the act; amending s. 499.01, F.S.; revising the criteria for health care clinic establishment permits; providing an effective date.

—which was previously considered and amended this day.

—which was previously considered and amended this day.

Pending further consideration of **SB 902** as amended, on motion by Senator Deutch, by two-thirds vote **HB 331** was withdrawn from the Committees on Health Regulation; and Health and Human Services Appropriations.

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

HB 331—A bill to be entitled An act relating to public health initiatives; amending s. 381.98, F.S.; establishing the Florida Public Health Institute, Inc., and deleting provisions relating to the Florida Public Health Foundation, Inc.; providing purposes of the institute; providing for the institute to operate as a not-for-profit corporation; revising composition of the board of directors; removing obsolete language relating to certain research; requiring annual reports to the Legislature; amending ss. 381.855, 381.911, and 381.981, F.S.; conforming terminology; amending s. 499.029, F.S.; renaming the Cancer Drug Donation Program as the Prescription Drug Donation Program; revising definitions; expanding the drugs and supplies that may be donated under the program; expanding the types of facilities and practitioners that may participate in the program; conforming provisions to changes in terminology; removing obsolete language relating to the adoption of initial rules; providing an effective date.

—a companion measure, was substituted for **SB 902** as amended and by two-thirds vote read the second time by title.

MOTION

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

Senator Deutch moved the following amendment which was adopted:

Amendment 1 (853812) (with title amendment)—Delete lines 275-445.

And the title is amended as follows:

Delete lines 11-19 and insert: 381.981, F.S.; conforming terminology; providing an effective date.

On motion by Senator Deutch, by two-thirds vote **HB 331** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Alexander, Baker

SPECIAL ORDER CALENDAR

Consideration of **CS for CS for HB 55** and **CS for CS for SB 2482** was deferred.

On motion by Senator Alexander—

SB 2058—An act relating to the charter county transit system surtax; amending s. 212.055, F.S.; renaming the surtax; expanding the eligibility to levy the surtax to all charter counties; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2058** was placed on the calendar of Bills on Third Reading.

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

CS for CS for SB 2614—A bill to be entitled An act relating to health care; amending s. 154.503, F.S.; conforming a cross-reference; repealing s. 381.0053, F.S., relating to a comprehensive nutrition program; repealing s. 381.0054, F.S., relating to healthy lifestyles promotion; repealing ss. 381.732, 381.733, and 381.734, F.S., relating to the Healthy Communities, Healthy People Act; amending s. 381.006, F.S.; requiring the Department of Health, when conducting an environmental health program inspection of a certified domestic violence center to limit the inspection of the domestic violence center to the requirements set forth in the department's rules applicable to community-based residential facilities with five or fewer residents; amending s. 381.0072, F.S.; requiring the Department of Health, when conducting a food service inspection of a certified domestic violence center to limit the inspection of the domestic violence center to the requirements set forth in the department's rules applicable to community-based residential facilities with five or fewer residents; amending s. 381.0203, F.S.; requiring certain state agencies to purchase drugs through the statewide purchasing contract administered by the Department of Health; providing an exception; requiring the department to establish and maintain certain pharmacy services program; transferring, renumbering, and amending s. 381.84, F.S., relating to the Comprehensive Statewide Tobacco Education and Use Prevention Program; revising definitions; revising program components; requiring program components to include efforts to educate youth and their parents about tobacco use; requiring a youth-directed focus in each program component; requiring the Tobacco Education and Use Prevention Advisory Council to adhere to state ethics laws; providing that meetings of the council are subject to public-records and public-meetings requirements; revising the duties of the council; deleting a provision that prohibits a member of the council from participating in a discussion or decision with respect to a research proposal by a firm, entity, or agency with which the member is associated as a member of the governing body or as an employee or with which the member has entered into a contractual arrangement; revising the submission date of an annual report; deleting an expired provision relating to rulemaking authority of the department; transferring and renumbering s. 381.91, F.S., relating to the Jessie Trice Cancer Prevention Program; transferring, renumbering, and amending s. 381.911, F.S., relating to the Prostate Cancer Awareness Program; revising the criteria for members of the prostate cancer advisory committee; repealing s. 381.912, F.S., relating to the Cervical Cancer Elimination Task Force; transferring and renumbering s. 381.92, F.S., relating to the Florida Cancer Council; transferring and renumbering s. 381.921, F.S., relating to the mission and duties of the Florida Cancer Council; amending s. 381.922, F.S.; conforming cross-references; transferring and renumbering s. 381.93, F.S., relating to a breast and cervical cancer early detection program; transferring and renumbering s. 381.931, F.S., relating to an annual report on Medicaid expenditures; renaming ch. 385, F.S., as the "Healthy and Fit Florida Act"; amending s. 385.101, F.S.; renaming the "Chronic Diseases Act" as the "Healthy and Fit Florida Act"; amending s. 385.102, F.S.; revising legislative intent; creating s. 385.1021, F.S.;

providing definitions; creating s. 385.1022, F.S.; requiring the Department of Health to support public health programs to reduce the incidence of mortality and morbidity from chronic diseases; creating s. 385.1023, F.S.; requiring the department to create state-level programs that address the risk factors of certain chronic diseases; providing required activities of the state-level programs; amending s. 385.103, F.S.; providing for community-level programs for the prevention of chronic diseases; revising definitions; requiring the department to develop and implement a community-based chronic disease prevention and health promotion program; providing the purpose of the program; providing requirements for the program; creating s. 385.105, F.S.; requiring the department to develop programs to increase physical fitness, to work with school districts, to develop partnerships that allow the public to access recreational facilities and public land areas suitable for physical activity, to work with the Executive Office of the Governor and Volunteer Florida, Inc., to promote school initiatives, and to collaborate with the Department of Education in recognizing nationally accepted best practices for improving physical education in schools; requiring the Department of Health to promote healthy lifestyles to reduce obesity; requiring the department to promote optimal nutritional status in all stages of people's lives, personal responsibility to prevent chronic disease or slow its progression, and regular health visits during a person's life span; authorizing state agencies to conduct employee wellness programs; requiring the department to serve as a model to develop and implement employee wellness programs; requiring the department to assist state agencies to develop the employee wellness programs; providing equal access to the programs by agency employees; requiring the department to coordinate efforts with the Department of Management Services and other state agencies; authorizing each state agency to establish an employee wellness work group to design the wellness program; requiring the department to provide requirements for participation fees, collaborations with businesses, and procurement of equipment and incentives; amending s. 385.202, F.S.; requiring facilities, laboratories, and practitioners to report information; authorizing the department to adopt rules regarding reporting requirements for the cancer registry; providing immunity from liability for facilities and practitioners reporting certain information; requiring the department to adopt rules regarding the establishment and operation of a statewide cancer registry program; requiring the department or contractual designee operating the statewide cancer registry program to use or publish material only for the purpose of public health surveillance and advancing medical research or medical education in the interest of reducing morbidity or mortality; authorizing the department to exchange personal data with any agency or contractual designee for the purpose of public health surveillance and medical or scientific research under certain circumstances; clarifying that the department may adopt rules regarding the classifications of facilities related to reports made to the cancer registry; requiring each facility and practitioner that reports cancer cases to the department to make their records available for onsite review; amending s. 385.203, F.S.; increasing the size of the Diabetes Advisory Council to include one representative of the Florida Academy of Family Physicians; amending s. 385.206, F.S.; renaming the "hematology-oncology care center program" as the "Pediatric Hematology-Oncology Center Program"; revising definitions; authorizing the department to designate centers and provide funding to maintain programs for the care of patients with hematologic and oncologic disorders; clarifying provisions related to grant-funding agreements and grant disbursements; revising the department's requirement to evaluate services rendered by the centers; requiring data from the centers and other sources relating to pediatric cancer to be available to the department for program planning and quality assurance initiatives; amending s. 385.207, F.S.; clarifying provisions that require the department to collect information regarding the number of clients served, the outcomes reached, the expense incurred, and fees collected by providers of epilepsy services; deleting the provision that requires the department to limit administrative expenses from the Epilepsy Services Trust Fund to a certain percentage of annual receipts; amending s. 385.210, F.S.; revising legislative findings regarding the economic costs of treating arthritis and its complications; authorizing the State Surgeon General to seek any federal waivers that may be necessary to maximize funds from the Federal Government to implement the Arthritis Prevention and Education Program; creating s. 385.301, F.S.; authorizing the department to adopt rules to administer the act; creating s. 385.401, F.S.; authorizing the department to establish a direct-support organization; providing definitions; providing for a board of directors; providing terms; providing for membership; authorizing the department to allow the direct-support organization to use the department's fixed property and facilities within the state public health system; providing an ex-

ception; requiring that the direct-support organization submit certain federal forms to the department; requiring that the direct-support organization provide an annual financial audit; amending s. 409.904, F.S.; conforming a cross-reference; creating the Pharmacy and Therapeutic Advisory Council within the Executive Office of the Governor; providing duties of the council; providing for the appointment and qualification of members; providing for the use of subject-matter experts when necessary; providing requirements for voting and a quorum; providing for quarterly meetings of the council; providing for staffing; providing for reimbursement of per diem and travel expenses for members of the council; amending s. 499.003, F.S.; excluding from the definition of "wholesale distribution" certain activities of state agencies; providing an effective date.

—which was previously considered and amended April 27. Pending **Amendment 4 (402490)** by Senator Lawson was withdrawn.

SENATOR KING PRESIDING

Senator Lawson moved the following amendment:

Amendment 5 (328652) (with title amendment)—Delete lines 305-331 and insert:

Section 5. *Purchasing and repackaging of pharmaceuticals; studies and reports.*—

(1) *The Office of Program Policy Analysis and Government Accountability shall evaluate and submit a report to the Legislature by October 31, 2009, containing recommendations for the statewide consolidation of pharmaceutical repackaging services, including an evaluation of the value to the state of all potential credits, rebates, and cost avoidances that may be realized through repackaging for the Department of Corrections, the Department of Juvenile Justice, the Agency for Persons with Disabilities, the Department of Children and Family Services, and the Department of Health. The Office of Program Policy Analysis and Government Accountability shall also include in its report an analysis of verifiable annual utilization rates for the dispensing of pharmaceuticals for fiscal years 2004-2005 through 2008-2009 by each of the five agencies that would participate in a consolidated repackaging services program and the approximate daily output capabilities that would be required to meet the projected average daily utilization rate, as adjusted for future growth projections over the next 3 years for the five agencies. The report shall include an assessment of the projected capitalized cost of leases and equipment and the fully burdened labor rate, projected FTE requirements, and associated operating costs needed by the Department of Health to meet the projected daily utilization requirements for statewide consolidated repackaging services and, if applicable, any cost avoidances or credits that would apply or not apply, as well as any federal regulatory requirements, including any inspection and certification requirements by the United States Food and Drug Administration.*

(2) *The Office of Program Policy Analysis and Government Accountability shall evaluate and submit a report to the Legislature by October 31, 2009, containing recommendations concerning options for implementing a statewide consolidated program for purchasing pharmaceuticals under an adopted formulary to be used by the Department of Corrections, the Department of Juvenile Justice, the Agency for Persons with Disabilities, the Department of Children and Family Services, and the Department of Health and the feasibility of the state obtaining discounts below both wholesale acquisition cost and the Minnesota Multi-state Contracting Alliance for Pharmacy prices for the pharmaceuticals listed on the adopted formulary, including the availability and regulatory prerequisites for obtaining 340b pricing under the federal Medicare program.*

(3) *The Department of Health shall study the feasibility of consolidating drug repackaging services through the Department of Health's central pharmacy and compare that with the costs and benefits of contracting out for such services to a private pharmaceutical repackager licensed by the United States Food and Drug Administration, with preference given to vendors with Florida-based manufacturing operations that will promote the creation and maintenance of jobs in the state. The department shall be prohibited from contracting with any other agency to provide pharmaceutical repackaging services until the results of the Office of Program Policy Analysis and Government Accountability study are reported to the Legislature and the department has submitted a plan for consolidating pharmaceutical repackaging services for the Department of*

Corrections, the Department of Juvenile Justice, the Agency for Persons with Disabilities, the Department of Children and Family Services, and the Department of Health, consistent with the recommendations of the Office of Program Policy Analysis and Government Accountability and the Pharmacy and Therapeutic Advisory Council. The plan shall be submitted to the Legislature by January 31, 2010.

And the title is amended as follows:

Delete lines 22-27 and insert: fewer residents; requiring the Office of Program Policy Analysis and Government Accountability to evaluate and submit reports to the Legislature regarding consolidation of pharmaceutical repackaging services and implementation of a statewide consolidated pharmaceutical purchasing program; requiring the Department of Health to conduct a study; prohibiting the department from entering into certain contracts until the results of the Office of Program Policy Analysis and Government Accountability report are submitted to the Legislature and the department has submitted a plan to the Legislature for consolidation of pharmaceutical repackaging services; transferring,

MOTION

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

Senator Gaetz moved the following substitute amendment which was adopted:

Amendment 6 (653042)—Delete line 328 and insert: *subdivisions of the state upon written agreement. State agencies purchasing pharmaceutical services shall purchase pharmaceutical services, including pharmaceutical repackaging and dispensing services in the most cost-effective manner consistent with the delivery of quality medical care. Nothing in this subsection prohibits state agencies from contracting with vendors to provide these pharmaceutical services. Cost savings*

MOTION

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

Senator Fasano moved the following amendment which was adopted:

Amendment 7 (953516) (with directory and title amendments)—Between lines 257 and 258 insert:

(18) *A function related to air quality inside an enclosed ice rink to protect the health and safety of visitors and employees of an enclosed ice skating rink from dangers associated with oxides of nitrogen (NO_x), hydrocarbons (C_xH_x), carbon monoxide (CO), carbon dioxide (CO₂) and other harmful gasses, vapors, or particles as identified by the department that change the air quality due to the operation of the ice rink. The department may adopt rules including definitions; air quality standards, monitoring, testing, and record keeping; maintenance and operation requirements for equipment that affects air quality; ventilation of the facility; operators' required response activities to the exceedance of an air quality standard; and assessment of fees. The department may enter and inspect an enclosed ice skating rink at reasonable hours to determine compliance with applicable statutes or rules. The department may assess a fee no greater than \$300 to cover the actual costs of the annual inspection and review of the air quality of enclosed ice skating rinks. The air quality standards adopted by the department must be consistent with risk values or exposure guidelines recommended by the United States Environmental Protection Agency or the United States Centers for Disease Control and Prevention.*

Section 4. Subsection (1) of section 381.0061, Florida Statutes, is amended to read:

381.0061 Administrative fines.—

(1) In addition to any administrative action authorized by chapter 120 or by other law, the department may impose a fine, which shall not exceed \$500 for each violation, for a violation of s. 381.006(16), s. 381.006(18), s. 381.0065, s. 381.0066, s. 381.0072, or part III of chapter 489, for a violation of any rule adopted under this chapter, or for a violation of any of the provisions of chapter 386. Notice of intent to

impose such fine shall be given by the department to the alleged violator. Each day that a violation continues may constitute a separate violation.

And the directory clause is amended as follows:

Delete lines 209-210 and insert:

Section 3. Subsection (16) of section 381.006, Florida Statutes, is amended, and subsection (18) is added to that section, to read:

And the title is amended as follows:

Delete line 15 and insert: with five or fewer residents; requiring the Department of Health to include in its environmental health program the testing of the air in enclosed ice rinks; authorizing the department to adopt rules relating to air quality standards, monitoring, testing, record keeping, the maintenance and operation of equipment that affects air quality, and assessment of fees; authorizing the department to enter and inspect an enclosed ice skating rink at reasonable hours to determine compliance with applicable air quality statutes or rules; authorizing the department to assess a fee for a specified purpose; requiring the air quality standards be consistent with federal risk values or exposure guidelines; amending s. 381.0061, F.S.; providing that the department may impose a fine, which may not exceed a specified amount for a violation of the ice rink air quality standards; amending s. 381.0072,

SENATOR FASANO PRESIDING

Pursuant to Rule 4.19, **CS for CS for SB 2614** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

CS for CS for CS for CS for SB 1540—A bill to be entitled An act relating to zero-tolerance policies; amending s. 1002.20, F.S.; conforming cross-references; requiring that a district school board having a policy authorizing corporal punishment as a form of discipline review its policy on corporal punishment at specified intervals; requiring that such review be conducted at a district school board meeting held pursuant to state law; requiring that the district school board take public testimony at such meeting; providing for the expiration of a district school board's policy authorizing corporal punishment under certain circumstances; amending s. 1006.09, F.S.; conforming cross-references; amending s. 1006.13, F.S.; providing legislative intent and findings; revising the requirements for zero-tolerance policies; deleting provisions relating to agreements with the county sheriff's office and local police departments; requiring that such agreements specify guidelines for addressing acts that pose a serious threat to school safety; providing that zero-tolerance policies do not require the reporting of petty acts of misconduct and misdemeanors to a law enforcement agency; requiring each district school board to adopt a cooperative agreement with the Department of Juvenile Justice which establishes certain guidelines; requiring that any disciplinary or prosecutorial action taken against a student who violates a zero-tolerance policy be based on the particular circumstances surrounding the student's misconduct; encouraging school districts to use alternatives to expulsion or referral to law enforcement agencies unless using such alternatives will pose a threat to school safety; prohibiting a student from exposing below-waist underwear in a specified manner while on the grounds of a public school; providing penalties; providing an effective date.

—was read the second time by title.

Senator Sobel offered the following amendment which was moved by Senator Wise and adopted:

Amendment 1 (167034) (with title amendment)—Delete lines 266-283.

And the title is amended as follows:

Delete lines 33-36 and insert: will pose a threat to school safety; providing an effective

Pursuant to Rule 4.19, **CS for CS for CS for CS for SB 1540** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for CS for SB 2572—A bill to be entitled An act relating to rural agricultural industrial centers; amending s. 163.3177, F.S.; providing legislative findings; defining the term “rural agricultural industrial center”; authorizing landowners within a rural agricultural industrial center to apply for an amendment to the local government comprehensive plan for certain purposes; providing requirements for such application; requiring that the local government amend its comprehensive plan within a specified period after receiving such application; providing that such amendments are presumed consistent with the Florida Administrative Code; providing that such presumption may be rebutted by a preponderance of the evidence; providing an exception for optional sector plans and rural land stewardship areas; clarifying that any land area that is not designated as a rural area of critical economic concern does not hold any of the rights or benefits derived from such designation; amending ss. 163.3184 and 380.06, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 2572** to **CS for HB 7053**.

Pending further consideration of **CS for CS for SB 2572** as amended, on motion by Senator Dean, by two-thirds vote **CS for HB 7053** was withdrawn from the Committees on Agriculture; Community Affairs; Commerce; and Transportation and Economic Development Appropriations.

On motion by Senator Dean—

CS for HB 7053—A bill to be entitled An act relating to rural agricultural industrial centers; amending s. 163.3177, F.S.; providing legislative recognition and findings; providing a definition; authorizing landowners within a rural agricultural industrial center to apply for an amendment to the local government comprehensive plan for certain purposes; providing amendment requirements; requiring a local government to transmit the application to the state land planning agency for review within a specified period after receiving such application; providing that such amendments are presumed consistent with the Florida Administrative Code; providing for rebuttal of the presumption; specifying nonapplication to optional sector plans, rural land stewardship areas, and comprehensive plan amendments that include an inland port terminal or affiliated port development; providing construction; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2572** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 7053** was placed on the calendar of Bills on Third Reading.

CS for CS for CS for SB 478—A bill to be entitled An act relating to secondhand dealers and secondary metals recyclers; amending s. 538.03, F.S.; excluding cardio and strength-training or conditioning equipment designed primarily for indoor use from the definition of secondhand goods; amending s. 538.21, F.S.; providing that the procedures governing hold notices issued when a law enforcement officer has reasonable cause to believe that certain regulated metals in the possession of a secondary metals recycler have been stolen are of statewide application, and that the state therefore preempts municipal or county ordinances enacted after a specified date which specifically relate to secondary metals recyclers holding such metals; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for CS for SB 478** to **CS for CS for HB 339**.

Pending further consideration of **CS for CS for CS for SB 478** as amended, on motion by Senator Baker, by two-thirds vote **CS for CS for HB 339** was withdrawn from the Committees on Community Affairs; Commerce; and Criminal Justice.

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

CS for CS for HB 339—A bill to be entitled An act relating to secondhand dealers and secondary metals recyclers; amending s. 538.03, F.S.; excluding specified equipment from the definition of “secondhand goods”; amending s. 538.21, F.S.; preempting certain local government ordinances relating to hold notices for secondary metals recyclers; creating part III of ch. 538, F.S.; providing definitions; providing exceptions; providing for registration; providing for recordkeeping; providing for the tendering of payments; providing for the inspection of records and business premises by a law enforcement agency; providing for a holding period; providing electronic access to transaction files by law enforcement agencies; providing for written notification to seller of transaction deficiencies; providing a method of relinquishment of abandoned property; providing for restitution; providing for replevin; prohibiting certain acts; providing penalties; providing for powers and duties of the Department of Revenue; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 478** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 339** was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos, by two-thirds vote **CS for CS for HB 227** was withdrawn from the Committees on Community Affairs; Judiciary; Finance and Tax; and Transportation and Economic Development Appropriations.

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

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.

—a companion measure, was substituted for **CS for SB 580** and read the second time by title.

Senator Smith moved the following amendment which failed:

Amendment 1 (547082) (with title amendment)—Delete lines 21-22 and insert: *requirements of state legal precedent or this section. This subsection does not apply to impact fees adopted before July 1, 2009.*

And the title is amended as follows:

Delete lines 5-6 and insert: providing nonapplication to impact fees adopted before a specified date; prohibiting certain local governments from

Senator Haridopolos moved the following amendment which was adopted:

Amendment 2 (529366) (with title amendment)—Delete lines 23-30.

And the title is amended as follows:

Delete lines 6-10 and insert: court action; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for HB 227** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Pruitt—

CS for CS for SB 712—A bill to be entitled An act relating to special districts; creating s. 189.4221, F.S.; authorizing special districts to purchase commodities and contractual services from purchasing agreements of other special districts, municipalities, or counties; providing an effective date.

—was read the second time by title.

Senator Bennett moved the following amendment which was adopted:

Amendment 1 (647400) (with title amendment)—Between lines 25 and 26 insert:

Section 2. Subsection (2) of section 189.418, Florida Statutes, is amended to read:

189.418 Reports; budgets; audits.—

(2) Any amendment, modification, or update of the document by which the district was created, including changes in boundaries, must be filed with the department within 30 days after adoption. The department may initiate proceedings against special districts as provided in s. 189.421 for failure to file the information required by this subsection. *However, for the purposes of this section and s. 175.101(1), the boundaries of a district shall be deemed to include an area that has been annexed until the completion of the 4-year period specified in s. 171.093(4) or other mutually agreed upon extension, or when a district is providing services pursuant to an interlocal agreement entered into pursuant to s. 171.093(3).*

And the title is amended as follows:

Delete line 6 and insert: municipalities, or counties; amending s. 189.418, F.S.; providing that the boundaries of a special district are deemed to include an annexed area under certain circumstances; providing an effective

Pursuant to Rule 4.19, **CS for CS for SB 712** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

CS for CS for SB 752—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 read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 752** to **HB 701**.

Pending further consideration of **CS for CS for SB 752** as amended, on motion by Senator Richter, by two-thirds vote **HB 701** was withdrawn from the Committees on Community Affairs; Finance and Tax; and General Government Appropriations.

On motion by Senator Richter—

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.

—a companion measure, was substituted for **CS for CS for SB 752** as amended and read the second time by title.

Senator Richter moved the following amendment which was adopted:

Amendment 1 (778228)—Delete lines 98-99 and insert: *the tax millage rate previously authorized by referendum, and the taxable value of the parcel as*

Pursuant to Rule 4.19, **HB 701** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker, by two-thirds vote **CS for CS for HB 333** was withdrawn from the Committees on Agriculture; and Transportation; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Baker—

CS for CS for HB 333—A bill to be entitled An act relating to off-highway vehicles; amending ss. 261.03, 316.2074, and 317.0003, F.S.; revising the definitions of the terms “ATV,” “all-terrain vehicle,” and “off-highway vehicle” and defining the term “ROV” for purposes of provisions relating to the sale and use of motorized off-highway vehicles; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 798** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 333** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker—

CS for SB 210—A bill to be entitled An act relating to commercial motor vehicles; amending s. 316.545, F.S.; increasing the maximum weight limits on certain vehicles to compensate for weight increases that result from the installation of idle-reduction technologies; providing an effective date.

—was read the second time by title.

Senator Rich moved the following amendment which was adopted:

Amendment 1 (493702) (with title amendment)—Between lines 43 and 44 insert:

Section 2. 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:

Delete line 6 and insert: technologies; amending s. 316.1895, F.S.; revising the authorized locations for the placement of certain warning signs at school zones; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 210** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 682** was deferred.

On motion by Senator Garcia—

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

amending s. 443.191, F.S.; providing for advances to be credited to the Unemployment Compensation Trust Fund; providing authority to the Governor or the Governor’s designee to request advances; creating s. 443.1117, F.S.; establishing temporary state extended benefits for claims between July 5, 2009, and December 26, 2009; creating definitions; providing for state extended benefits for certain weeks and for periods of high unemployment; providing that the act fulfills an important state interest; providing effective dates.

—was read the second time by title.

Senators Hill and Gelber offered the following amendment which was moved by Senator Gelber and failed:

Amendment 1 (402308) (with title amendment)—Delete line 29 and insert:

Section 1. Subsection (7) of section 443.036, Florida Statutes, is amended to read:

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

(7) “Base period” means the first four of the last five completed calendar quarters immediately preceding the first day of an individual’s benefit year. *Wages in a base period used to establish a monetarily eligible benefit year may not be used to establish monetary eligibility in a subsequent benefit year.*

(a) *If information regarding wages for the calendar quarters immediately preceding the benefit year has not been entered into the Agency for Workforce Innovation’s mainframe database from the regular quarterly reports of wage information submitted under s. 443.163 or is otherwise unavailable, the agency shall request the information from the employer by mail. The employer must provide the requested information within 10 days after the agency mails the request. An employer that fails to provide the requested wage information within the required time period is subject to the penalty for delinquent reports under s. 443.141.*

(b) *For a benefit year commencing on or after January 1, 2010, if an individual is not monetarily eligible in the base period to qualify for benefits, the Agency for Workforce Innovation must designate an alternative base period. As used in this subsection, the term “alternative base period” means the last four completed calendar quarters immediately preceding the first day of an individual’s benefit year. If the agency is unable to access wage information through its mainframe database for determining monetary eligibility for benefits based on the individual’s alternative base period, the agency may base the determination on an affidavit submitted by the individual attesting to his or her wages for those calendar quarters. The individual must also furnish payroll information, if available, in support of the affidavit. Benefits based on an alternative base period must be adjusted if the quarterly report of wage information received from the employer under s. 443.141 results in a change in the monetary determination.*

Section 2. Effective January 1, 2010, paragraph (a) of

And the title is amended as follows:

Delete line 3 and insert: Fund; amending s. 443.036, F.S.; revising the definition of “base period;” amending s. 443.1217, F.S.; raising the amount

Senator Garcia moved the following amendment which was adopted:

Amendment 2 (600024)—Delete line 55 and insert:

(e) *Assignment of variations from the standard rate.—For the calculation of contribution rates effective January 1, 2010, and thereafter:*

Senator Garcia moved the following amendment:

Amendment 3 (460898) (with title amendment)—Delete lines 278-390 and insert:

Section 4. Effective upon becoming a law, and retroactive to February 1, 2009, and expiring January 2, 2009, section 443.1117, Florida Statutes, is created to read:

443.1117 *Temporary Extended Benefits*

(1) **APPLICABILITY OF EXTENDED BENEFITS STATUTE.**—*Except when the result is inconsistent with the other provisions of this section, the provisions of s. 443.1115(3), (4), (6), and (7) apply to all claims covered by this section.*

(2) **DEFINITIONS.**—*For the purposes of this section the term:*

(a) “Regular benefits” and “extended benefits” have the same meaning as in s. 443.1115.

(b) “Eligibility period” means the period consisting of the weeks in an individual’s benefit year or emergency benefit period which begin in an extended benefit period and, if the benefit year or emergency benefit period ends within that extended benefit period, any subsequent weeks beginning in that period.

(c) “Emergency benefits” means Emergency Unemployment Compensation paid pursuant to Pub. L. No. 110-252, Pub. L. No. 110-449, and Pub. L. No. 111-5.

(d) “Extended benefit period” means a period that:

1. Begins with the third week after a week for which there is a state “on” indicator; and

2. Ends with any of the following weeks, whichever occurs later:

a. The third week after the first week for which there is a state “off” indicator;

b. The 13th consecutive week of that period.

However, an extended benefit period may not begin by reason of a state “on” indicator before the 14th week after the end of a prior extended benefit period that was in effect for this state.

(e) “Emergency benefit period” means the period during which an individual receives emergency benefits as defined in paragraph (c).

(f) “Exhaustee” means an individual who, for any week of unemployment in her or his eligibility period:

1. Has received, before that week, all of the regular benefits and emergency benefits, if any, available under this chapter or any other law, including dependents’ allowances and benefits payable to federal civilian employees and ex-servicemembers under 5 U.S.C. ss. 8501-8525, in the current benefit year or emergency benefit period that includes that week. For the purposes of this subparagraph, an individual has received all of the regular benefits and emergency benefits, if any, available although, as a result of a pending appeal for wages paid for insured work which were not considered in the original monetary determination in the benefit year, she or he may subsequently be determined to be entitled to added regular benefits;

2. Had a benefit year which expired before that week, and was paid no, or insufficient, wages for insured work on the basis of which she or he could establish a new benefit year that includes that week; and

3.a. Has no right to unemployment benefits or allowances under the Railroad Unemployment Insurance Act or other federal laws as specified in regulations issued by the United States Secretary of Labor; and

b. Has not received and is not seeking unemployment benefits under the unemployment compensation law of Canada; but if an individual is seeking those benefits and the appropriate agency finally determines that she or he is not entitled to benefits under that law, she or he is considered an exhaustee.

(g) “State ‘on’ indicator” means, with respect to weeks of unemployment beginning on or after February 1, 2009, and ending on or before December 12, 2009, the occurrence of a week in which the average total unemployment rate, seasonally adjusted, as determined by the United States Secretary of Labor, for the period consisting of the most recent 3 months for which data for all states are published by the United States Department of Labor:

1. Equals or exceeds 110 percent of the average of those rates for the corresponding 3 month period ending in each of the preceding 2 calendar years; and

2. Equals or exceeds 6.5 percent.

(h) “High unemployment period” means, with respect to weeks of unemployment beginning on or after February 1, 2009, and ending on or before December 12, 2009, any week in which the average total unemployment rate, seasonally adjusted, as determined by the United States Secretary of Labor, for the period consisting of the most recent 3 months for which data for all states are published by the United States Department of Labor:

1. Equals or exceeds 110 percent of the average of those rates for the corresponding 3 month period ending in each of the preceding 2 calendar years; and

2. Equals or exceeds 8 percent.

(h) “State ‘off’ indicator” means the occurrence of a week in which there is no state “on” indicator or which does not constitute a high unemployment period.

(3) **TOTAL EXTENDED BENEFIT AMOUNT.**—*Except as provided in subsection (5):*

(a) For any week for which there is an “on” indicator pursuant to paragraph (3)(g), the total extended benefit amount payable to an eligible individual for her or his applicable benefit year is the lesser of:

1. Fifty percent of the total regular benefits payable under this chapter in the applicable benefit year; or

2. Thirteen times the weekly benefit amount payable under this chapter for a week of total unemployment in the applicable benefit year.

(b) For any high unemployment period as defined in paragraph (3)(h), the total extended benefit amount payable to an eligible individual for her or his applicable benefit year is the lesser of:

1. Eighty percent of the total regular benefits payable under this chapter in the applicable benefit year; or

2. Twenty times the weekly benefit amount payable under this chapter for a week of total unemployment in the applicable benefit year.

(4) **EFFECT ON TRADE READJUSTMENT.**—*Notwithstanding any other provision of this chapter, if the benefit year of an individual ends within an extended benefit period, the number of weeks of extended benefits the individual is entitled to receive in that extended benefit period for weeks of unemployment beginning after the end of the benefit year, except as provided in this section, is reduced, but not to below zero, by the number of weeks for which the individual received, within that benefit year, trade readjustment allowances under the Trade Act of 1974, as amended.*

Section 5. *The provisions of section 443.1117, Florida Statutes, as created by this act, apply only to claims for weeks of unemployment, in which an exhaustee establishes entitlement to extended benefits pursuant to that section, established for the period between February 22, 2009 and January 2, 2010.*

And the title is amended as follows:

Delete lines 20-24 and insert: providing for retroactive application; establishing temporary state extended benefits for weeks of unemployment between February 22 2009, and January 2, 2010; creating definitions; providing for state extended benefits for certain weeks and for periods of high unemployment; providing for applicability of s. 443.1117, F.S.; providing that the act fulfills an

Senator Garcia moved the following substitute amendment which was adopted:

Amendment 4 (358898) (with title amendment)—Delete lines 278-390 and insert:

Section 4. Effective upon becoming a law, and retroactive to February 1, 2009, and expiring January 2, 2010, section 443.1117, Florida Statutes, is created to read:

443.1117 *Temporary extended benefits.*—

(1) **APPLICABILITY OF EXTENDED BENEFITS STATUTE.**—*Except when the result is inconsistent with the other provisions of this section, the provisions of s. 443.1115(3), (4), (6), and (7) apply to all claims covered by this section.*

(2) **DEFINITIONS.**—*For the purposes of this section the term:*

(a) “Regular benefits” and “extended benefits” have the same meaning as in s. 443.1115.

(b) “Eligibility period” means the period consisting of the weeks in an individual’s benefit year or emergency benefit period which begin in an extended benefit period and, if the benefit year or emergency benefit period ends within that extended benefit period, any subsequent weeks beginning in that period.

(c) “Emergency benefits” means Emergency Unemployment Compensation paid pursuant to Pub. L. No. 110-252, Pub. L. No. 110-449, and Pub. L. No. 111-5.

(d) “Extended benefit period” means a period that:

1. Begins with the third week after a week for which there is a state “on” indicator; and

2. Ends with any of the following weeks, whichever occurs later:

a. The third week after the first week for which there is a state “off” indicator;

b. The 13th consecutive week of that period.

However, an extended benefit period may not begin by reason of a state “on” indicator before the 14th week after the end of a prior extended benefit period that was in effect for this state.

(e) “Emergency benefit period” means the period during which an individual receives emergency benefits as defined in paragraph (c).

(f) “Exhaustee” means an individual who, for any week of unemployment in her or his eligibility period:

1. Has received, before that week, all of the regular benefits and emergency benefits, if any, available under this chapter or any other law, including dependents’ allowances and benefits payable to federal civilian employees and ex-servicemembers under 5 U.S.C. ss. 8501-8525, in the current benefit year or emergency benefit period that includes that week. For the purposes of this subparagraph, an individual has received all of the regular benefits and emergency benefits, if any, available although, as a result of a pending appeal for wages paid for insured work which were not considered in the original monetary determination in the benefit year, she or he may subsequently be determined to be entitled to added regular benefits;

2. Had a benefit year which expired before that week, and was paid no, or insufficient, wages for insured work on the basis of which she or he could establish a new benefit year that includes that week; and

3.a. Has no right to unemployment benefits or allowances under the Railroad Unemployment Insurance Act or other federal laws as specified in regulations issued by the United States Secretary of Labor; and

b. Has not received and is not seeking unemployment benefits under the unemployment compensation law of Canada; but if an individual is seeking those benefits and the appropriate agency finally determines that she or he is not entitled to benefits under that law, she or he is considered an exhaustee.

(g) “State ‘on’ indicator” means, with respect to weeks of unemployment beginning on or after February 1, 2009, and ending on or before December 12, 2009, the occurrence of a week in which the average total unemployment rate, seasonally adjusted, as determined by the United States Secretary of Labor, for the period consisting of the most recent 3 months for which data for all states are published by the United States Department of Labor:

1. Equals or exceeds 110 percent of the average of those rates for the corresponding 3 month period ending in each of the preceding 2 calendar years; and

2. Equals or exceeds 6.5 percent.

(h) “High unemployment period” means, with respect to weeks of unemployment beginning on or after February 1, 2009, and ending on or before December 12, 2009, any week in which the average total unemployment rate, seasonally adjusted, as determined by the United States Secretary of Labor, for the period consisting of the most recent 3 months for which data for all states are published by the United States Department of Labor:

1. Equals or exceeds 110 percent of the average of those rates for the corresponding 3 month period ending in each of the preceding 2 calendar years; and

2. Equals or exceeds 8 percent.

(h) “State ‘off’ indicator” means the occurrence of a week in which there is no state “on” indicator or which does not constitute a high unemployment period.

(3) **TOTAL EXTENDED BENEFIT AMOUNT.**—*Except as provided in subsection (5):*

(a) For any week for which there is an “on” indicator pursuant to paragraph (3)(g), the total extended benefit amount payable to an eligible individual for her or his applicable benefit year is the lesser of:

1. Fifty percent of the total regular benefits payable under this chapter in the applicable benefit year; or

2. Thirteen times the weekly benefit amount payable under this chapter for a week of total unemployment in the applicable benefit year.

(b) For any high unemployment period as defined in paragraph (3)(h), the total extended benefit amount payable to an eligible individual for her or his applicable benefit year is the lesser of:

1. Eighty percent of the total regular benefits payable under this chapter in the applicable benefit year; or

2. Twenty times the weekly benefit amount payable under this chapter for a week of total unemployment in the applicable benefit year.

(4) **EFFECT ON TRADE READJUSTMENT.**—*Notwithstanding any other provision of this chapter, if the benefit year of an individual ends within an extended benefit period, the number of weeks of extended benefits the individual is entitled to receive in that extended benefit period for weeks of unemployment beginning after the end of the benefit year, except as provided in this section, is reduced, but not to below zero, by the number of weeks for which the individual received, within that benefit year, trade readjustment allowances under the Trade Act of 1974, as amended.*

Section 5. *The provisions of s. 443.1117, Florida Statutes, as created by this act, apply only to claims for weeks of unemployment, in which an exhaustee establishes entitlement to extended benefits pursuant to that section, established for the period between February 22, 2009 and January 2, 2010.*

And the title is amended as follows:

Delete lines 20-24 and insert: providing for retroactive application; establishing temporary state extended benefits for weeks of unemployment between February 22, 2009, and January 2, 2010; creating definitions; providing for state extended benefits for certain weeks and for periods of high unemployment; providing for applicability of s. 443.1117, F.S.; providing that the act fulfills an

Senator Garcia moved the following amendment which was adopted:

Amendment 5 (600344) (with title amendment)—Between lines 390 and 391 insert:

Section 5. Paragraph (a) of subsection (1) of section 443.101, Florida Statutes, is amended to read:

443.101 Disqualification for benefits.—An individual shall be disqualified for benefits:

(1)(a) For the week in which he or she has voluntarily left his or her work without good cause attributable to his or her employing unit or in which the individual has been discharged by his or her employing unit for misconduct connected with his or her work, based on a finding by the Agency for Workforce Innovation. As used in this paragraph, the term “work” means any work, whether full-time, part-time, or temporary.

1. Disqualification for voluntarily quitting continues for the full period of unemployment next ensuing after he or she has left his or her full-time, part-time, or temporary work voluntarily without good cause and until the individual has earned income equal to or in excess of 17 times his or her weekly benefit amount. As used in this subsection, the term “good cause” includes only that cause attributable to the employing unit or which consists of illness or disability of the individual requiring separation from his or her work. Any other disqualification may not be imposed. An individual is not disqualified under this subsection for voluntarily leaving temporary work to return immediately when called to work by the permanent employing unit that temporarily terminated his or her work within the previous 6 calendar months. For benefit years beginning on or after July 1, 2004, an individual is not disqualified under this subsection for voluntarily leaving work to relocate as a result of his or her military-connected spouse’s permanent change of station orders, activation orders, or unit deployment orders.

2. Disqualification for being discharged for misconduct connected with his or her work continues for the full period of unemployment next ensuing after having been discharged and until the individual has become reemployed and has earned income of at least 17 times his or her weekly benefit amount and for not more than 52 weeks that immediately follow that week, as determined by the Agency for Workforce Innovation in each case according to the circumstances in each case or the seriousness of the misconduct, under the agency’s rules adopted for determinations of disqualification for benefits for misconduct.

3. *When an individual has provided notification to the employing unit of his or her intent to voluntarily leave work and the employing unit discharges the individual for reasons other than misconduct prior to the date the voluntary quit was to take effect, the individual, if otherwise entitled, will receive benefits from the date of the employer’s discharge until the effective date of his or her voluntary quit.*

4. *When an individual is notified by the employing unit of the employer’s intent to discharge the individual for reasons other than misconduct and the individual quits without good cause, as defined in this section, prior to the date the discharge was to take effect, the claimant is ineligible for benefits pursuant to 443.091(1)(c)1 for failing to be available for work for the week or weeks of unemployment occurring prior to the effective date of the discharge.*

And the title is amended as follows:

Delete everything before the enacting clause and insert: An act relating to unemployment compensation; amending s. 443.1217, F.S.; raising the amount of an employee’s wages subject to an employer’s contribution to the trust fund, with a reversion to current law after January 1, 2015; amending s. 443.131, F.S.; revising the rate and recoupment period for computing the employer contribution to the trust fund, with a reversion to current law for recoupment after January 1, 2015; providing the calculation for lowering an employer’s contribution to the trust fund under certain circumstances beginning January 1, 2015; providing for a suspension of lowering the employer’s contribution under certain circumstances; providing a definition of taxable payroll; amending s. 443.191, F.S.; providing for advances to be credited to the Unemployment Compensation Trust Fund; providing authority to the Governor or the Governor’s designee to request advances; creating s. 443.1117, F.S.; establishing temporary state extended benefits for claims between July 5, 2009, and December 26, 2009; creating definitions; providing for state extended benefits for certain weeks and for periods of high unemployment; amending s. 443.101, F.S.; providing additional provisions dealing with disqualification for benefits under certain conditions; providing that the act fulfills an important state interest; providing effective dates.

Pursuant to Rule 4.19, **CS for CS for SB 810** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for CS for CS for SB 1022—A bill to be entitled An act relating to Medicare; amending s. 627.6741, F.S.; requiring that insurers issuing Medicare supplement policies in this state offer the opportunity to enroll in a Medicare supplement policy to certain individuals having a disability or end-stage renal disease; permitting insurers offering Medicare supplement policies to effect a one-time rate schedule change; authorizing insurers to propose a rate adjustment that considers the experience of policies or certificates for persons younger than 65 years of age; establishing credibility criteria for the rate adjustment; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for CS for SB 1022** to **CS for CS for HB 675**.

Pending further consideration of **CS for CS for CS for SB 1022** as amended, on motion by Senator Altman, by two-thirds vote **CS for CS for HB 675** was withdrawn from the Committees on Banking and Insurance; and Health Regulation; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Altman—

CS for CS for HB 675—A bill to be entitled An act relating to Medicare supplement policies; amending s. 627.671, F.S.; revising a short title; amending s. 627.6741, F.S.; requiring that insurers issuing Medicare supplement policies in this state offer the opportunity to enroll in a Medicare supplement policy to certain individuals having a disability or end-stage renal disease; permitting insurers offering Medicare supplement policies to effect a one-time rate schedule change; authorizing insurers to propose a rate adjustment that considers the experience of policies or certificates for persons younger than 65 years of age; establishing credibility criteria for the rate adjustment; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 1022** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 675** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gaetz, by two-thirds vote **CS for CS for HB 845** was withdrawn from the Committees on Banking and Insurance; Communications, Energy, and Public Utilities; Higher Education; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Gaetz—

CS for CS for HB 845—A bill to be entitled An act relating to self-insurance funds; amending s. 624.4621, F.S.; requiring an application for workers’ compensation coverage issued by a group self-insurance fund to notify applicants that policyholders must make additional contributions to the fund if the fund is unable to pay its obligations; creating s. 624.4626, F.S.; authorizing certain electric cooperatives to operate a self-insurance fund for certain purposes; providing requirements; subjecting such funds to certain assessments; exempting such funds from certain group self-insurance fund requirements under certain circumstances; amending s. 626.89, F.S.; requiring certain administrators to submit fiscal year statements within a specific time; amending s. 631.904, F.S.; revising the definition of “self-insurance fund” under the Florida Workers’ Compensation Insurance Guaranty Association Act to exclude certain types of self-insurance funds; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 1138** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 845** was placed on the calendar of Bills on Third Reading.

On motion by Senator Richter, by two-thirds vote **HB 379** was withdrawn from the Committees on Banking and Insurance; and Judiciary; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Richter—

HB 379—A bill to be entitled An act relating to the Florida Uniform Principal and Income Act; amending s. 738.602, F.S.; providing definitions; providing requirements for the determination of income from certain compensation plans, annuities, and retirement plans or accounts; providing trustee requirements with respect to payment allocations; providing criteria for the payment of certain funds to a spouse; providing applicability; providing an effective date.

—a companion measure, was substituted for **SB 1222** and read the second time by title.

Pursuant to Rule 4.19, **HB 379** was placed on the calendar of Bills on Third Reading.

On motion by Senator Richter—

CS for CS for SB 2072—A bill to be entitled An act relating to workers' compensation; repealing s. 440.105(3)(c), F.S., relating to the prohibition against a fee, consideration, or gratuity for an attorney or other person for certain services; amending s. 440.20, F.S.; requiring that a judge of compensation claims enter an order determining the portion of settlement proceeds to be allocated to child support arrearages; deleting the requirement that a judge of compensation claims approve the attorney's fees paid by a claimant; deleting the requirement that parties to a settlement submit information or documentation to support the settlement; exempting settlement attorney's fees from certain provisions of state law; limiting the amount of attorney's fees paid by a claimant; requiring payment of a settlement within a specified time after a judge determines the portion of the settlement amount allocated to child support; amending s. 440.34, F.S.; providing that a claimant is responsible for the payment of his or her attorney's fees; providing exceptions; specifying a schedule for the determination of attorney's fees to be paid by a carrier or employer; requiring that a judge of compensation claims determine the amount of attorney's fees unless the parties agree otherwise; deleting certain restrictions on the amount of attorney's fees; deleting requirements relating to offers of settlement; preserving the right of a claimant to contract with an attorney for representation in connection with certain claims; prohibiting the recovery of attorney's fees under certain circumstances; prohibiting the recoupment of certain attorney's fees and costs by a carrier; prohibiting the inclusion of such fees or costs in any rate base or rate filing and the use of such fees or costs to justify a rate or rate change; providing that the finder of fact and law is not bound by provisions of state law relating to the provision of indemnity or medical benefits for employment-related accidents or injuries involving exposure to a toxic substance or occupational disease when awarding attorney's fees in cases involving first responders; requiring that the finder of fact and law consider certain factors when awarding attorney's fees in such cases; defining the term "occupational disease" for specified purposes; deleting provisions authorizing a judge of compensation claims to approve alternative attorney's fees under certain circumstances; providing legislative findings; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2072** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2036** was deferred.

CS for CS for CS for SB 2684—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; 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 ac-

cess 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 Council for review; requiring a copy of the department's legislative report to be provided to each seaport governing body or authority; requiring the department to provide assessment briefings to seaport authority governing boards and local regional domestic security task force co-chairs at least once per year; requiring certain board members to attend assessment briefings; adding the department to those entities responsible for allocating funds for security projects; 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 a contingency with respect to assessment briefings conducted by the department; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for CS for SB 2684** to **CS for HB 7141**.

Pending further consideration of **CS for CS for CS for SB 2684** as amended, on motion by Senator Aronberg, by two-thirds vote **CS for HB 7141** was withdrawn from the Committees on Military Affairs and Domestic Security; Criminal Justice; and Criminal and Civil Justice Appropriations.

On motion by Senator Aronberg—

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; repeal-

ing 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.

—a companion measure, was substituted for **CS for CS for CS for SB 2684** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 7141** was placed on the calendar of Bills on Third Reading.

On motion by Senator Richter—

CS for CS for SB 2226—A bill to be entitled An act relating to mortgage brokering and mortgage lending; amending s. 494.001, F.S.; redefining terms, defining new terms, and deleting terms; amending s. 494.0011, F.S.; authorizing the Financial Services Commission to adopt rules relating to compliance with the S.A.F.E. Mortgage Licensing Act of 2008; requiring the commission to adopt rules establishing time periods for barring licensure for certain misdemeanors and felonies; authorizing the Office of Financial Regulation to participate in the Nationwide Mortgage Licensing System and Registry; creating s. 494.00115, F.S.; providing exemptions from part I, II, and III of ch. 494, F.S., relating to the licensing and regulation of loan originators, mortgage brokers, and mortgage lenders; creating s. 494.00135, F.S.; providing for the issuance of subpoenas; amending s. 494.0014, F.S.; revising provisions relating to the refund of fees; deleting an obsolete provision; amending s. 494.00165, F.S.; prohibiting unfair and deceptive advertising relating to mortgage brokering and lending; repealing s. 494.0017, F.S., relating to claims paid from the Regulatory Trust Fund; creating s. 494.00172, F.S.; providing for a \$20 fee to be assessed against loan originators and a \$100 fee to be assessed against mortgage brokers and lenders at the time of license application or renewal; providing that such fees shall be deposited into the Mortgage Guaranty Trust Fund and used to pay claims against licensees; providing for a cap on the amount collected and deposited; providing requirements for seeking recovery from the trust fund; providing limitations on the amount paid; providing for the assignment of certain rights to the office; providing that payment for a claim is prima facie grounds for the revocation of a license; amending s. 494.0018, F.S.; conforming cross-references; amending ss. 494.0019 and 494.002, F.S.; conforming terms; amending s. 494.0023, F.S.; deleting the statutory disclosure form and revising the disclosure that must be provided to a borrower in writing; providing that there is a conflicting interest if a licensee or the licensee's relatives have a 1 percent or more interest in the person providing additional products or services; authorizing the commission to adopt rules; amending s. 494.0025, F.S.; prohibiting the alteration, withholding, concealment, or destruction of records relevant to regulated activities; creating s. 494.255, F.S.; providing for license violations and administrative penalties; authorizing a fine of \$1,000 for each day of unlicensed activity up to \$25,000; amending s. 494.0026, F.S.; conforming cross-references; amending s. 494.0028, F.S.; conforming terms; repealing ss. 494.0029 and 494.00295, F.S., relating to mortgage business schools and continuing education requirements; creating s. 494.00296, F.S.; providing for loan modification services; prohibiting certain related acts by a mortgage broker, mortgage brokerage business, correspondent mortgage lender, or mortgage lender; providing for a loan modification agreement and for the inclusion of a borrower's right of cancellation statement; providing remedies; amending s. 494.00295, F.S.; deleting references to a mortgage brokerage business and a correspondent mortgage lender, and adding reference to a loan originator; providing a directive to the Division of Statutory Revision; repealing s. 494.003, F.S., relating to exemptions from mortgage broker licensing and regulation; repealing s. 494.0031, F.S., relating to licensure as a mortgage brokerage business; creating s. 494.00312, F.S.; providing for the licensure of loan originators; providing license application requirements; providing grounds for license denial based on a failure to demonstrate character, general fitness, or financial responsibility sufficient to command community confidence; requiring the denial

of a license under certain circumstances; requiring licenses to be renewed annually by a certain date; creating s. 494.00313, F.S.; providing for the renewal of a loan originator license; repealing s. 494.0032, F.S., relating to renewal of a mortgage brokerage business license or branch office license; creating s. 494.00321, F.S.; providing for the licensure of mortgage brokers; providing license application requirements; providing grounds for license denial based on a failure to demonstrate character, general fitness, or financial responsibility sufficient to command community confidence; requiring the denial of a license under certain circumstances; requiring licenses to be renewed by a certain date; creating s. 494.00322, F.S.; providing for the annual renewal of a mortgage broker license; providing license renewal requirements; repealing s. 494.0033, F.S., relating to a mortgage broker license; amending s. 494.00331, F.S.; requiring a loan originator to be an employee or independent contractor for a mortgage broker or mortgage lender; repealing s. 494.0034, F.S., relating to renewal of mortgage broker license; amending s. 494.0035, F.S.; providing for the management of a mortgage broker by a principal loan originator and a branch office by a loan originator; providing minimum requirements; amending s. 494.0036, F.S.; revising provisions relating to the licensure of a mortgage broker's branch office; amending s. 494.0038, F.S.; revising provisions relating to loan origination and mortgage broker fees; amending s. 494.0039, F.S.; conforming terms; amending s. 494.004, F.S.; revising provisions relating to licensees; providing for registry requirements; deleting obsolete provisions; repealing s. 494.0041, F.S., relating to license violations and administrative penalties; providing additional grounds for assessing fines and penalties; amending s. 494.0042, F.S.; providing for loan origination fees; conforming terms; amending ss. 494.00421 and 494.0043, F.S.; conforming terms; repealing s. 494.006, F.S., relating to mortgage lender licensing and regulation; repealing s. 494.0061, F.S., relating to mortgage lender license requirements; creating s. 494.00611, F.S.; providing for the licensure of mortgage lenders; providing license application requirements; providing grounds for license denial based on a failure to demonstrate character, general fitness, or financial responsibility sufficient to command community confidence; requiring the denial of a license under certain circumstances; requiring licenses to be renewed annually by a certain date; creating s. 494.00612, F.S.; providing for the renewal of a mortgage lender license; repealing s. 494.0062, F.S., relating to correspondent mortgage lender license requirements; amending s. 494.0063, F.S.; requiring a mortgage lender to obtain an annual financial audit report and submit a copy to the office within certain time periods; repealing s. 494.0064, F.S., relating to renewal of mortgage lender license; repealing s. 494.0065, F.S., relating to certain licenses and registrations that were converted into mortgage lender licenses; amending s. 494.0066, F.S.; revising provisions relating to a mortgage lender branch office license; creating s. 494.00665, F.S.; providing for a principal loan originator and branch manager for a mortgage lender; providing requirements and limitations; amending s. 494.0067, F.S.; revising requirements of mortgage lenders; providing for registry requirements; deleting obsolete provisions; providing for servicing agreements; amending ss. 494.0068, 494.0069, 494.007, and 494.0071, F.S.; conforming terms; repealing s. 494.0072, F.S., relating to license violations and administrative penalties; amending ss. 494.00721, 494.0073, 494.0075, 494.0076, 494.0077, and 501.1377 F.S.; redefining terms and conforming cross-references; amending ss. 201.23, 420.507, 520.52, 520.63, 607.0505, and 687.12, F.S.; conforming cross-references; providing for the termination of mortgage business school licenses; providing for the expiration of mortgage brokerage business licenses, mortgage broker licenses, and correspondent mortgage lender licenses; providing requirements for applying for a loan originator, mortgage broker and mortgage lender license by a certain date; providing effective dates.

—was read the second time by title.

Senator Richter moved the following amendments which were adopted:

Amendment 1 (577302)—Delete lines 166-193 and insert:

Section 1. Effective January 1, 2010, subsection (3) of section 494.001, Florida Statutes, is amended to read:

494.001 Definitions.—As used in ss. 494.001-494.0077, the term:

(3) "Act as a mortgage broker" means, for compensation or gain, or in the expectation of compensation or gain, either directly or indirectly, accepting or offering to accept an application for a mortgage loan, soliciting or offering to solicit a mortgage loan on behalf of a borrower,

negotiating or offering to negotiate the terms or conditions of a *new or existing* mortgage loan on behalf of a *borrower or lender*, or negotiating or offering to negotiate the sale of an existing mortgage loan to a non-institutional investor. An employee whose activities are ministerial and clerical, which may include quoting available interest rates or loan terms and conditions, is not acting as a mortgage broker.

Section 2. Section 494.001, Florida Statutes, as amended by this act, is amended to read:

494.001 Definitions.—As used in ss. 494.001-494.0077, the term:

(1) ~~“Act as a correspondent mortgage lender” means to make a mortgage loan.~~

(2) ~~“Act as a loan originator” means being employed by a mortgage lender or correspondent mortgage lender, for compensation or gain or in the expectation of compensation or gain, to negotiate, offer to negotiate, or assist any licensed or exempt entity in negotiating the making of a mortgage loan, including, but not limited to, working with a licensed or exempt entity to structure a loan or discussing terms and conditions necessary for the delivery of a loan product. A natural person whose activities are ministerial and clerical, which may include quoting available interest rates, is not acting as a loan originator.~~

(3) ~~“Act as a mortgage broker” means, for compensation or gain, or in the expectation of compensation or gain, directly or indirectly, accepting or offering to accept an application for a mortgage loan, soliciting or offering to solicit a mortgage loan on behalf of a borrower, negotiating or offering to negotiate the terms or conditions of a new or existing mortgage loan on behalf of a borrower or lender, or negotiating or offering to negotiate the sale of an existing mortgage loan to a noninstitutional investor. An employee whose activities are ministerial and clerical, which may include quoting available interest rates or loan terms and conditions, is not acting as a mortgage broker.~~

Amendment 2 (953602)—Delete lines 650-651 and insert:

(1) *The following are exempt from regulation under parts I, II, and III of this chapter.*

Amendment 3 (212376)—Delete lines 1462-1578 and insert:

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

(a) *“Borrower” means a person who is obligated to repay a mortgage loan and includes, but is not limited to, a coborrower, cosignor, or guarantor.*

(b) *“Loan modification” means a modification to an existing loan. The term does not include a refinancing transaction.*

Section 19. Subsections (1), (2), and (4) of section 494.00296, Florida Statutes, as created by this act, are amended to read:

494.00296 Loan modification.—

(1) **PROHIBITED ACTS.**—When offering or providing loan modification services, a *loan originator*, mortgage broker, ~~mortgage brokerage business, mortgage lender, or correspondent~~ mortgage lender ~~licensed or required to be licensed under ss. 494.001-494.0077~~ may not:

(a) Engage in or initiate loan modification services without first executing a written agreement for loan modification services with the borrower;

(b) Execute a loan modification without the consent of the borrower after the borrower is made aware of each modified term; or

(c) Solicit, charge, receive, or attempt to collect or secure payment, directly or indirectly, for loan modification services before completing or performing all services included in the agreement for loan modification services. A fee may be charged only if the loan modification results in a material benefit to the borrower. The commission may adopt rules to provide guidance on what constitutes a material benefit to the borrower

(2) **LOAN MODIFICATION AGREEMENT.**—

(a) The written agreement for loan modification services must be printed in at least 12-point uppercase type and signed by both parties. The agreement must include the name and address of the person providing loan modification services, the exact nature and specific detail of each service to be provided, the total amount and terms of charges to be paid by the borrower for the services, and the date of the agreement. The date of the agreement may not be earlier than the date the borrower signed the agreement. ~~The mortgage broker or brokerage business, mortgage lender, or correspondent~~ mortgage lender must give the borrower a copy of the agreement to review at least 1 business day before the borrower is to sign the agreement.

(b) The borrower has the right to cancel the written agreement without any penalty or obligation if the borrower cancels the agreement within 3 business days after signing the agreement. The right to cancel may not be waived by the borrower or limited in any manner by the *loan originator*, mortgage broker, ~~mortgage brokerage business, mortgage lender, or correspondent~~ mortgage lender. If the borrower cancels the agreement, any payments made must be returned to the borrower within 10 business days after receipt of the notice of cancellation.

(c) An agreement for loan modification services must contain, immediately above the signature line, a statement in at least 12-point uppercase type which substantially complies with the following:

BORROWER’S RIGHT OF CANCELLATION

YOU MAY CANCEL THIS AGREEMENT FOR LOAN MODIFICATION SERVICES WITHOUT ANY PENALTY OR OBLIGATION WITHIN 3 BUSINESS DAYS AFTER THE DATE THIS AGREEMENT IS SIGNED BY YOU.

THE *LOAN ORIGINATOR*, MORTGAGE BROKER, MORTGAGE BROKERAGE BUSINESS, MORTGAGE LENDER, OR CORRESPONDENT MORTGAGE LENDER IS PROHIBITED BY LAW FROM ACCEPTING ANY MONEY, PROPERTY, OR OTHER FORM OF PAYMENT FROM YOU UNTIL ALL PROMISED SERVICES HAVE BEEN COMPLETED. IF FOR ANY REASON YOU HAVE PAID THE CONSULTANT BEFORE CANCELLATION, YOUR PAYMENT MUST BE RETURNED TO YOU WITHIN 10 BUSINESS DAYS AFTER THE CONSULTANT RECEIVES YOUR CANCELLATION NOTICE.

TO CANCEL THIS AGREEMENT, A SIGNED AND DATED COPY OF A STATEMENT THAT YOU ARE CANCELING THE AGREEMENT SHOULD BE MAILED (POSTMARKED) OR DELIVERED TO ...*(NAME)*... AT ...*(ADDRESS)*... NO LATER THAN MIDNIGHT OF ...*(DATE)*....

IMPORTANT: IT IS RECOMMENDED THAT YOU CONTACT YOUR MORTGAGE LENDER OR MORTGAGE SERVICER BEFORE SIGNING THIS AGREEMENT. YOUR LENDER OR SERVICER MAY BE WILLING TO NEGOTIATE A PAYMENT PLAN OR A RESTRUCTURING WITH YOU FREE OF CHARGE.

(d) The inclusion of the statement does not prohibit a *loan originator*, mortgage broker, ~~mortgage brokerage business, mortgage lender, or correspondent~~ mortgage lender from giving the homeowner more time to cancel the agreement than is set forth in the statement if all other requirements of this subsection are met.

(e) The person offering or providing the loan modification services must give the borrower a copy of the signed agreement within 3 hours after the borrower signs the agreement.

~~(4) DEFINITIONS.—As used in this section, the term:~~

~~(a) “Borrower” means a person obligated to repay a mortgage loan and includes, but is not limited to, a coborrower, cosignor, or guarantor.~~

~~(b) “Loan modification” means a modification to an existing loan. The term does not include a refinancing transaction.~~

Amendment 4 (788172) (with title amendment)—Delete lines 3246-3359 and insert:

7. *An attorney licensed to practice law in this state who provides foreclosure rescue-related services as an ancillary matter to the attorney’s representation of a homeowner as a client.*

(c) “Foreclosure-related rescue services” means any good or service related to, or promising assistance in connection with:

1. Stopping, avoiding, or delaying foreclosure proceedings concerning residential real property; or
2. Curing or otherwise addressing a default or failure to timely pay with respect to a residential mortgage loan obligation.

(d) “Foreclosure-rescue transaction” means a transaction:

1. By which residential real property in foreclosure is conveyed to an equity purchaser and the homeowner maintains a legal or equitable interest in the residential real property conveyed, including, without limitation, a lease option interest, an option to acquire the property, an interest as beneficiary or trustee to a land trust, or other interest in the property conveyed; and
2. That is designed or intended by the parties to stop, avoid, or delay foreclosure proceedings against a homeowner’s residential real property.

(e) “Homeowner” means ~~the~~ any record title owner of residential real property ~~that is the subject of foreclosure proceedings.~~

(f) “Residential real property” means real property consisting of one-family to four-family dwelling units, ~~one of which is occupied by the owner as his or her principal place of residence.~~

(g) “Residential real property in foreclosure” means residential real property against which there is an outstanding notice of the pendency of foreclosure proceedings recorded pursuant to s. 48.23.

Section 62. Paragraph (b) of subsection (2) of section 501.1377, Florida Statutes, as amended by this act, is amended to read:

501.1377 Violations involving homeowners during the course of residential foreclosure proceedings.—

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

(b) “Foreclosure-rescue consultant” means a person who directly or indirectly makes a solicitation, representation, or offer to a homeowner to provide or perform, in return for payment of money or other valuable consideration, foreclosure-related rescue services. The term does not apply to:

1. A person excluded under s. 501.212.
2. A person acting under the express authority or written approval of the United States Department of Housing and Urban Development or other department or agency of the United States or this state to provide foreclosure-related rescue services.
3. A charitable, not-for-profit agency or organization, as determined by the United States Internal Revenue Service under s. 501(c)(3) of the Internal Revenue Code, which offers counseling or advice to an owner of residential real property in foreclosure or loan default if the agency or organization does not contract for foreclosure-related rescue services with a for-profit lender or person facilitating or engaging in foreclosure-rescue transactions.
4. A person who holds or is owed an obligation secured by a lien on any residential real property in foreclosure if the person performs foreclosure-related rescue services in connection with this obligation or lien and the obligation or lien was not the result of or part of a proposed foreclosure reconveyance or foreclosure-rescue transaction.
5. A financial institution as defined in s. 655.005 and any parent or subsidiary of the financial institution or of the parent or subsidiary.
6. A licensed mortgage broker, ~~mortgage lender, or correspondent mortgage lender~~ that provides mortgage counseling or advice regarding residential real property in foreclosure, which counseling or advice is within the scope of services set forth in chapter 494 and is provided without payment of money or other consideration other than a *loan origination mortgage brokerage fee as defined in s. 494.001.*

7. An attorney licensed to practice law in this state who provides foreclosure rescue-related services as an ancillary matter to the attorney’s representation of a homeowner as a client.

And the title is amended as follows:

Delete lines 151-152 and insert: 494.0076, and 494.0077, F.S.; conforming terms and cross-references; amending s. 501.1377, F.S.; revising definitions and conforming terms; exempting certain attorneys from the definition of “foreclosure-rescue consultant”; amending ss.

Pursuant to Rule 4.19, **CS for CS for SB 2226** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

RECESS

On motion by Senator Villalobos, the Senate recessed at 11:52 a.m. to reconvene at 1:15 p.m.

AFTERNOON SESSION

The Senate was called to order by President Atwater at 1:29 p.m. A quorum present—39:

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Villalobos, by two-thirds vote **SB 2266** was withdrawn from the Committee on Judiciary; **CS for CS for SB 114**, **SB 1438**, **CS for CS for SB’s 1646 and 1038**, and **CS for CS for SB 1898** were withdrawn from the Committee on General Government Appropriations; and **SB 338**, **CS for SB 1278**, **CS for SB 1308**, **CS for CS for SB 2000**, and **CS for SB 2272** were withdrawn from the Policy and Steering Committee on Ways and Means.

SPECIAL ORDER CALENDAR, continued

On motion by Senator Pruitt, by two-thirds vote **CS for HB 515** was withdrawn from the Committees on Community Affairs; Finance and Tax; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Pruitt—

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.

—a companion measure, was substituted for **CS for SB 978** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 515** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rich, by unanimous consent—

CS for SB 344—A bill to be entitled An act relating to safety belt law enforcement; creating the Dori Slosberg and Katie Marchetti Safety Belt Law; amending s. 316.614, F.S.; deleting a provision exempting passengers in a pickup truck from the requirement to use a safety belt; providing an exemption for certain vehicles from provisions of state law relating to the use of safety belts; deleting a requirement for enforcement of the Florida Safety Belt Law as a secondary action; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Rich, by two-thirds vote **CS for SB 344** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—4

Bennett	King	Siplin
Smith		

Vote after roll call:

Yea—Crist, Lawson

SPECIAL GUESTS

Senator Rich introduced former Representative Irving Slosberg; and Laura and Vin Marchetti who were present in the gallery.

CS for CS for SB 880—A bill to be entitled An act relating to community associations; amending s. 718.110, F.S.; providing for the application of certain amendments to a declaration of condominium to certain unit owners; amending s. 718.111, F.S.; providing penalties for any person who knowingly or intentionally defaces or destroys certain records of an association with the intent to harm the association or any of its members; providing that an association is not responsible for the use or misuse of certain information obtained pursuant to state law requiring the maintenance of certain records of an association; providing an exception; providing that, notwithstanding the other requirements, certain records are not accessible to unit owners; requiring that any rules adopted for the purpose of setting forth accounting principles or addressing financial reporting requirements include certain provisions and standards; amending s. 718.112, F.S.; revising requirements for the reappointment of certain board members; revising board eligibility requirements; revising notice requirements for board candidates; establishing requirements for newly elected board members; providing that a director or officer delinquent in the payment of fee, fine, regular assessment, or special assessments by more than a specified number of days is deemed to have abandoned the office; requiring that a director charged by information or indictment of certain offenses involving an association's funds or property be removed from office; amending s. 718.115, F.S.; requiring that certain services obtained pursuant to a bulk contract as provided in the declaration be deemed a common expense; requiring that such contracts contain certain provisions; authorizing the cancellation of certain contracts; amending s. 718.116, F.S.; limiting the amount of certain costs to the unit owner; providing an exception; authorizing an association to demand future regular assessments related to the condominium unit under specified conditions; providing that the demand is continuing in nature; requiring that a tenant continue to pay assessments until the occurrence of specified events; requiring the de-

livery of notice of such demand; limiting the liability of a tenant; amending s. 718.303, F.S.; authorizing an association to suspend for a reasonable time the right of a unit owner or the unit's occupant, licensee, or invitee to use certain common elements under certain circumstances; excluding certain common elements from such authorization; prohibiting a fine from being levied or a suspension from being imposed unless the association meets certain notice requirements; providing circumstances under which such notice requirements do not apply; providing procedures and notice requirements for levying a fine or imposing a suspension; authorizing an association to suspend voting rights due to non-payment of assessments, fines, or other charges delinquent by a specified number of days under certain circumstances; amending s. 718.103, F.S.; expanding the definition of "developer" to include a bulk assignee or bulk buyer; amending s. 718.301, F.S.; revising conditions under which unit owners other than the developer may elect not less than a majority of the members of the board of administration of an association; creating part VII of ch. 718, F.S.; providing a short title; providing legislative findings and intent; defining the terms "bulk assignee" and "bulk buyer"; providing for the assignment of developer rights by a bulk assignee; specifying liabilities of bulk assignees and bulk buyers; providing exceptions; providing additional responsibilities of bulk assignees and bulk buyers; authorizing certain entities to assign developer rights to a bulk assignee; limiting the number of bulk assignees at any given time; providing for the transfer of control of a board of administration; providing effects of such transfer on parcels acquired by a bulk assignee; providing obligations of a bulk assignee upon the transfer of control of a board of administration; requiring that a bulk assignee certify certain information in writing; providing for the resolution of a conflict between specified provisions of state law; providing that the failure of a bulk assignee or bulk buyer to comply with specified provisions of state law results in the loss of certain protections and exemptions; requiring that a bulk assignee or bulk buyer file certain information with the Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation before offering any units for sale or lease in excess of a specified term; requiring that a copy of such information be provided to a prospective purchaser; requiring that certain contracts and disclosure statements contain specified statements; requiring that a bulk assignee or bulk buyer comply with certain disclosure requirements; prohibiting a bulk assignee from taking certain actions on behalf of an association while the bulk assignee is in control of the board of administration of the association and requiring that such bulk assignee comply with certain requirements; requiring that a bulk assignee or bulk buyer comply with certain requirements regarding certain contracts; providing unit owners with specified protections regarding certain contracts; requiring that a bulk buyer comply with certain requirements regarding the transfer of a unit; prohibiting a person from being classified as a bulk assignee or bulk buyer unless condominium parcels were acquired before a specified date; providing for the determination of the date of acquisition of a parcel; providing that the assignment of developer rights to a bulk assignee does not release a developer from certain liabilities; preserving certain liabilities for certain parties; amending s. 719.108, F.S.; authorizing an association to recover charges incurred in connection with collecting a delinquent assessment up to a specified maximum amount; providing a prioritized list for disbursement of payments received by an association; providing for a lien by an association on a condominium unit for certain fees and costs; providing procedures and notice requirements for the filing of a lien by an association; authorizing an association to demand future regular assessments related to a unit under specified conditions; amending s. 720.304, F.S.; providing that a flagpole and any flagpole display are subject to certain codes and regulations; amending s. 720.305, F.S.; authorizing the association to suspend certain rights under certain circumstances; providing that certain provisions regarding the suspension-of-use rights of an association do not apply to certain portions of common areas; providing procedures and notice requirements for levying a fine or imposing a suspension; amending s. 720.3085, F.S.; authorizing an association to demand future regular assessments related to a parcel under specified conditions; amending s. 720.31, F.S.; authorizing an association to enter into certain agreements; requiring that certain items be stated and fully described in the declaration; limiting an association's power to enter into such agreements after a specified period following the recording of a declaration; requiring that certain agreements be approved by a specified percentage of voting interests of an association when the declaration is silent as to the authority of an association to enter into such agreement; authorizing an association to join with other associations or a master association under certain circumstances and for specified purposes; amending s. 721.05, F.S.; limiting the

definition of "facility" to certain permanent amenities; repealing s. 553.509(2), F.S., relating to public elevators and emergency operation plans in certain condominiums and multifamily dwellings; amending s. 720.303, F.S.; revising provisions relating to homeowners' association board meetings, inspection and copying of records, and reserve accounts of budgets; prohibiting certain association personnel from receiving a salary or compensation; providing exceptions; amending s. 720.306, F.S.; providing requirements for secret ballots; creating s. 720.315, F.S.; prohibiting the board of directors of a homeowners' association from levying a special assessment before turnover of the association by the developer unless certain conditions are met; amending s. 723.071, F.S.; revising notice requirements relating to the sale of mobile home parks; revising provisions relating to a homeowners' association's right to purchase the mobile home park; providing requirements for the purchase of the park by a homeowners' association; requiring that a park owner comply with certain provisions of state law if the mobile home owners have informed the park owner that they are ready and willing to purchase the park; providing that the park owner has no obligation to comply with such provisions under certain circumstances; providing requirements for the homeowners' expression of readiness and willingness to purchase the park; deleting definitions to conform to changes made by the act; providing an effective date.

—was read the second time by title.

Senator King moved the following amendment:

Amendment 1 (681964) (with title amendment)—Delete lines 1809-1903.

And the title is amended as follows:

Delete lines 165-180 and insert: developer unless certain conditions are met; providing an effective date.

On motion by Senator Fasano, further consideration of **CS for CS for SB 880** with pending **Amendment 1 (681964)** was deferred.

On motion by Senator Villalobos, by unanimous consent—

SB 1574—A bill to be entitled An act relating to the Legislature; providing a short title; amending s. 11.143, F.S.; eliminating the authority of members of a legislative committee to administer certain oaths and affirmations to witnesses; eliminating penalties for false swearing before a legislative committee; conforming to the creation of new provisions relating to oaths and affirmations before a legislative committee; creating s. 11.1435, F.S.; requiring that persons addressing a legislative committee take an oath or affirmation of truthfulness; providing exceptions; requiring that a member of the legislative committee administer the oath or affirmation; providing criminal penalties for certain false statements before a legislative committee; authorizing the use of a signed appearance card in lieu of an oral oath or affirmation; prescribing conditions related to the use of such card; providing for penalties for making a false statement after signing such card; providing an effective date.

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

Pursuant to Rule 4.19, **SB 1574** was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

CS for CS for SB 880—A bill to be entitled An act relating to community associations; amending s. 718.110, F.S.; providing for the application of certain amendments to a declaration of condominium to certain unit owners; amending s. 718.111, F.S.; providing penalties for any person who knowingly or intentionally defaces or destroys certain records of an association with the intent to harm the association or any of its members; providing that an association is not responsible for the use or misuse of certain information obtained pursuant to state law requiring the maintenance of certain records of an association; providing an exception; providing that, notwithstanding the other requirements, certain records are not accessible to unit owners; requiring that any rules adopted for the purpose of setting forth accounting principles or addressing financial reporting requirements include certain provisions

and standards; amending s. 718.112, F.S.; revising requirements for the reappointment of certain board members; revising board eligibility requirements; revising notice requirements for board candidates; establishing requirements for newly elected board members; providing that a director or officer delinquent in the payment of fee, fine, regular assessment, or special assessments by more than a specified number of days is deemed to have abandoned the office; requiring that a director charged by information or indictment of certain offenses involving an association's funds or property be removed from office; amending s. 718.115, F.S.; requiring that certain services obtained pursuant to a bulk contract as provided in the declaration be deemed a common expense; requiring that such contracts contain certain provisions; authorizing the cancellation of certain contracts; amending s. 718.116, F.S.; limiting the amount of certain costs to the unit owner; providing an exception; authorizing an association to demand future regular assessments related to the condominium unit under specified conditions; providing that the demand is continuing in nature; requiring that a tenant continue to pay assessments until the occurrence of specified events; requiring the delivery of notice of such demand; limiting the liability of a tenant; amending s. 718.303, F.S.; authorizing an association to suspend for a reasonable time the right of a unit owner or the unit's occupant, licensee, or invitee to use certain common elements under certain circumstances; excluding certain common elements from such authorization; prohibiting a fine from being levied or a suspension from being imposed unless the association meets certain notice requirements; providing circumstances under which such notice requirements do not apply; providing procedures and notice requirements for levying a fine or imposing a suspension; authorizing an association to suspend voting rights due to nonpayment of assessments, fines, or other charges delinquent by a specified number of days under certain circumstances; amending s. 718.103, F.S.; expanding the definition of "developer" to include a bulk assignee or bulk buyer; amending s. 718.301, F.S.; revising conditions under which unit owners other than the developer may elect not less than a majority of the members of the board of administration of an association; creating part VII of ch. 718, F.S.; providing a short title; providing legislative findings and intent; defining the terms "bulk assignee" and "bulk buyer"; providing for the assignment of developer rights by a bulk assignee; specifying liabilities of bulk assignees and bulk buyers; providing exceptions; providing additional responsibilities of bulk assignees and bulk buyers; authorizing certain entities to assign developer rights to a bulk assignee; limiting the number of bulk assignees at any given time; providing for the transfer of control of a board of administration; providing effects of such transfer on parcels acquired by a bulk assignee; providing obligations of a bulk assignee upon the transfer of control of a board of administration; requiring that a bulk assignee certify certain information in writing; providing for the resolution of a conflict between specified provisions of state law; providing that the failure of a bulk assignee or bulk buyer to comply with specified provisions of state law results in the loss of certain protections and exemptions; requiring that a bulk assignee or bulk buyer file certain information with the Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation before offering any units for sale or lease in excess of a specified term; requiring that a copy of such information be provided to a prospective purchaser; requiring that certain contracts and disclosure statements contain specified statements; requiring that a bulk assignee or bulk buyer comply with certain disclosure requirements; prohibiting a bulk assignee from taking certain actions on behalf of an association while the bulk assignee is in control of the board of administration of the association and requiring that such bulk assignee comply with certain requirements; requiring that a bulk assignee or bulk buyer comply with certain requirements regarding certain contracts; providing unit owners with specified protections regarding certain contracts; requiring that a bulk buyer comply with certain requirements regarding the transfer of a unit; prohibiting a person from being classified as a bulk assignee or bulk buyer unless condominium parcels were acquired before a specified date; providing for the determination of the date of acquisition of a parcel; providing that the assignment of developer rights to a bulk assignee does not release a developer from certain liabilities; preserving certain liabilities for certain parties; amending s. 719.108, F.S.; authorizing an association to recover charges incurred in connection with collecting a delinquent assessment up to a specified maximum amount; providing a prioritized list for disbursement of payments received by an association; providing for a lien by an association on a condominium unit for certain fees and costs; providing procedures and notice requirements for the filing of a lien by an association; authorizing an association to demand future regular assessments related to a unit under specified conditions; amending s.

720.304, F.S.; providing that a flagpole and any flagpole display are subject to certain codes and regulations; amending s. 720.305, F.S.; authorizing the association to suspend certain rights under certain circumstances; providing that certain provisions regarding the suspension-of-use rights of an association do not apply to certain portions of common areas; providing procedures and notice requirements for levying a fine or imposing a suspension; amending s. 720.3085, F.S.; authorizing an association to demand future regular assessments related to a parcel under specified conditions; amending s. 720.31, F.S.; authorizing an association to enter into certain agreements; requiring that certain items be stated and fully described in the declaration; limiting an association's power to enter into such agreements after a specified period following the recording of a declaration; requiring that certain agreements be approved by a specified percentage of voting interests of an association when the declaration is silent as to the authority of an association to enter into such agreement; authorizing an association to join with other associations or a master association under certain circumstances and for specified purposes; amending s. 721.05, F.S.; limiting the definition of "facility" to certain permanent amenities; repealing s. 553.509(2), F.S., relating to public elevators and emergency operation plans in certain condominiums and multifamily dwellings; amending s. 720.303, F.S.; revising provisions relating to homeowners' association board meetings, inspection and copying of records, and reserve accounts of budgets; prohibiting certain association personnel from receiving a salary or compensation; providing exceptions; amending s. 720.306, F.S.; providing requirements for secret ballots; creating s. 720.315, F.S.; prohibiting the board of directors of a homeowners' association from levying a special assessment before turnover of the association by the developer unless certain conditions are met; amending s. 723.071, F.S.; revising notice requirements relating to the sale of mobile home parks; revising provisions relating to a homeowners' association's right to purchase the mobile home park; providing requirements for the purchase of the park by a homeowners' association; requiring that a park owner comply with certain provisions of state law if the mobile home owners have informed the park owner that they are ready and willing to purchase the park; providing that the park owner has no obligation to comply with such provisions under certain circumstances; providing requirements for the homeowners' expression of readiness and willingness to purchase the park; deleting definitions to conform to changes made by the act; providing an effective date.

—which was previously considered this day with pending **Amendment 1 (681964)** by Senator King.

On motion by Senator Fasano, further consideration of **CS for CS for SB 880** with pending **Amendment 1 (681964)** was deferred.

Consideration of **CS for CS for SB 2088** was deferred.

On motion by Senator Joyner—

CS for CS for SB 168—A bill to be entitled An act relating to human trafficking; creating within the Department of Children and Family Services the Florida Statewide Task Force on Human Trafficking; prescribing the membership of the task force; providing for members of the task force to serve without compensation or reimbursement for per diem and travel expenses; providing specific responsibilities and duties of the task force and its members; requiring that the task force prepare a final report by a specified date; providing duties of the Florida State University Center for the Advancement of Human Rights; abolishing the task force on a specified date; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 168** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dockery, by two-thirds vote **CS for HB 135** was withdrawn from the Committees on Community Affairs; Governmental Oversight and Accountability; and Rules.

On motion by Senator Dockery—

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.

—a companion measure, was substituted for **CS for SB 270** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 135** was placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg, by two-thirds vote **CS for CS for CS for HB 439** was withdrawn from the Committees on Transportation; and Criminal Justice; and the Policy and Steering Committee on Ways and Means.

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

CS for CS for CS for HB 439—A bill to be entitled An act relating to uniform traffic control; creating the "Mark Wandall Traffic Safety Act"; amending s. 316.003, F.S.; defining the term "traffic infraction detector"; creating s. 316.0083, F.S.; creating the Mark Wandall Traffic Safety Program to be administered by the Department of Transportation; requiring a county or municipality to enact an ordinance in order to use a traffic infraction detector to identify a motor vehicle that fails to stop at a traffic control signal steady red light; requiring such detectors to meet department contract specifications; requiring authorization of a traffic infraction enforcement officer or a code enforcement officer to issue and enforce a ticket for such violation; requiring signage; requiring certain public awareness procedures; requiring the ordinance to establish a fine of a certain amount; requiring the ordinance to provide for installing, maintaining, and operating such detectors on rights-of-way owned or maintained by the Department of Transportation, county, or municipality; prohibiting additional charges; exempting emergency vehicles; providing that the registered owner of the motor vehicle involved in the violation is responsible and liable for payment of the fine assessed; providing exceptions; providing procedures for disposition and enforcement of tickets; providing for a person to contest such ticket; providing for disposition of revenue collected; providing complaint procedures; providing for the Legislature to exclude a county or municipality from the program; requiring reports from participating municipalities and counties to the department; requiring the department to make reports to the Governor and the Legislature; amending s. 316.0745, F.S.; providing that traffic infraction detectors must meet certain specifications; creating s. 316.07456, F.S.; providing for preexisting equipment; requiring counties and municipalities that enacted an ordinance to enforce red light violations or entered into a contract to purchase or lease equipment to enforce red light violations prior to the effective date of this act to charge a certain penalty amount; requiring counties or municipalities that have acquired such equipment pursuant to an agreement entered into prior to the effective date of this act to make certain payments to the state; creating s. 316.0776, F.S.; providing for placement and installation of detectors on the State Highway System, county roads, and city streets; amending s. 316.1967, F.S.; providing for inclusion of persons with outstanding violations in a list sent to the department for enforcement purposes; amending s. 395.4036, F.S.; providing for distribution of funds to trauma centers, certain hospitals, certain nursing homes, and certain health units and programs; ratifying prior enforcement actions; providing for severability; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 2004** and 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:

Amendment 1 (611714) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (86) is added to section 316.003, Florida Statutes, to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(86) **TRAFFIC INFRACTION DETECTOR.**—A vehicle sensor installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced photographic or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light. Any citation issued by the use of a traffic infraction detector must include a photograph or other recorded image showing both the license tag of the offending vehicle and the traffic control device being violated.

Section 2. Section 316.0076, Florida Statutes, is created to read:

316.0076 *Regulation and use of cameras.*—Regulation and use of cameras for enforcing the provisions of this chapter are expressly preempted to the state.

Section 3. Section 316.0083, Florida Statutes, is created to read:

316.0083 *Mark Wandall Traffic Safety Program; administration; report.*—

(1) *The department may use traffic infraction detectors to enforce s. 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop at a traffic signal on the State Highway System as defined in s. 334.03.*

(2) *Counties and municipalities may use traffic infraction detectors to enforce s. 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop at a traffic signal on any highways, streets, or roads located within their boundaries, except the State Highway System.*

(3)(a) *For purposes of administering this section, the department, counties, or municipalities may by rule or ordinance authorize a traffic infraction enforcement officer to issue a uniform traffic citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1. The term “traffic infraction enforcement officer” means the designee of the department, county, or municipality who is authorized to enforce s. 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop at a traffic signal. The department, county, or municipality may designate traffic infraction enforcement officers pursuant to s. 316.640(1).*

(b) *A citation issued under this section shall be issued by mailing the citation by certified mail, return receipt requested, to the address of the registered owner of the motor vehicle involved in the violation. In the case of joint ownership of a motor vehicle, the traffic citation shall be mailed to the first name appearing on the registration, unless the first name appearing on the registration is a business organization, in which case the second name appearing on the registration may be used. The citation must be mailed to the registered owner of the motor vehicle involved in the violation within 7 business days after the date of the violation. In addition to the citation, notification must be sent to the registered owner of the motor vehicle involved in the violation specifying remedies available under s. 318.18(15).*

(c)1. *The owner of the motor vehicle involved in the violation is responsible and liable for paying the citation issued for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal, unless the owner can establish that:*

a. *The motor vehicle passed through the intersection in order to yield right-of-way to an emergency vehicle or as part of a funeral procession;*

b. *The motor vehicle passed through the intersection at the direction of a law enforcement officer;*

c. *The motor vehicle passed through the intersection due to a medical emergency;*

d. *The motor vehicle was, at the time of the violation, in the care, custody, or control of another person; or*

e. *A uniform traffic citation was issued by a law enforcement officer to the driver of the motor vehicle for the alleged violation of s. 316.074(1) or s. 316.075(1)(c)1.*

2. *In order to establish such facts, the owner of the motor vehicle shall, within 30 days after the date of issuance of the citation, furnish to the appropriate governmental entity an affidavit setting forth detailed information supporting an exemption as provided in this paragraph.*

a. *Affidavits supporting exemptions under sub-subparagraph 1.d. must include the name, address, date of birth, and, if known, the driver's license number of the person who leased, rented, or otherwise had care, custody, or control of the motor vehicle at the time of the alleged violation. If the vehicle was stolen at the time of the alleged offense, the affidavit must include the police report indicating that the vehicle was stolen.*

b. *If a citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1. was issued at the location of the violation by a law enforcement officer, the serial number of the uniform traffic citation.*

Upon receipt of an affidavit, the person designated as having care, custody, and control of the motor vehicle at the time of the violation may be issued a citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal. The affidavit is admissible in a proceeding pursuant to this section for the purpose of providing proof that the person identified in the affidavit was in actual care, custody, or control of the motor vehicle. The owner of a leased vehicle for which a citation is issued for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal is not responsible for paying the citation and is not required to submit an affidavit as specified in this subsection if the motor vehicle involved in the violation is registered in the name of the lessee of such motor vehicle.

(d) *A written report of a traffic infraction enforcement officer, along with photographic or electronic images or streaming video evidence that a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal has occurred, is admissible in any proceeding to enforce this section and raises a rebuttable presumption that the motor vehicle named in the report or shown in the photographic or electronic images or streaming video evidence was used in violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal.*

(4) *The submission of a false affidavit is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.*

(5) *This section supplements the enforcement of s. 316.074(1) or s. 316.075(1)(c)1. by law enforcement officers when a driver fails to stop at a traffic signal, and this section does not prohibit a law enforcement officer from issuing a citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop at a traffic signal in accordance with normal traffic-enforcement techniques.*

(6)(a) *Each county or municipality that operates a traffic infraction detector shall submit an annual report to the department which details the results of using the traffic infraction detector and the procedures for enforcement. The information submitted by the counties and municipalities must include statistical data and information required by the department to complete the report and be submitted no later than 90 days prior to the due date of the annual report.*

(b) *The department shall provide an annual summary report to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the use and operation of traffic infraction detectors under this section. The summary report must include a review of the information submitted to the department by the counties and municipalities and must describe the enhancement of the traffic safety and enforcement programs. The department shall report its recommendations, including any necessary legislation, on or before December 1, 2010, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.*

(7) *Any governmental entity may supply the department with data that is machine readable by the department's computer system, listing persons who have one or more outstanding violations of this section. Pursuant to s. 320.03(8), those persons may not be issued a license plate or revalidation sticker for any motor vehicle.*

Section 4. Subsection (6) of section 316.0745, Florida Statutes, is amended to read:

316.0745 *Uniform signals and devices.*—

(6)(a) Any system of traffic control devices controlled and operated from a remote location by electronic computers or similar devices ~~shall~~ meet all requirements established for the uniform system, and, ~~if where such a system affects systems affect~~ the movement of traffic on state roads, the design of the system ~~shall~~ be reviewed and approved by the Department of Transportation.

(b) Any traffic infraction detector deployed on the highways, streets, and roads of the state must meet specifications established by the Department of Transportation and must be tested at regular intervals according to procedures prescribed by that department. However, any such equipment acquired by purchase, lease, or other arrangement under an agreement entered into by a county or municipality before the effective date of this act or equipment used to enforce an ordinance enacted by a county or municipality before the effective date of this act is not required to meet the specifications established by the Department of Transportation until September 30, 2010.

Section 5. Section 316.0776, Florida Statutes, is created to read:

316.0776 Traffic infraction detectors; placement and installation.— Placement and installation of traffic infraction detectors is allowed on the State Highway System, county roads, and municipal streets under specifications developed by the Department of Transportation, so long as safety and operation of the road facility is not impaired.

Section 6. Paragraph (b) of subsection (1) of section 316.640, Florida Statutes, is amended to read:

316.640 Enforcement.—The enforcement of the traffic laws of this state is vested as follows:

(1) STATE.—

(b)1. The Department of Transportation has authority to enforce on all the streets and highways of this state all laws applicable within its authority.

2.a. The Department of Transportation shall develop training and qualifications standards for toll enforcement officers whose sole authority is to enforce the payment of tolls pursuant to s. 316.1001. Nothing in this subparagraph shall be construed to permit the carrying of firearms or other weapons, nor shall a toll enforcement officer have arrest authority.

b. For the purpose of enforcing s. 316.1001, governmental entities, as defined in s. 334.03, which own or operate a toll facility may employ independent contractors or designate employees as toll enforcement officers; however, any such toll enforcement officer must successfully meet the training and qualifications standards for toll enforcement officers established by the Department of Transportation.

3.a. *The department shall develop training and qualifications standards for traffic infraction enforcement officers whose sole authority is to enforce s. 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop at a traffic signal pursuant to s. 316.0083. This sub-subparagraph does not authorize the carrying of firearms or other weapons by a traffic infraction enforcement officer and does not authorize a traffic infraction enforcement officer to make arrests.*

b. *For the purpose of enforcing s. 316.0083, the department, counties, or municipalities may employ independent contractors or designate employees as traffic infraction enforcement officers; however, any such traffic infraction enforcement officer must successfully meet the training and qualifications standards for traffic infraction enforcement officers established by the department.*

Section 7. Subsection (3) of section 316.650, Florida Statutes, is amended to read:

316.650 Traffic citations.—

(3)(a) Except for a traffic citation issued pursuant to s. 316.1001 and s. 316.0083, each traffic enforcement officer, upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or of any traffic ordinance of any municipality or town, shall deposit the original traffic citation or, in the case of a traffic enforcement agency that has an automated citation issuance system, the chief administrative officer shall provide by an electronic transmission a replica

of the citation data to a court having jurisdiction over the alleged offense or with its traffic violations bureau within 5 days after issuance to the violator.

(b) If a traffic citation is issued pursuant to s. 316.1001, a traffic enforcement officer may deposit the original traffic citation or, in the case of a traffic enforcement agency that has an automated citation system, may provide by an electronic transmission a replica of the citation data to a court having jurisdiction over the alleged offense or with its traffic violations bureau within 45 days after the date of issuance of the citation to the violator. If the person cited for the violation of s. 316.1001 makes the election provided by s. 318.14(12) and pays the \$25 fine, or such other amount as imposed by the governmental entity owning the applicable toll facility, plus the amount of the unpaid toll that is shown on the traffic citation directly to the governmental entity that issued the citation, or on whose behalf the citation was issued, in accordance with s. 318.14(12), the traffic citation will not be submitted to the court, the disposition will be reported to the department by the governmental entity that issued the citation, or on whose behalf the citation was issued, and no points will be assessed against the person's driver's license.

(c) *If a traffic citation is issued under s. 316.0083, the traffic infraction enforcement officer shall provide by electronic transmission a replica of the citation data to the court having jurisdiction over the alleged offense or its traffic violations bureau within 5 business days after the date of issuance of the citation to the violator.*

Section 8. Subsection (2) of section 318.14, Florida Statutes, is amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(2) Except as provided in s. 316.1001(2) and s. 316.0083(3), any person cited for an infraction under this section must sign and accept a citation indicating a promise to appear. The officer may indicate on the traffic citation the time and location of the scheduled hearing and must indicate the applicable civil penalty established in s. 318.18.

Section 9. Subsection (15) of section 318.18, Florida Statutes, is amended to read:

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

(15)(a) One hundred ~~fifty twenty-five~~ dollars for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal *and when enforced by a law enforcement officer*. Sixty dollars shall be distributed as provided in s. 318.21, \$25 shall be distributed to the General Revenue Fund, and the remaining \$65 shall be remitted to the Department of Revenue for deposit into the Administrative Trust Fund of the Department of Health.

(b) *One hundred fifty dollars for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by the department's traffic infraction enforcement officer shall be distributed to the General Revenue Fund.*

(c) *One hundred fifty dollars for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by a county or municipality's traffic infraction enforcement officer. Ninety dollars shall be distributed to the county or municipality issuing the citation, \$40 shall be distributed to the General Revenue Fund, and the remaining \$20 shall be remitted to the Department of Revenue for deposit into the Department of Health Administrative Trust Fund.*

(d) *If a person who is cited for a violation of s. 316.074(1) or s. 316.075(1)(c)1., as enforced by a traffic infraction enforcement officer under s. 316.0083, presents documentation from the appropriate governmental entity that the uniform traffic citation was in error, the clerk of court may dismiss the case. The clerk of court shall not charge for this service.*

Funds deposited into the Department of Health Administrative Trust Fund under this subsection shall be distributed as provided in s. 395.4036(1).

Section 10. Paragraph (d) of subsection (3) of section 322.27, Florida Statutes, is amended to read:

322.27 Authority of department to suspend or revoke license.—

(3) There is established a point system for evaluation of convictions of violations of motor vehicle laws or ordinances, and violations of applicable provisions of s. 403.413(6)(b) when such violations involve the use of motor vehicles, for the determination of the continuing qualification of any person to operate a motor vehicle. The department is authorized to suspend the license of any person upon showing of its records or other good and sufficient evidence that the licensee has been convicted of violation of motor vehicle laws or ordinances, or applicable provisions of s. 403.413(6)(b), amounting to 12 or more points as determined by the point system. The suspension shall be for a period of not more than 1 year.

(d) The point system shall have as its basic element a graduated scale of points assigning relative values to convictions of the following violations:

1. Reckless driving, willful and wanton—4 points.
2. Leaving the scene of a crash resulting in property damage of more than \$50—6 points.
3. Unlawful speed resulting in a crash—6 points.
4. Passing a stopped school bus—4 points.
5. Unlawful speed:
 - a. Not in excess of 15 miles per hour of lawful or posted speed—3 points.
 - b. In excess of 15 miles per hour of lawful or posted speed—4 points.
6. A violation of a traffic control signal device as provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points. *However, no points shall be imposed for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by a traffic infraction enforcement officer.*
7. All other moving violations (including parking on a highway outside the limits of a municipality)—3 points. However, no points shall be imposed for a violation of s. 316.0741 or s. 316.2065(12).
8. Any moving violation covered above, excluding unlawful speed, resulting in a crash—4 points.
9. Any conviction under s. 403.413(6)(b)—3 points.
10. Any conviction under s. 316.0775(2)—4 points.

Section 11. Subsection (1) of section 395.4036, Florida Statutes, is amended to read:

395.4036 Trauma payments.—

(1) Recognizing the Legislature's stated intent to provide financial support to the current verified trauma centers and to provide incentives for the establishment of additional trauma centers as part of a system of state-sponsored trauma centers, the department shall ~~use~~ utilize funds collected under s. 318.18(15)(a) and (c) and deposited into the Administrative Trust Fund of the department to ensure the availability and accessibility of trauma *and emergency* services throughout the state as provided in this subsection.

(a) *Funds collected under s. 318.18(15)(a) and (c) shall be distributed as follows:*

1. ~~(a) Eighteen Twenty~~ *Thirty-nine Forty* percent of the total funds collected under s. 318.18(15)(a) and (c) ~~this subsection~~ during the state fiscal year shall be distributed to verified trauma centers that have a local funding contribution as of December 31. Distribution of funds under this paragraph shall be based on trauma caseload volume for the most recent calendar year available.

2. ~~(b) Thirty-nine Forty~~ *Thirty-nine Forty* percent of the total funds collected under s. 318.18(15)(a) and (c) ~~this subsection~~ shall be distributed to verified

trauma centers based on trauma caseload volume for the most recent calendar year available. The determination of caseload volume for distribution of funds under this paragraph shall be based on the department's Trauma Registry data.

3. ~~(c) Thirty-nine Forty~~ *Forty* percent of the total funds collected under s. 318.18(15)(a) and (c) ~~this subsection~~ shall be distributed to verified trauma centers based on severity of trauma patients for the most recent calendar year available. The determination of severity for distribution of funds under this paragraph shall be based on the department's International Classification Injury Severity Scores or another statistically valid and scientifically accepted method of stratifying a trauma patient's severity of injury, risk of mortality, and resource consumption as adopted by the department by rule, weighted based on the costs associated with and incurred by the trauma center in treating trauma patients. The weighting of scores shall be established by the department by rule.

4. *Two percent of the total funds collected under s. 318.18(15)(a) and (c) shall be distributed to public hospitals that qualify for distributions under s. 409.911(4), that are not verified trauma centers but are located in trauma services areas defined under s. 395.402, and that do not have a verified trauma center based on their proportionate number of emergency room visits on an annual basis. The Agency for Health Care Administration shall provide the department with a list of public hospitals and emergency room visits.*

5. *Two percent of the total funds collected under s. 318.18(15)(a) and (c) shall be distributed to provide an enhanced Medicaid payment to nursing homes that serve residents who have brain and spinal cord injuries and are Medicaid recipients.*

(b) Funds deposited in the department's Administrative Trust Fund for verified trauma centers may be used to maximize the receipt of federal funds that may be available for such trauma centers and public hospitals eligible for nontrauma funds under subparagraph (a)4. Notwithstanding this section and s. 318.14, distributions to trauma centers may be adjusted in a manner to ensure that total payments to trauma centers represent the same proportional allocation as set forth in this section and s. 318.14. For purposes of this section and s. 318.14, total funds distributed to trauma centers may include revenue from the Administrative Trust Fund and federal funds for which revenue from the Administrative Trust Fund is used to meet state or local matching requirements. Funds collected under ss. 318.14 and 318.18(15)(a) and (c) and deposited in the Administrative Trust Fund of the department shall be distributed to trauma centers and public hospitals eligible for nontrauma funds under subparagraph (a)4. on a quarterly basis using the most recent calendar year data available. Such data shall not be used for more than four quarterly distributions unless there are extenuating circumstances as determined by the department, in which case the most recent calendar year data available shall continue to be used and appropriate adjustments shall be made as soon as the more recent data becomes available.

Section 12. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 13. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to uniform traffic control; amending s. 316.003, F.S.; defining the term "traffic infraction detector"; creating s. 316.0076, F.S.; preempting to the state the use of cameras to enforce traffic laws; creating s. 316.0083, F.S.; creating the Mark Wandall Traffic Safety Program; authorizing the Department of Highway Safety and Motor Vehicles, a county, or municipality to use a traffic infraction detector to identify a motor vehicle that fails to stop at a traffic control signal steady red light; requiring authorization of a traffic infraction enforcement officer to issue and enforce a citation for such violation; providing exemptions from citations; providing procedures for disposition and enforcement of citations; providing that certain evidence is admissible for enforcement; providing penalties for submission of a false affidavit; providing that the act does not preclude the issuance of citations by law enforcement officers; establishing a fine of a certain amount; providing

for disposition of revenue collected; requiring reports from participating municipalities and counties to the department; requiring the department to make reports to the Governor and the Legislature; providing that certain persons may not be issued a license plate or revalidation sticker; amending s. 316.0745, F.S.; providing that traffic infraction detectors must meet certain specifications; providing for preexisting equipment; creating s. 316.0776, F.S.; providing for placement and installation of detectors on certain roads; amending s. 316.640, F.S.; requiring the Department of Highway Safety and Motor Vehicles to develop training and qualification standards for traffic infraction enforcement officers; amending s. 316.650, F.S.; requiring a traffic enforcement agency to provide a replica of the citation data by electronic transmission under certain conditions; amending s. 318.14, F.S.; providing an exception from provisions requiring a person cited for an infraction for failing to stop at a traffic control signal steady red light to sign and accept a citation indicating a promise to appear; amending s. 318.18, F.S.; increasing certain fines; providing for penalties for infractions enforced by a traffic infraction enforcement officer; providing for distribution of fines; allowing the clerk of court to dismiss certain cases upon receiving documentation that the uniform traffic citation was issued in error; amending s. 322.27, F.S.; providing that no points may be assessed against the drivers license for infractions enforced by a traffic infraction enforcement officer; amending s. 395.4036, F.S.; providing for distribution of funds to trauma centers, certain hospitals, and certain nursing homes; providing for severability; providing an effective date.

MOTION

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

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

Amendment 1A (706606)—Delete line 39 and insert: *State Highway System. However, the department may, by interlocal agreement, contract with counties and municipalities to allow the use of traffic infraction detectors to enforce s. 316.074(1) or s. 316.075(1)(c)1. on the State Highway System and funds from the fines will be distributed as provided in s. 318.18(15)(c).*

MOTION

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

Senator Altman moved the following amendment to **Amendment 1**:

Amendment 1B (338640) (with title amendment)—Delete lines 264-300 and insert:

(d) If a traffic citation is issued under s. 316.0083 and the violation occurred in the unincorporated portion of a county which has divided the function of clerk between the clerk of the circuit court and the county comptroller who serves as ex officio clerk of the board of county commissioners, recorder, auditor, and custodian of all county funds and official records, the traffic infraction officer shall provide a replica of the citation to the county comptroller within 5 days after the date of issuance of the citation to the violator.

Section 8. Subsection (2) of section 318.14, Florida Statutes, is amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(2) Except as provided in s. 316.1001(2) and s. 316.0083(3), any person cited for an infraction under this section must sign and accept a citation indicating a promise to appear. The officer may indicate on the traffic citation the time and location of the scheduled hearing and must indicate the applicable civil penalty established in s. 318.18.

Section 9. Subsection (15) of section 318.18, Florida Statutes, is amended to read:

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

(15)(a) One hundred fifty ~~twenty-five~~ dollars for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by a law enforcement officer. Sixty dollars shall be distributed as provided in s. 318.21, \$25 shall be distributed to the General Revenue Fund, and the remaining \$65 shall be remitted to the Department of Revenue for deposit into the Administrative Trust Fund of the Department of Health.

(b) One hundred fifty dollars for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by the department's traffic infraction enforcement officer shall be distributed to the General Revenue Fund.

(c) One hundred fifty dollars for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by a county or municipality's traffic infraction enforcement officer. Eighty-five dollars shall be distributed to the county or municipality issuing the citation, \$40 shall be distributed to the General Revenue Fund, and the remaining \$25 shall be remitted to the Department of Revenue for deposit into the Department of Health Administrative Trust Fund.

And the title is amended as follows:

Delete line 482 and insert: electronic transmission under certain conditions; requiring the traffic infraction officer to provide a replica of a traffic citation to the county comptroller under certain circumstances;

On motion by Senator Aronberg, further consideration of **CS for CS for CS for HB 439** with pending **Amendment 1 (6117714)** and **Amendment 1B (338640)** was deferred.

On motion by Senator Pruitt, by unanimous consent—

CS for SB 58—A bill to be entitled An act for the relief of Jorge and Debbie Garcia-Bengochea and their adoptive children, Brian, Matthew, and James, by the Department of Children and Family Services; providing an appropriation to compensate them for injuries and damages sustained as a result of negligence by employees of the department or its predecessor agency; providing a limitation on the payment of attorney's fees and lobbying fees; providing legislative intent with respect to ratification of terms of the parties' settlement agreement and waiver of lien interests held by the state; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Pruitt, by two-thirds vote **CS for SB 58** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—7

Bennett	Garcia	Richter
Crist	King	
Gaetz	Oelrich	

Vote after roll call:

Nay to Yea—Richter

On motion by Senator Rich, by two-thirds vote **CS for HB 1409** was withdrawn from the Committees on Children, Families, and Elder Af-

fairs; Judiciary; Governmental Oversight and Accountability; and Health and Human Services Appropriations.

On motion by Senator Rich—

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.

—a companion measure, was substituted for **CS for SB 2240** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1409** was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos, by two-thirds vote **HB 7025** was withdrawn from the Committees on Governmental Oversight and Accountability; Community Affairs; and Rules.

On motion by Senator Haridopolos—

HB 7025—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding archival materials; renumbering and amending s. 257.35(1)(b), F.S.; transferring provisions which provide a public record exemption for all public records transferred to the custody of the division and any nonpublic manuscript and or other archival material which is placed in the keeping of the division under special terms and conditions; amending s. 257.38, F.S.; defining “nonpublic manuscript or other archival material”; clarifying the public records exemption for nonpublic manuscripts or other archival materials donated to and held by an official archive of a municipality or county contingent upon special terms and conditions that limit the right to inspect or copy such manuscripts or materials; removing the scheduled repeal of the exemption; making editorial changes; amending s. 257.35, F.S.; reorganizing provisions; providing an effective date.

—a companion measure, was substituted for **CS for SB 1834** and read the second time by title.

Pursuant to Rule 4.19, **HB 7025** was placed on the calendar of Bills on Third Reading.

On motion by Senator Ring—

CS for SB 1580—A bill to be entitled An act relating to partial tax payments; defining the term “partial payment”; authorizing tax collectors to accept partial payment of taxes under certain circumstances; imposing a processing fee on a partial tax payment; requiring a tax collector to mail a notice of the remaining amount due after the payment of a partial payment; providing a deadline for payment of the remaining balance; authorizing a tax collector to treat certain underpayment as full payment; providing for the distribution of partial tax payments; amending s. 197.343, F.S.; revising a tax notice to warn taxpayers that a tax certificate will be sold if their property taxes are not paid in full; providing an effective date.

—was read the second time by title.

Senator Ring moved the following amendment which was adopted:

Amendment 1 (146878) (with title amendment)—Between lines 59 and 60 insert:

Section 3. *The amendment to s. 196.192, Florida Statutes, made by section 2 of chapter 2008-193, Laws of Florida, shall operate retroactively to January 1, 2005.*

And the title is amended as follows:

Delete lines 2-14 and insert: An act relating to ad valorem taxation; defining the term “partial payment”; authorizing tax collectors to accept partial payment of taxes under certain circumstances; imposing a pro-

cessing fee on a partial tax payment; requiring a tax collector to mail a notice of the remaining amount due after the payment of a partial payment; providing a deadline for payment of the remaining balance; authorizing a tax collector to treat certain underpayment as full payment; providing for the distribution of partial tax payments; amending s. 197.343, F.S.; revising a tax notice to warn taxpayers that a tax certificate will be sold if their property taxes are not paid in full; providing for a provision exempting property owned by an educational institution from ad valorem taxation to apply retroactively to January 1, 2005;

Pursuant to Rule 4.19, **CS for SB 1580** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Joyner, by two-thirds vote **CS for CS for HB 57** was withdrawn from the Committees on Criminal Justice; and Criminal and Civil Justice Appropriations.

On motion by Senator Joyner—

CS for CS for HB 57—A bill to be entitled An act relating to law enforcement explorers; amending s. 784.07, F.S.; defining the term “law enforcement explorer”; providing for reclassification of certain offenses against law enforcement explorers; reenacting s. 921.0022(3)(d), (f), and (g), F.S., relating to the offense severity ranking chart of the Criminal Punishment Code, to incorporate the amendments made to s. 784.07, F.S., in references thereto; providing an effective date.

—a companion measure, was substituted for **CS for SB 508** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 57** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

CS for CS for SB 440—A bill to be entitled An act relating to public records; creating s. 893.0551, F.S.; exempting from public-records requirements for information and records reported to the Department of Health under the electronic prescription drug monitoring program for the monitoring and dispensing of prescriptions of controlled substances listed in Schedules II-IV; authorizing certain persons and entities access to information identifying patients, practitioners, or pharmacists; providing guidelines for the use of such information and penalties for violations; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a finding of public necessity; providing a contingent effective date.

—was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (138908) (with title amendment)—Delete lines 24-163 and insert:

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

(a) *“Active investigation” has the same meaning as provided in s. 893.055.*

(b) *“Dispenser” has the same meaning as provided in s. 893.055.*

(c) *“Health care practitioner” or “practitioner” has the same meaning as provided in s. 893.055.*

(d) *“Health care regulatory board” has the same meaning as provided in s. 893.055.*

(e) *“Law enforcement agency” has the same meaning as provided in s. 893.055.*

(f) *“Pharmacist” means any person licensed under chapter 465 to practice the profession of pharmacy.*

(g) *“Pharmacy” has the same meaning as provided in s. 893.055.*

(h) *“Prescriber” has the same meaning as provided in s. 893.055.*

(2) *The following information of a patient or patient's agent, a health care practitioner, a dispenser, an employee of the practitioner who is acting on behalf of and at the direction of the practitioner, a pharmacist, or a pharmacy that is contained in records held by the department under s. 893.055 is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:*

- (a) *Name.*
- (b) *Address.*
- (c) *Telephone number.*
- (d) *Insurance plan number.*
- (e) *Government-issued identification number.*
- (f) *Provider number.*
- (g) *Drug Enforcement Administration number.*
- (h) *Any other unique identifying information or number.*

(3) *The department shall disclose such confidential and exempt information to the following entities after using a verification process to ensure the legitimacy of that person's or entity's request for the information:*

(a) *The Attorney General and his or her designee when working on Medicaid fraud cases involving prescription drugs or when the Attorney General has initiated a review of specific identifiers of Medicaid fraud regarding prescription drugs. The Attorney General or his or her designee may disclose the confidential and exempt information received from the department to a criminal justice agency as defined in s. 119.011 as part of an active investigation that is specific to a violation of prescription drug abuse or prescription drug diversion law as it relates to controlled substances. The Attorney General's Medicaid fraud investigators may not have direct access to the department's database.*

(b) *The department's relevant health care regulatory boards responsible for the licensure, regulation, or discipline of a practitioner, pharmacist, or other person who is authorized to prescribe, administer, or dispense controlled substances and who is involved in a specific controlled substances investigation for prescription drugs involving a designated person. The health care regulatory boards may request information from the department but may not have direct access to its database. The health care regulatory boards may provide such information to a law enforcement agency pursuant to ss. 456.066 and 456.073.*

(c) *A law enforcement agency that has initiated an active investigation involving a specific violation of law regarding prescription drug abuse or diversion of prescribed controlled substances. The law enforcement agency may disclose the confidential and exempt information received from the department to a criminal justice agency as defined in s. 119.011 as part of an active investigation that is specific to a violation of prescription drug abuse or prescription drug diversion law as it relates to controlled substances. A law enforcement agency may request information from the department but may not have direct access to its database.*

(d) *A health care practitioner who certifies that the information is necessary to provide medical treatment to a current patient in accordance with ss. 893.05 and 893.055.*

(e) *A pharmacist who certifies that the requested information will be used to dispense controlled substances to a current patient in accordance with ss. 893.04 and 893.055.*

(f) *A patient or the legal guardian or designated health care surrogate for an incapacitated patient, if applicable, making a request as provided in s. 893.055(7)(c)4.*

(g) *The patient's pharmacy, prescriber, or dispenser who certifies that the information is necessary to provide medical treatment to his or her current patient in accordance with s. 893.055.*

(4) *Any agency or person who obtains such confidential and exempt information pursuant to this section must maintain the confidential and exempt status of that information.*

(5) *Any person who willfully and knowingly violates this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(6) *This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2014, unless reviewed and saved from repeal through reenactment by the Legislature.*

Section 2. *The Legislature finds that it is a public necessity that certain identification and location information of a patient or patient's agent; a health care practitioner as defined in s. 893.055, Florida Statutes; a dispenser as defined in s. 893.055, Florida Statutes; an employee of the practitioner who is acting on behalf of and at the direction of the practitioner; a pharmacist; or a pharmacy as defined in s. 893.055, Florida Statutes, that is contained in records that are held by the Department of Health under s. 893.055, Florida Statutes, the electronic prescription drug monitoring system for the monitoring of the prescribing and dispensing of controlled substances, be made confidential and exempt from public records requirements. Specifically, the Legislature finds that it is a public necessity to make confidential and exempt the name, address, telephone number, insurance plan number, government-issued identification number, provider number, Drug Enforcement Administration number, and any other unique identifying information or number. Information concerning the prescriptions that have been prescribed or dispensed to a patient is a private, personal matter between the patient, the practitioner, and the pharmacist. Nevertheless, the reporting of prescriptions on a timely and accurate basis by dispensing practitioners and pharmacists will ensure the ability of the state to review and provide oversight of prescribing and dispensing practices. Further, the reporting of this information will facilitate investigations and prosecutions of violations of state drug laws by patients, practitioners, and pharmacists, thereby increasing compliance with those laws. However, if in the process the information that would identify a patient is not made confidential and exempt from disclosure, any person could inspect and copy the record and be aware of the patient's prescriptions. The availability of such information to the public would result in the invasion of the patient's privacy. If the identity of the patient could be correlated with his or her prescriptions and his or her prescription dispensing history, it would be possible for the public to become aware of the diseases or other medical concerns for which a patient is being treated by his or her physician. This knowledge could be used to embarrass or to humiliate a patient or to discriminate against him or her. Requiring the reporting of prescribing and dispensing information while protecting a patient's personal identifying information will facilitate efforts to maintain compliance with the state's drug laws and will facilitate the sharing of information between health care practitioners and pharmacists while maintaining and ensuring patient privacy. Additionally, exempting from disclosure the personal identifying information of practitioners will ensure that an individual will not be able to identify which practitioners prescribe the largest amount of a particular type of drug and to seek out those practitioners in order to increase the likelihood of obtaining a particular prescribed substance. Further, protecting personal identifying information of pharmacists and dispensers ensures that an individual will not be able to identify which pharmacists, pharmacies, or dispensing health care practitioners dispense the largest amount of a particular controlled substance and identify that pharmacy or dispensing health care practitioner as a potential target for a robbery or burglary. Thus, the Legislature finds that it is a public necessity to make confidential and exempt from public records requirements certain identification and location information of a patient or patient's agent, a health care practitioner, a dispenser, an employee of the practitioner who is acting on behalf of and at the direction of the practitioner, a pharmacist, or a pharmacy.*

Section 3. *This act shall take effect July 1, 2009, if CS for CS for CS for CS for SB 462, or similar legislation establishing an*

And the title is amended as follows:

Delete lines 2-16 and insert: An act relating to public records; creating s. 893.0551, F.S.; providing definitions; exempting from public records requirements information and records reported to the Department of Health under the electronic prescription drug monitoring program for monitoring the prescribing and dispensing of controlled substances listed in Schedules II-IV; authorizing certain persons and entities access to patient-identifying, practitioner-identifying, or pharmacist-identifying information; providing guidelines for the use of such information and penalties for violations; providing for future legislative

review and repeal; providing a finding of public necessity; providing a contingent effective date.

Pursuant to Rule 4.19, **CS for CS for SB 440** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SM 1330—A memorial to the Congress of the United States, urging Congress to authorize the Silver Alert Grant Program.

WHEREAS, Alzheimer's disease and other forms of dementia are characterized by the loss of the ability to reason, think, and remember, and

WHEREAS, the National Institute on Aging has determined that as many as 5 million Americans may be afflicted with Alzheimer's disease, and

WHEREAS, the Alzheimer's Association estimates that more than 60 percent of Americans who suffer from this affliction will wander from the care of their loved ones in a confused and distracted state, unable to find their way home, and

WHEREAS, several states have developed notification systems patterned after the Amber Alert system that disseminate information on missing senior citizens and other victims of dementia-related disorders to law enforcement agencies, thereby increasing the possibility that these victims will be rescued, and

WHEREAS, the current financial recession has taken a toll on state budgets making it difficult to underwrite the costs of administering new notification programs, NOW, THEREFORE,

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

That the Congress of the United States is requested to authorize the Silver Alert Grant Program to help establish and improve state-administered notification systems that assist in locating missing senior citizens and other individuals suffering from dementia-related disorders.

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 Jones, **SM 1330** was adopted and certified to the House.

On motion by Senator Constantine, by two-thirds vote **HB 7037** was withdrawn from the Committees on Judiciary; Governmental Oversight and Accountability; and Rules.

On motion by Senator Constantine—

HB 7037—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding identification and location information of federal attorneys and judges; amending s. 119.071, F.S.; reorganizing provisions to relocate the public record exemption for identification and location information of current or former United States attorneys and assistant United States attorneys and the spouses and children thereof and current or former judges of United States Courts of Appeal, United States district judges, and United States magistrates and the spouses and children thereof; defining "identification and location information"; providing that the exemption is conditioned upon submission by the attorney, judge, or magistrate of a written request for the exemption and a written statement that reasonable efforts have been made to protect the information from disclosure through other means; removing the scheduled repeals of the exemptions; providing an effective date.

—a companion measure, was substituted for **CS for SB 1342** and read the second time by title.

Pursuant to Rule 4.19, **HB 7037** was placed on the calendar of Bills on Third Reading.

On motion by Senator Wise—

CS for SB 258—A bill to be entitled An act relating to change of name; amending s. 68.07, F.S.; requiring that a person filing a petition for change of name have fingerprints submitted for a state and national criminal history records check before the court hearing on the petition; providing an exception to such requirement; providing procedures for the taking and submission of fingerprints; requiring submission of the results of a criminal history records check to the clerk of court; providing for use of the results by the court; requiring the clerk of court to instruct the petitioner on the taking and submission of fingerprints; providing for the payment of costs associated with processing fingerprints and conducting criminal history records checks; providing for the scheduling of a hearing on a petition to restore a former name and the scheduling of a hearing on a petition for which a criminal history records check is required; revising the content of a report of the final judgment on a petition for a name change; deleting duplicative provisions regarding payment of costs associated with fingerprinting; providing an effective date.

—was read the second time by title.

Senator Wise moved the following amendment which was adopted:

Amendment 1 (310986) (with title amendment)—Delete lines 105-153 and insert:

(5) (4) On filing the final judgment, the clerk of the court shall, if the birth occurred in this state, send a report of the judgment to the Office of Vital Statistics of the Department of Health on a form to be furnished by the department. The form ~~must~~ shall contain sufficient information to identify the original birth certificate of the person, the new name, and the file number of the judgment. This report shall be filed by the department with respect to a person born in this state and shall become a part of the vital statistics of this state. With respect to a person born in another state, the clerk of the court shall provide the petitioner with a certified copy of the final judgment.

(6) (5) The clerk of the court must, upon the filing of the final judgment, send a report of the judgment to the Department of Law Enforcement on a form to be furnished by that department. The Department of Law Enforcement must send a copy of the report to the Department of Highway Safety and Motor Vehicles, which may be delivered by electronic transmission. The report must contain sufficient information to identify the petitioner, including ~~the results of the criminal history records check if applicable~~ a set of the petitioner's fingerprints taken by a law enforcement agency, the new name of the petitioner, and the file number of the judgment. Any information retained by the Department of Law Enforcement and the Department of Highway Safety and Motor Vehicles may be revised or supplemented by said departments to reflect changes made by the final judgment. With respect to a person convicted of a felony in another state or of a federal offense, the Department of Law Enforcement must send the report to the respective state's office of law enforcement records or to the office of the Federal Bureau of Investigation. The Department of Law Enforcement may forward the report to any other law enforcement agency it believes may retain information related to the petitioner. ~~Any costs associated with fingerprinting must be paid by the petitioner.~~

(7) (6) A husband and wife and minor children may join in one petition for change of name and the petition ~~must~~ shall show the facts required of a petitioner as to the husband and wife and the names of the minor children may be changed at the discretion of the court.

(8) (7) When only one parent petitions for a change of name of a minor child, process shall be served on the other parent and proof of such service shall be filed in the cause; ~~provided, however, if that where~~ the other parent is a nonresident, constructive notice of the petition may be given pursuant to chapter 49, and proof of publication shall be filed in the cause without the necessity of recordation.

(9) (8) ~~This section does not apply~~ Nothing herein applies to any change of name in proceedings for dissolution of marriage or for adoption of children.

Section 2. This act shall take effect October 1, 2009.

And the title is amended as follows:

Delete lines 10-11 and insert: records check to the clerk of the court; providing for use of the results by the clerk of the court; requiring the clerk of

Pursuant to Rule 4.19, **CS for SB 258** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg, by two-thirds vote **HB 7017** was withdrawn from the Committees on Military Affairs and Domestic Security; Governmental Oversight and Accountability; and Rules.

On motion by Senator Aronberg—

HB 7017—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding building plans and blueprints; amending s. 119.071, F.S., which provides an exemption from public records requirements for building plans, blueprints, schematic drawings, and diagrams held by an agency which depict the internal layout or structural elements of certain facilities, complexes, and developments; reorganizing the exemption; making editorial changes; repealing s. 2, ch. 2004-9, Laws of Florida, which provides for repeal of the exemption; providing an effective date.

—a companion measure, was substituted for **SB 754** and read the second time by title.

Pursuant to Rule 4.19, **HB 7017** was placed on the calendar of Bills on Third Reading.

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.

—was read the second time by title.

Senator Smith moved the following amendments which were adopted:

Amendment 1 (204338) (with directory and title amendments)—Delete lines 40-125 and insert:

(7) In addition to the deposits authorized under this section and notwithstanding any other provisions of law, funds that are not needed to meet the disbursement needs of the state may be deposited by the Chief Financial Officer in accordance with the following conditions:

(a) The funds are initially deposited in a qualified public depository, as defined in s. 280.02, selected by the Chief Financial Officer.

(b) The selected depository arranges for depositing the deposit of the funds in financial deposit instruments insured by the Federal Deposit Insurance Corporation certificates of deposit in one or more federally insured banks or savings and loan associations, wherever located, for the account of the state.

(c) The full amount of the principal and accrued interest of each financial deposit instrument such certificate of deposit is insured by the Federal Deposit Insurance Corporation.

(d) The selected depository acts as custodian for the state with respect to each financial deposit instrument such certificates of deposit issued for its account.

~~(e) At the same time the state's funds are deposited and the certificates of deposit are issued, the selected depository receives an amount of deposits from customers of other federally insured financial institutions, wherever located, equal to or greater than the amount of the funds initially invested by the Chief Financial Officer through the selected depository.~~

And the directory clause is amended as follows:

Delete lines 37-38 and insert:

Section 1. Subsection (7) of section 17.57, Florida Statutes, is amended to read:

And the title is amended as follows:

Delete lines 3-23 and insert: 17.57, 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; amending s.

Amendment 2 (725852) (with title amendment)—Between lines 125 and 126 insert:

Section 4. Paragraph (b) of subsection (4) of section 215.555, Florida Statutes, is amended to read:

215.555 Florida Hurricane Catastrophe Fund.—

(4) REIMBURSEMENT CONTRACTS.—

(b)1. The contract shall contain a promise by the board to reimburse the insurer for 45 percent, 75 percent, or 90 percent of its losses from each covered event in excess of the insurer's retention, plus 5 percent of the reimbursed losses to cover loss adjustment expenses.

2. The insurer must elect one of the percentage coverage levels specified in this paragraph and may, upon renewal of a reimbursement contract, elect a lower percentage coverage level if no revenue bonds issued under subsection (6) after a covered event are outstanding, or elect a higher percentage coverage level, regardless of whether or not revenue bonds are outstanding. All members of an insurer group must elect the same percentage coverage level. Any joint underwriting association, risk apportionment plan, or other entity created under s. 627.351 must elect the 90-percent coverage level.

3. The contract shall provide that reimbursement amounts shall not be reduced by reinsurance paid or payable to the insurer from other sources.

4. Notwithstanding any other provision contained in this section, the board shall make available to insurers that purchased coverage provided by this subparagraph in 2008 2007, insurers qualifying as limited apportionment companies under s. 627.351(6)(c), and insurers that have been approved to participate in the Insurance Capital Build-Up Incentive Program pursuant to s. 215.5595 a contract or contract addendum that provides an additional amount of reimbursement coverage of up to \$10 million. The premium to be charged for this additional reimbursement coverage shall be 50 percent of the additional reimbursement coverage provided, which shall include one prepaid reinstatement. The minimum retention level that an eligible participating insurer must retain associated with this additional coverage layer is 30 percent of the insurer's surplus as of December 31, 2008, for the 2009-2010 contract year; as of December 31, 2009, for the contract year beginning June 1, 2010, and ending December 31, 2010; and as of December 31, 2010, for the 2011 contract year 2007. This coverage shall be in addition to all other coverage that may be provided under this section. The coverage provided by the fund under this subparagraph shall be in addition to the claims-paying capacity as defined in subparagraph (c)1., but only with respect to those insurers that select the additional coverage option and meet the requirements of this subparagraph. The claims-

paying capacity with respect to all other participating insurers and limited apportionment companies that do not select the additional coverage option shall be limited to their reimbursement premium's proportionate share of the actual claims-paying capacity otherwise defined in subparagraph (c)1. and as provided for under the terms of the reimbursement contract. *The optional coverage retention as specified shall be accessed before the mandatory coverage under the reimbursement contract, but once the limit of coverage selected under this option is exhausted, the insurer's retention under the mandatory coverage shall apply. Such coverage shall apply and must be paid concurrently with the mandatory coverage. Coverage provided in the reimbursement contract shall not be affected by the additional premiums paid by participating insurers exercising the additional coverage option allowed in this subparagraph.* This subparagraph expires on ~~December~~ ~~May~~ 31, 2011 ~~2009~~.

And the title is amended as follows:

Delete line 24 and insert: 215.555, F.S.; revising the dates of an insurer's contract year for purposes of calculating the insurer's retention; revising reimbursement contract coverage payment provisions; extending the application of provisions relating to reimbursement contracts; amending s. 218.415, F.S.; requiring that the Chief Financial

MOTION

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

Senator Haridopolos moved the following amendment:

Amendment 3 (218998) (with title amendment)—Between lines 169 and 170 insert:

Section 5. Section 516.01, Florida Statutes, is amended to read:

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

- (1) ~~(3)~~ “Commission” means the Financial Services Commission.
- (2) ~~(4)~~ “Consumer finance borrower” or “borrower” means a person who has incurred either direct or contingent liability to repay a consumer finance loan or a nonrecourse loan.
- (3) ~~(2)~~ “Consumer finance loan” means a loan of money, credit, goods, or choses in action, including, except as otherwise specifically indicated, provision of a line of credit, in an amount or to a value of \$25,000 or less for which the lender charges, contracts for, collects, or receives interest at a rate greater than 18 percent per annum.
- (4) ~~(8)~~ “Control person” means an individual, partnership, corporation, trust, or other organization that possesses the power, directly or indirectly, to direct the management or policies of a company, whether through ownership of securities, by contract, or otherwise. A person is presumed to control a company if, with respect to a particular company, that person:
- (a) Is a director, general partner, or officer exercising executive responsibility or having similar status or functions;
- (b) Directly or indirectly may vote 10 percent or more of a class of a voting security or sell or direct the sale of 10 percent or more of a class of voting securities; or
- (c) In the case of a partnership, may receive upon dissolution or has contributed 10 percent or more of the capital.

(5) “Interest” means the cost of obtaining a consumer finance loan and includes any profit or advantage of any kind whatsoever that a lender may charge, contract for, collect, receive, or in anywise obtain, including by means of any collateral sale, purchase, or agreement, as a condition for a consumer finance loan. Charges specifically permitted by this chapter, including commissions received for insurance written as permitted by this chapter, shall not be deemed interest.

(6) “License” means a permit issued under this chapter to make and collect loans in accordance with this chapter at a single place of business.

(7) “Licensee” means a person to whom a license is issued.

(8) “Nonrecourse loan” means a loan of \$5,000 or less that is unsecured or may be secured by the personal property of the borrower, that has a term of not more than 3 years, that fully amortizes over the term of the loan, and for which the borrower has no liability beyond the property that is security for the loan if such loan is secured, except in the instance of fraud.

(9) ~~(4)~~ “Office” means the Office of Financial Regulation of the commission.

Section 6. Subsections (2) through (5) of section 516.031, Florida Statutes, are renumbered as subsections (3) through (6), respectively, a new subsection (2) is added to that section, and present paragraph (a) of subsection (3) of that section is amended, to read:

516.031 Finance charge; maximum rates.—

(2) **NONRECOURSE LOAN.**—*In a nonrecourse loan transaction, every licensee may charge, contract for, and receive interest not to exceed 48 percent per annum on the outstanding principal balance of the nonrecourse loan plus a monthly administrative fee not to exceed 10 percent per month on the outstanding principal balance of the nonrecourse loan*

(4) ~~(3)~~ **OTHER CHARGES.**—

(a) In addition to the interest, *administrative fee*, delinquency, and insurance charges herein provided for, no further or other charges or amount whatsoever for any examination, service, commission, or other thing or otherwise shall be directly or indirectly charged, contracted for, or received as a condition to the grant of a loan, except:

1. An amount not to exceed \$25 to reimburse a portion of the costs for investigating the character and credit of the person applying for the loan;
2. An annual fee of \$25 on the anniversary date of each line-of-credit account;
3. Charges paid for brokerage fee on a loan or line of credit of more than \$10,000, title insurance, and the appraisal of real property offered as security when paid to a third party and supported by an actual expenditure;
4. Intangible personal property tax on the loan note or obligation when secured by a lien on real property;
5. The documentary excise tax and lawful fees, if any, actually and necessarily paid out by the licensee to any public officer for filing, recording, or releasing in any public office any instrument securing the loan, which fees may be collected when the loan is made or at any time thereafter;
6. The premium payable for any insurance in lieu of perfecting any security interest otherwise required by the licensee in connection with the loan, if the premium does not exceed the fees which would otherwise be payable, which premium may be collected when the loan is made or at any time thereafter;
7. Actual and reasonable attorney's fees and court costs as determined by the court in which suit is filed;
8. Actual and commercially reasonable expenses of repossession, storing, repairing and placing in condition for sale, and selling of any property pledged as security; or
9. A delinquency charge not to exceed \$10 for each payment in default for a period of not less than 10 days, if the charge is agreed upon, in writing, between the parties before imposing the charge.

Any charges, including interest, in excess of the combined total of all charges authorized and permitted by this chapter constitute a violation of chapter 687 governing interest and usury, and the penalties of that chapter apply. In the event of a bona fide error, the licensee shall refund or credit the borrower with the amount of the overcharge immediately but within 20 days from the discovery of such error.

And the title is amended as follows:

Delete line 31 and insert: institutions; amending s. 516.01, F.S.; providing a definition; amending s. 516.031, F.S.; authorizing licensees to charge and receive interest and a monthly administrative fee in nonrecourse loan transactions; providing limitations; amending s. 532.01, F.S.; including

SENATOR VILLALOBOS PRESIDING

POINT OF ORDER

Senator Joyner raised a point of order that pursuant to Rule 7.1 **Amendment 3 (218998)** was not germane to the bill.

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

On motion by Senator Smith, further consideration of **CS for CS for SB 732** as amended with pending **Amendment 3 (218998)** and pending point of order was deferred.

On motion by Senator Storms, by two-thirds vote **HB 7021** was withdrawn from the Committees on Children, Families, and Elder Affairs; Governmental Oversight and Accountability; and Rules.

On motion by Senator Storms—

HB 7021—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding councils on children's services and juvenile welfare boards; amending s. 125.901, F.S., which provides an exemption from public records requirements for personal identifying information of a child, or the parent or guardian of the child, held by a council on children's services, juvenile welfare board, or other similar entity, or held by a service provider or researcher under contract with such entity; making editorial changes; removing the scheduled repeal of the exemption; providing an effective date.

—a companion measure, was substituted for **CS for SB 748** and read the second time by title.

Pursuant to Rule 4.19, **HB 7021** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dean, by two-thirds vote **CS for CS for HB 375** was withdrawn from the Committees on Commerce; Judiciary; Finance and Tax; and General Government Appropriations.

On motion by Senator Dean—

CS for CS for HB 375—A bill to be entitled An act relating to reimbursement of federal excise taxes on motor fuel; creating s. 686.701, F.S.; providing requirements and limitations on reimbursement provisions of certain fuel supply contracts; providing notice requirements; providing for payment security requirements; providing for electronic transfer of funds; specifying application to contracts; providing an effective date.

—a companion measure, was substituted for **CS for SB 1024** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 375** was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

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 in-

crease 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.

—which was previously considered and amended this day with pending **Amendment 3 (218998)** by Senator Haridopolos and pending point of order by Senator Joyner.

POINT OF ORDER DISPOSITION

Pending point of order by Senator Joyner was withdrawn.

On motion by Senator Smith, further consideration of **CS for CS for SB 732** with pending **Amendment 3 (218998)** was deferred.

On motion by Senator Baker, by two-thirds vote **HB 1003** was withdrawn from the Committees on Criminal Justice; Criminal and Civil Justice Appropriations; and Rules.

On motion by Senator Baker—

HB 1003—A bill to be entitled An act relating to sale and delivery of firearms; amending s. 790.065, F.S.; deleting future repeal of provisions governing the sale and delivery of firearms; requiring a review of the provisions relating to the sale and delivery of firearms before the limit on a fee charged by the Department of Law Enforcement for processing a criminal history check on purchasers may be increased; providing an effective date.

—a companion measure, was substituted for **SB 658** and read the second time by title.

Pursuant to Rule 4.19, **HB 1003** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett, by two-thirds vote **CS for HB 7019** was withdrawn from the Committees on Community Affairs; Governmental Oversight and Accountability; and Rules.

On motion by Senator Bennett—

CS for HB 7019—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding participants in government-sponsored recreation programs; amending s. 119.071, F.S., which provides an exemption from public records requirements for information that would identify or locate a child who participates in a government-sponsored recreation program or a parent or guardian of the child; providing definitions; reorganizing the exemption; making editorial changes; removing superfluous language; repealing s. 2, ch. 2004-32, Laws of Florida, which provides for repeal of the exemption; providing an effective date.

—a companion measure, was substituted for **CS for SB 1824** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 7019** was placed on the calendar of Bills on Third Reading.

SB 1500—A bill to be entitled An act relating to corporations; amending s. 607.1620, F.S.; requiring that certain corporations furnish annual financial statements to shareholders within a specified period after the close of each fiscal year or within such additional time as is

reasonably necessary under certain circumstances; specifying means by which such requirement may be satisfied; providing an alternate means of satisfying such requirement with respect to corporations that have a specified class of outstanding securities; providing for applicability; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1500** to **CS for HB 1517**.

Pending further consideration of **SB 1500** as amended, on motion by Senator Fasano, by two-thirds vote **CS for HB 1517** was withdrawn from the Committees on Commerce; Judiciary; and Finance and Tax.

On motion by Senator Fasano—

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.

—a companion measure, was substituted for **SB 1500** as amended and read the second time by title.

On motion by Senator Fasano, further consideration of **CS for HB 1517** was deferred.

On motion by Senator Wise, by two-thirds vote **CS for HB 281** was withdrawn from the Committees on Higher Education; Finance and Tax; and Higher Education Appropriations.

On motion by Senator Wise—

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.

—a companion measure, was substituted for **SB 1426** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 281** was placed on the calendar of Bills on Third Reading.

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

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.

—which was previously considered this day.

Pursuant to Rule 4.19, **CS for HB 1517** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1400** was deferred.

CS for SB 1296—A bill to be entitled An act relating to public swimming; amending s. 514.011, F.S.; defining the term “beach waters”; amending s. 514.023, F.S.; requiring the Department of Health to notify the local government and the local office of the Department of Environmental Protection when it issues a health advisory against swimming in beach waters due to elevated levels of bacteria; requiring the Department of Environmental Protection to promptly investigate wastewater treatment facilities within a certain distance of the beach and notify the local government of the results of such investigation; amending s. 514.025, F.S.; authorizing the department to delegate duties relating to public swimming or bathing facilities to independent special districts; amending s. 515.25, F.S.; conforming a cross-reference; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1296** to **HB 707**.

Pending further consideration of **CS for SB 1296** as amended, on motion by Senator Bennett, by two-thirds vote **HB 707** was withdrawn from the Committees on Health Regulation; Environmental Preservation and Conservation; and General Government Appropriations.

On motion by Senator Bennett—

HB 707—A bill to be entitled An act relating to the management of wastewater; amending s. 514.023, F.S.; requiring the Department of Health to notify local governments and local offices of the Department of Environmental Protection when certain health advisories are issued; requiring local offices of the Department of Environmental Protection to conduct investigations of certain wastewater treatment facilities and provide the results of such investigations to local governments; amending s. 514.025, F.S.; authorizing the department to assign certain responsibilities and functions relating to public swimming pools and bathing places to multicounty independent special districts under specified conditions; providing an effective date.

—a companion measure, was substituted for **CS for SB 1296** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 707** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett, by two-thirds vote **HB 7013** was withdrawn from the Committees on Community Affairs; Governmental Oversight and Accountability; and Rules.

On motion by Senator Bennett—

HB 7013—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding business information provided to a governmental condemning authority; amending s. 73.0155, F.S., which provides an exemption from public records requirements for business information provided by the owner of a business to a governmental condemning authority as part of an offer of business damages in presuit negotiations in an eminent domain proceeding; reorganizing the exemption; clarifying provisions; removing superfluous provisions; removing the scheduled repeal of the exemption; providing an effective date.

—a companion measure, was substituted for **CS for SB 1826** and read the second time by title.

Pursuant to Rule 4.19, **HB 7013** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 2080** was deferred.

On motion by Senator King, by two-thirds vote **HB 7093** was withdrawn from the Committees on Communications, Energy, and Public Utilities; Governmental Oversight and Accountability; and Rules.

On motion by Senator King—

HB 7093—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for specified proprietary business information obtained from a telecommunications company or broadband company by the Department of Management Services; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **CS for CS for SB 2126** and read the second time by title.

Pursuant to Rule 4.19, **HB 7093** was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos—

CS for CS for SB 2626—A bill to be entitled An act relating to telecommunications companies; creating the “Consumer Choice and Protection Act”; providing legislative findings and intent; authorizing the Department of Management Services to engage in certain activities related to assessing the need for broadband Internet service in the state, planning for such service, and encouraging the statewide deployment of such service; authorizing the department to apply for and accept certain funds; authorizing the department to enter into contracts; authorizing the department to establish committees or workgroups; authorizing the department to adopt rules; amending s. 364.013, F.S.; providing for local interconnection rights regardless of technology; amending s. 364.02, F.S.; redefining the terms “basic local telecommunications service,” “nonbasic service,” and “telecommunications company”; amending s. 364.04, F.S.; requiring each telecommunications company to publish through electronic or physical media the company’s schedules showing its rates, tolls, rentals, contracts, and charges; authorizing a telecommunications company to file the published schedules with the Public Service Commission or to publish the schedules through other reasonably publicly accessible means, including on a website; deleting standards for printing schedules and notices; amending s. 364.051, F.S.; removing a limitation on eligibility to request an increase in basic rates due to storm damage; revising provisions that allow for an increase in rates for nonbasic services under certain circumstances; deleting provisions relating to rate increases for nonbasic services; amending s. 364.08, F.S.; prohibiting a telecommunications company from charging or receiving compensation for any service other than for the charge applicable to the service as specified in its schedule on file or otherwise published; providing an exception for employee concessions; repealing s. 364.09, F.S., relating to the illegal giving of rebates or special rates by a telecommunications company; amending s. 364.10, F.S.; providing the conditions that require a telecommunications carrier to provide Lifeline services to eligible customers; amending s. 364.15, F.S.; requiring that the Public Service Commission order only those repairs and improvements to telecommunications facilities which are authorized under law; amending s. 364.33, F.S.; providing that a certificate of necessity may be transferred from a person holding a certificate to another, and a person holding a certificate may acquire ownership or control of a telecommunications facility without prior approval of the commission; amending ss. 364.335 and 364.345, F.S.; conforming provisions to changes made in the act; amending s. 364.3376, F.S.; requiring providers of telephone operator services to comply with certain enumerated criteria; requiring the operator services to bill for services in accordance with published schedules; amending s. 364.3382, F.S.; requiring each local exchange telecommunications company to advise each residential customer of the least-cost service available to that customer when the residential customer initially requests basic local telecommunications service; amending s. 364.603, F.S.; providing procedures for resolving complaints regarding preferred carrier freezes on local exchange service; amending ss. 364.059 and 364.105, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Senator Haridopolos moved the following amendments which were adopted:

Amendment 1 (449438) (with title amendment)—Delete lines 416-419 and insert: *presumptively valid. However, the price for any service that was treated as basic service before July 1, 2009, may not be increased by more than the amount allowed for basic service as provided in subsection (2).*

And the title is amended as follows:

Delete lines 30-32 and insert: *to storm damage; providing that the price for any service that was treated as basic service before a specified date may not be increased by more than the amount allowed for basic service; deleting provisions relating to rate*

Amendment 2 (185202) (with title amendment)—Delete lines 734-737 and insert:

(4) A local exchange telecommunications company, when a residential customer initially requests service, shall advise each residential customer of the least-cost service available to that customer.

And the title is amended as follows:

Delete lines 60-64 and insert: *deleting the requirement that each local exchange telecommunications company submit to the Public Service Commission copies of the written notices and information concerning basic service for prior approval; amending s. 364.603, F.S.;*

Pursuant to Rule 4.19, **CS for CS for SB 2626** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

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.

—which was previously considered and amended this day. Pending **Amendment 3 (218998)** by Senator Haridopolos was withdrawn.

Pursuant to Rule 4.19, **CS for CS for SB 732** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

CS for CS for SB 274—A bill to be entitled An act relating to water resources; creating part IV of ch. 369, F.S.; providing a short title; providing legislative findings and intent with respect to the need to protect and restore springs and groundwater; providing definitions; requiring the Department of Environmental Protection to delineate the spring-sheds of specified springs; requiring the department to adopt spring protection zones by secretarial order; requiring the department to adopt total maximum daily loads and basin management action plans for spring systems; providing effluent requirements for domestic wastewater treatment facilities; providing requirements for onsite sewage treatment and disposal systems; providing requirements for agricultural operations; authorizing the Department of Environmental Protection, the Department of Health, and the Department of Agriculture and Consumer Services to adopt rules; amending s. 163.3177, F.S.; requiring certain local governments to adopt a springs protection element as one of the required elements of the comprehensive plan by a specified date; providing that certain design principles be included in the element; requiring the Department of Environmental Protection and the state land planning agency to make information available concerning best-management practices; prohibiting a local government that fails to adopt a springs protection element from amending its comprehensive plan; amending s. 403.1835, F.S.; including certain areas of critical state concern and the spring protection zones established by the act among projects that are eligible for certain financial assistance; requiring the Department of Environmental Protection, the Department of Agriculture and Consumer Services, and water management districts to assess nitrogen loading and begin implementing management plans within the spring protection zones by a specified date; amending s. 381.0065, F.S.; requiring the Department of Health to implement a

statewide onsite sewage treatment and disposal system inspection program; providing a 10-year phase-in cycle; requiring inspection; providing specific exemptions; providing fee requirements; providing disposition of fees; amending s. 259.105, F.S.; providing priority under the Florida Forever Act for projects within a springs protection zone; creating s. 403.9335, F.S.; providing legislative findings; providing for model ordinances for the protection of urban and residential environments and water; requiring the Department of Environmental Protection to adopt a model ordinance by a specified date; requiring municipalities and counties having impaired water bodies or segments to adopt the ordinance; creating s. 403.9337, F.S.; providing definitions; prohibiting use of certain fertilizers after a specified date; providing for exemptions; transferring by a type II transfer the Bureau of Onsite Sewage from the Department of Health to the Department of Environmental Protection; amending s. 369.317, F.S.; clarifying mitigation offsets in the Wekiva Study Area; amending s. 373.185, F.S.; revising the definition of Florida-friendly landscaping; deleting references to "xeriscape"; requiring water management districts to provide model Florida-friendly landscaping ordinances to local governments; revising eligibility criteria for certain incentive programs of the water management districts; requiring certain local government ordinances and amendments to include certain design standards and identify specified invasive exotic plant species; requiring water management districts to consult with additional entities for activities relating to Florida-friendly landscaping practices; specifying programs for the delivery of educational programs relating to such practices; providing legislative findings; providing that certain regulations prohibiting the implementation of Florida-friendly landscaping or conflicting with provisions governing the permitting of consumptive uses of water are prohibited; providing that the act does not limit the authority of the department or the water management districts to require Florida-friendly landscaping ordinances or practices as a condition of certain permit; creating s. 373.187, F.S.; requiring water management districts to implement Florida-friendly landscaping practices on specified properties; requiring districts to develop specified programs for implementing such practices on other specified properties; amending s. 373.228, F.S.; requiring water management districts to work with specified entities to develop certain standards; requiring water management districts to consider certain information in evaluating water use applications from public water suppliers; conforming provisions to changes made by the act; amending s. 373.323, F.S.; revising application requirements for water well contractor licensure; requiring applicants to provide specified documentation; amending s. 373.333, F.S.; authorizing an administrative fine to be imposed for each occurrence of unlicensed well water contracting; amending ss. 125.568, 166.048, 255.259, 335.167, 380.061, 388.291, 481.303, and 720.3075, F.S.; conforming provisions to changes made by the act; revising provisions requiring the use of Florida-friendly landscaping for specified public properties and highway construction and maintenance projects; establishing a task force to develop recommendations relating to stormwater management system design; specifying study criteria; providing for task force membership, meetings, and expiration; requiring the task force to submit findings and legislative recommendations to the Legislature by a specified date; providing effective dates.

—was read the second time by title.

Senator Constantine moved the following amendments which were adopted:

Amendment 1 (264116)—Delete lines 327-340 and insert:

(3) *All new septic systems installed on or after January 1, 2010 that are located on properties abutting a water body or water segment that is listed as impaired pursuant to s. 403.067, or properties within a designated spring protection zone pursuant to 369.404, must be designed to meet a target annual average groundwater concentration of no more than 3 milligrams per liter total nitrogen at the owner's property line. Compliance with these requirements does not require groundwater monitoring. The department must initiate and develop by rule design standards for achieving this target annual average groundwater concentration. At a minimum, this standard must take into consideration the relationship between the treatment level achieved by the septic system and the area of usable property available for rainwater dilution. Such design standards adopted by the department must provide multiple options that may be used to meet the standards established in s. 369.406(3).*

(4) *Prior to adoption of the design standards by the department, compliance with the requirements in*

Amendment 2 (360238) (with title amendment)—Delete lines 506-540 and insert:

(4) *The department must initiate and develop rules to implement subsections (3), (4), and (5) of s.369.406, in conjunction with the Department of Health, but may not adopt such rules until such date as the type II transfer of the Bureau of Onsite Sewage becomes effective.*

(Renumber subsequent sections.)

And the title is amended as follows:

Delete lines 19-29 and insert: Services to adopt rules; amending s. 403.1835, F.S.;

Amendment 3 (819208) (with title amendment)—Delete lines 586-620 and insert:

Section 5. Section 403.093, Florida Statutes, is created to read:

403.093 *Onsite sewage treatment and disposal systems; inspection.—*

(1) *In order to increase protection of state water bodies and provide for potential cost savings to the people of this state, it is the intent of the Legislature to consider creation of a statewide onsite sewage treatment and disposal system inspection program.*

(2) *The department shall develop a report that details the process to be used and resources needed. The report shall be provided to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 15, 2011. The report shall, at a minimum:*

a. *Provide a method to ensure that each onsite sewage treatment and disposal system be inspected at least once every 5 years.*

b. *Recommend exemptions from the inspection requirement for onsite sewage treatment and disposal systems. In identifying systems for potential exemption, the department shall consider the risk a system or a certain density of systems poses to water bodies. Such evaluation shall also account for the proximity of the system or systems to a water body or water segment that is listed as impaired pursuant to s. 403.067 or is within a spring protection zone designated pursuant to s. 369.404.*

c. *Identify the appropriate mechanism for tracking inspections and providing notification to the owner of an onsite sewage treatment and disposal system that requires repairs or modifications.*

d. *A projection of the revenues that may be generated and those expenses that may be needed to administer an inspection program. These projections are to be based on an inspection fee that will cover the full costs of the proposed program.*

(3) *It is the intent of the Legislature that revenues derived from an inspection program be used to fund the administrative costs of the program and the remaining revenues be used to fund the grant program created pursuant to s. 369.407.*

And the title is amended as follows:

Delete lines 38-43 and insert: specified date; creating s. 403.093, F.S.; providing legislative intent to consider creation of a statewide onsite sewage treatment and disposal system inspection program; requiring a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by a specified date; requiring the Department of Environmental Protection to provide procedures for implementing an inspection program; requiring minimum standards; directing disposition of revenues to fund the costs of the program; directing remaining revenues be used to fund the grant program;

Amendment 4 (635868)—Delete line 754 and insert: *Department of Environmental Protection. The Department of Environmental Protection in cooperation with the Department of Health must develop a plan to implement the type II transfer and deliver the proposal to the Governor, the President of the Senate and the Speaker of the House of Representatives by January 15, 2010.*

Amendment 5 (461750) (with title amendment)—Delete lines 802-1359:

(Renumber subsequent sections.)

And the title is amended as follows:

Delete lines 60-105 and insert: offsets in the Wekiva Study Area;

Pursuant to Rule 4.19, **CS for CS for SB 274** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Storms, by two-thirds vote **HB 7039** was withdrawn from the Committees on Children, Families, and Elder Affairs; Governmental Oversight and Accountability; and Rules.

On motion by Senator Storms—

HB 7039—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding insurance claim data exchange information; amending s. 409.25661, F.S., which provides an exemption from public records requirements for certain records obtained by the Department of Revenue under an insurance claim data exchange system; saving the exemption from repeal under the Open Government Sunset Review Act; extending the repeal date; providing an effective date.

—a companion measure, was substituted for **CS for SB 750** and read the second time by title.

Pursuant to Rule 4.19, **HB 7039** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 644** was deferred.

On motion by Senator Gardiner, by two-thirds vote **CS for HB 7027** was withdrawn from the Committees on Transportation; Governmental Oversight and Accountability; and Rules.

On motion by Senator Gardiner—

CS for HB 7027—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding personal information contained in motor vehicle records; amending s. 119.0712, F.S.; removing provisions which are duplicative of the federal prohibition on release and use of personal information contained in state motor vehicle records under the federal Driver's Privacy Protection Act of 1994; referencing federal law as controlling with respect to the confidentiality and release of such records; providing that such information received pursuant to federal law may not be used for mass commercial solicitation of clients for litigation against motor vehicle dealers; reorganizing provisions; making editorial and conforming changes; repealing s. 2, ch. 2004-62, Laws of Florida, which provides for repeal of the exemption; providing an effective date.

—a companion measure, was substituted for **CS for SB 1290** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 7027** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano, by two-thirds vote **HB 509** was withdrawn from the Committees on Military Affairs and Domestic Security; Community Affairs; and Higher Education; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Fasano—

HB 509—A bill to be entitled An act relating to veterans; amending s. 295.16, F.S.; revising an exemption from license or permit fees required for improvements to a dwelling owned by a disabled veteran if the improvements are for the purpose of making the dwelling safe; removing a provision limiting the exemption to veterans confined to wheelchairs; amending s. 320.089, F.S.; deleting the monetary limitation on the amount of general revenue deposited into the State Homes for Veterans Trust Fund within the Department of Veterans' Affairs; amending s. 1009.27, F.S.; authorizing an eligible student who receives benefits as a veteran who served on active duty in the Armed Forces after September

11, 2001, to defer college tuition and fees under certain circumstances; providing effective dates.

—a companion measure, was substituted for **SB 644** and read the second time by title.

Pursuant to Rule 4.19, **HB 509** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

SB 1370— 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 read the second time by title.

MOTION

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

Senator Jones moved the following amendment which failed:

Amendment 1 (437656) (with title amendment)—Delete line 110 and insert: *private attorneys retained to achieve the recovery. Provided further, the provisions of this subsection do not apply if the Attorney General determines that exigent or unusual circumstances or a need or requirement for specialized legal knowledge or experience justifies an exception to the requirements of this subsection, provides written evidence to support the determination and the determination is approved by majority vote of the Cabinet.*

And the title is amended as follows:

Delete line 31 and insert:contract with the department; providing exceptions; requiring that copies of

The vote was:

Yeas—18

Aronberg	Dockery	Lawson
Bennett	Gelber	Lynn
Bullard	Jones	Rich
Dean	Joyner	Ring
Deuth	Justice	Siplin

Smith	Sobel	Villalobos
Nays—20		
Mr. President	Diaz de la Portilla	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Baker	Garcia	Richter
Constantine	Gardiner	Storms
Crist	Haridopolos	Wise
Detert	King	

Pursuant to Rule 4.19, **SB 1370** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 362** was deferred.

On motion by Senator Rich—

CS for CS for SB 918—A bill to be entitled An act relating to the Florida Kidcare program; amending s. 409.810, F.S.; correcting a cross-reference; amending s. 409.811, F.S.; conforming cross-references; amending s. 409.812, F.S.; clarifying the application of the Florida Kidcare program to include all eligible uninsured, low-income children; amending s. 409.813, F.S.; specifying funding sources for health benefits coverage for certain children; specifying program components to be marketed as the Florida Kidcare program; conforming cross-references; amending s. 409.8132, F.S.; revising provisions relating to penalties for nonpayment of premiums and waiting periods for reinstatement of coverage; amending s. 409.8134, F.S.; revising provisions relating to enrollment in the Florida Kidcare program; amending s. 409.814, F.S.; removing a restriction on participation in the Florida Healthy Kids program; authorizing certain enrollees to opt out of the Children's Medical Services network; revising coverage limitations; revising restrictions on enrollment of children whose coverage was voluntarily canceled; providing exceptions; deleting provisions that place a limit on enrollment in Medikids and the Florida Healthy Kids full-pay program; requiring notice to health plans and providers when a child is no longer eligible for certain coverage; requiring electronic verification of applicants' income; providing circumstances under which written documentation is required; revising the timeframe for an enrollee to resolve disputes regarding the withholding of benefits; amending s. 409.815, F.S.; authorizing the Agency for Health Care Administration to increase premium assistance payments for benefits provided through Florida Kidcare Plus instead of the Children's Medical Services; conforming cross-references; amending ss. 409.816 and 409.817, F.S.; conforming cross-references; amending s. 409.8177, F.S.; revising information to be included in the annual program evaluation to the Governor and Legislature; amending s. 409.818, F.S.; clarifying that the Department of Health is the chair of Florida Kidcare coordinating council; conforming cross-references; amending s. 624.91, F.S.; revising the duties of the Florida Healthy Kids Corporation; revising the date in which the corporation must provide a study to the Legislature and the Governor; correcting a cross-reference; expanding the membership of the board of directors of the Florida Healthy Kids Corporation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 918** was placed on the calendar of Bills on Third Reading.

On motion by Senator Alexander, by two-thirds vote **HB 7015** was withdrawn from the Committees on Ethics and Elections; Governmental Oversight and Accountability; and Rules.

On motion by Senator Alexander—

HB 7015—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding campaign finance reports; amending s. 106.0706, F.S., which provides an exemption from public records requirements for user identifications and passwords held by the Department of State, and information entered in the department's electronic filing system, in connection with electronic filing of

campaign finance reports; reorganizing the exemption; clarifying provisions; removing the scheduled repeal of the exemption; providing an effective date.

—a companion measure, was substituted for **CS for SB 1348** and read the second time by title.

Pursuant to Rule 4.19, **HB 7015** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

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 read the second time by title.

The Committee on Finance and Tax recommended the following amendment which was moved by Senator Fasano and adopted:

Amendment 1 (246788) (with title amendment)—Delete line 54 and insert: *voting in a referendum held for such purpose. The referendum shall be placed on the ballot of a regularly scheduled election. The ballot for the*

The Committee on Finance and Tax recommended the following amendment which was moved by Senator Fasano:

Amendment 2 (182010)—Delete lines 58-63 and insert:

(c) Pursuant to s. 212.054(4), the proceeds of the discretionary sales surtax collected under this subsection, less an administrative fee that may be retained by the Department of Revenue, shall be distributed by the department to the county. The county shall distribute the proceeds if receives from the department to the participating jurisdictions that have entered into an interlocal agreement with the county under this subsection. The county may also

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

Amendment 2A (459890)—Delete line 9 and insert: *The county shall distribute the proceeds it receives from the*

Amendment 2 as amended was adopted.

Senator Fasano moved the following amendment which was adopted:

Amendment 3 (920912)—Delete lines 40-41 and insert:

(a) The governing authority of a county, other than a county that has imposed two separate discretionary surtaxes without expiration, may, by ordinance, levy a discretionary sales surtax of up to 1 percent for

MOTION

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

Senator Fasano moved the following amendment which was adopted:

Amendment 4 (704926) (with title amendment)—Between lines 132 and 133 insert:

(j) *Notwithstanding s. 212.054, if a multicounty independent special district created pursuant to chapter 67-764, Laws of Florida, levies ad valorem taxes on district property to fund emergency fire rescue services within the district and is required by s. 2, Art. VII of the State Constitution to maintain a uniform ad valorem tax rate throughout the district, the county may not levy the discretionary sales surtax authorized by this subsection within the boundaries of the district.*

And the title is amended as follows:

Delete line 20 and insert: circumstances; prohibiting a county from levying the surtax within certain multicounty independent special districts; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for SB 1000** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1114** was deferred.

On motion by Senator Sobel—

CS for SB 398—A bill to be entitled An act relating to district and school advisory councils; amending s. 1001.452, F.S.; requiring that a district school board make a good faith effort to advertise and open the school advisory council to members of the community; providing that a majority of the members of a school advisory council not be employed by the school; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 398** was placed on the calendar of Bills on Third Reading.

CS for SB 392—A bill to be entitled An act relating to timeshares; amending ss. 125.0104, 125.0108, 212.03, and 212.0305, F.S.; revising application of provisions imposing certain taxes upon consideration paid for occupancy of certain timeshare resort products; expanding the use of revenues derived from the tourist development tax to include publicly owned convention center hotels and their facilities; providing for application and construction; amending s. 624.605, F.S.; expanding the list of entities authorized to offer debt cancellation products for purposes of the definition of the term “casualty insurance” to include a seller of a timeshare interests or the parents, subsidiaries, or affiliated entities of a seller; amending s. 721.05, F.S.; redefining the term “facility”; amending s. 721.07, F.S.; specifying additional information required in certain public offering statements for timeshare plans; amending s. 721.20, F.S.; requiring resale service providers to provide certain fee or cost and listings information to timeshare interest owners; specifying that failure to disclose constitutes an unfair and deceptive trade practice; providing that certain contracts are void and purchasers are entitled to refunds of certain moneys; providing for severability; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 392** to **CS for HB 61**.

Pending further consideration of **CS for SB 392** as amended, on motion by Senator Haridopolos, by two-thirds vote **CS for HB 61** was withdrawn from the Committees on Regulated Industries; Commerce; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Haridopolos—

CS for HB 61—A bill to be entitled An act relating to temporary accommodations; amending ss. 125.0104, 125.0108, 212.03, and 212.0305, F.S.; revising application of provisions imposing certain taxes upon consideration paid for occupancy of certain timeshare resort products; providing application and construction; amending s. 624.605, F.S.; expanding the list of entities authorized to offer debt cancellation products for purposes of the definition of the term “casualty insurance” to include sellers of timeshare interests; amending s. 721.05, F.S.; revising a definition; amending s. 721.07, F.S.; specifying additional information

required in certain public offering statements for timeshare plans; amending s. 721.20, F.S.; requiring resale service providers to provide certain fee or cost and listings information to timeshare interest owners; specifying that failure to disclose constitutes an unfair and deceptive trade practice; providing that certain contracts are void and purchasers are entitled to refunds of certain moneys; providing severability; providing an effective date.

—a companion measure, was substituted for **CS for SB 392** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 61** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 308** was deferred.

On motion by Senator Joyner—

CS for SB 264—A bill to be entitled An act relating to voter information cards; amending s. 97.071, F.S.; requiring voter information cards to contain the address of the polling place of the registered voter; requiring a supervisor of elections to issue a new voter information card to a voter upon a change in a voter’s address of legal residence or a change in a voter’s polling place address; providing transitional instructions for the supervisors of elections; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 264** was placed on the calendar of Bills on Third Reading.

On motion by Senator Oelrich, by two-thirds vote **HB 7041** was withdrawn from the Committees on Higher Education; Governmental Oversight and Accountability; and Rules.

On motion by Senator Oelrich—

HB 7041—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding the Florida Institute for Human and Machine Cognition, Inc.; amending s. 1004.4472, F.S., which provides an exemption from public records requirements for information held by the Florida Institute for Human and Machine Cognition, Inc., or its subsidiary and an exemption from public meeting requirements for portions of meetings of the corporation or a subsidiary at which confidential and exempt information is presented or discussed; providing definitions; reorganizing and conforming provisions; removing superfluous language; removing the scheduled repeal of the exemption; providing an effective date.

—a companion measure, was substituted for **CS for SB 1902** and read the second time by title.

Pursuant to Rule 4.19, **HB 7041** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 2326—A bill to be entitled An act relating to license plates; amending ss. 320.08056 and 320.08058, F.S.; creating a Go Green Florida license plate, a Florida Biodiversity Foundation license plate, a Toomey Foundation for the Natural Sciences license plate, and a Trinity license plate; establishing an annual fee for the plates; providing for the distribution of use fees received from the annual sale of such plates; providing an effective date.

—was read the second time by title.

MOTION

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

Senator Ring moved the following amendment which was adopted:

Amendment 1 (541010) (with title amendment)—Delete lines 14-117 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) *Go Green Florida license plate, \$25.*

(rrr) *Florida Biodiversity Foundation 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) **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.*

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

(a) *The department shall develop a Florida Biodiversity Foundation 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 “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.*

And the title is amended as follows:

Delete lines 4-6 and insert: Florida license plate and a Florida Biodiversity Foundation license

MOTION

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

Senator Siplin moved the following amendment:

Amendment 2 (118028) (with title amendment)—Between lines 117 and 118 insert:

Section 3. Paragraph (uuu) 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:

(uuu) *Children First license plate, \$25.*

Section 4. Subsection (73) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(73) **CHILDREN FIRST LICENSE PLATES.—**

(a) *The department shall develop a Children First 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 “Children First” must appear at the bottom of the plate.*

(b) *The annual use fees shall be distributed to Children First Florida, Inc., 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 15 percent of the proceeds may be used to administer the license plate program and for direct administrative costs associated with the operations of Children First Florida, Inc.*

2. *A maximum of 10 percent of the proceeds may be used to promote and market the license plates.*

3. *The remaining fees shall be used by Children First Florida, Inc., to fund public schools in this state, including teacher salaries.*

And the title is amended as follows:

Delete line 9 and insert: from the annual sale of such plates; creating a Children First 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

POINT OF ORDER

Senator Rich raised a point of order that pursuant to rule 7.1 **Amendment 2 (118028)** contained language of an amendment defeated by a Senate committee and was therefore out of order.

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

On motion by Senator Ring, further consideration of **CS for CS for SB 2326** as amended with pending **Amendment 2 (118028)** and pending point of order was deferred.

On motion by Senator Ring—

CS for CS for SB 308—A bill to be entitled An act relating to developmental disabilities; creating s. 381.986, F.S.; requiring that a physician refer a minor to an appropriate specialist for screening for autism spectrum disorder or other developmental disability and inform the parent or legal guardian of the right to direct access to that specialist

under certain circumstances; defining the term “appropriate specialist”; amending ss. 627.6686 and 641.31098, F.S.; defining the term “developmental disability”; providing health insurance coverage for individuals with developmental disabilities; requiring certain insurers and health maintenance organizations to provide direct patient access to an appropriate specialist for screening, evaluation of, or diagnosis for autism spectrum disorder or other developmental disabilities; defining the term “direct patient access”; requiring the insurer’s policy or the health maintenance organization’s contract to provide a minimum number of visits per year for the screening, evaluation, or diagnosis for autism spectrum disorder or other developmental disabilities; providing an effective date.

—was read the second time by title.

Senator Gardiner moved the following amendment which was adopted:

Amendment 1 (198444) (with title amendment)—Delete lines 85-230 and insert:

(c) *“Developmental disability” means a disorder or syndrome attributable to cerebral palsy or Down syndrome, which manifests before the age of 18 years old and constitutes a substantial handicap that can reasonably be expected to continue indefinitely. As used in this section:*

1. *“Cerebral palsy” has the same meaning as in s. 393.063.*
2. *“Down syndrome” means a disorder caused by the presence of an extra chromosome 21.*

(d) ~~(e)~~ *“Eligible individual” means an individual under 18 years of age or an individual 18 years of age or older who is in high school and who has been diagnosed as having a developmental disability at 8 years of age or younger.*

(e) ~~(d)~~ *“Health insurance plan” means a group health insurance policy or group health benefit plan offered by an insurer which includes the state group insurance program provided under s. 110.123. The term does not include a ~~any~~ health insurance plan offered in the individual market, a ~~any~~ health insurance plan that is individually underwritten, or a ~~any~~ health insurance plan provided to a small employer.*

(f) ~~(e)~~ *“Insurer” means an insurer providing health insurance coverage, which is licensed to engage in the business of insurance in this state and is subject to insurance regulation.*

(3) A health insurance plan issued or renewed on or after April 1, 2009, shall provide coverage to an eligible individual for:

(a) Well-baby and well-child screening for diagnosing the presence of autism spectrum disorder or other developmental disability.

(b) Treatment of autism spectrum disorder or other developmental disability through speech therapy, occupational therapy, physical therapy, and applied behavior analysis. Applied behavior analysis services shall be provided by an individual certified pursuant to s. 393.17 or an individual licensed under chapter 490 or chapter 491.

(11) *Notwithstanding any provision of this section, an insurer shall provide direct patient access for screening, evaluation of, or diagnosis for autism spectrum disorder or other developmental disability to an appropriate specialist, as defined in s. 381.986. As used in this subsection, the term “direct patient access” means the ability of a subscriber or insured to obtain services from an in-network provider without a referral or other authorization before receiving services. Pursuant to this subsection, the insurer’s policy must provide a minimum of three visits per policy year for the screening, evaluation, or diagnosis for autism spectrum disorder or other developmental disability.*

Section 3. Subsections (2) and (3) of section 641.31098, Florida Statutes, are amended, and subsection (10) is added to that section, to read:

641.31098 Coverage for individuals with developmental disabilities.—

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

(a) *“Applied behavior analysis” means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including, but not limited to, the use of direct observation, measurement, and functional analysis of the relations between environment and behavior.*

(b) *“Autism spectrum disorder” means any of the following disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association:*

1. Autistic disorder.
2. Asperger’s syndrome.
3. Pervasive developmental disorder not otherwise specified.

(c) *“Developmental disability” means a disorder or syndrome attributable to cerebral palsy or Down syndrome, which manifests before the age of 18 years old and constitutes a substantial handicap that can reasonably be expected to continue indefinitely. As used in this section:*

1. *“Cerebral palsy” has the same meaning as in s. 393.063.*
2. *“Down syndrome” means a disorder caused by the presence of an extra chromosome 21.*

And the title is amended as follows:

Delete line 11 and insert: disability” to include cerebral palsy and Down syndrome; providing health insurance coverage for

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 (151992)—Delete lines 31-51 and insert:

(1) *If the parent or legal guardian of a minor believes that the minor exhibits symptoms of autism spectrum disorder or other developmental disability, the parent or legal guardian may report his or her observation to a primary care physician licensed in this state, other than an obstetrician or gynecologist. The physician shall immediately refer the minor to an appropriate specialist for further screening if, after examination and initial screening, the referral is clinically indicated. The physician shall also inform the parent or legal guardian of the right to direct access to an appropriate specialist for screening, evaluation, or diagnosis for autism spectrum disorder or other developmental disability. This section does not apply to a physician providing care under s. 395.1041.*

(2) *As used in this section, the term “appropriate specialist” means a qualified professional who is licensed in this state and experienced in the evaluation of autism spectrum disorder or other developmental disabilities, who has training in validated diagnostic tools, and includes, but is not limited to:*

Pursuant to Rule 4.19, **CS for CS for SB 308** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Gaetz, by two-thirds vote **HB 7123** was withdrawn from the Committees on Military Affairs and Domestic Security; and Commerce; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Gaetz—

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 work-

groups and tasks thereof; requiring an annual report to the Legislature and Governor; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2322** and read the second time by title.

Pursuant to Rule 4.19, **HB 7123** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gaetz, by two-thirds vote **HB 7125** was withdrawn from the Committees on Military Affairs and Domestic Security; Governmental Oversight and Accountability; and Rules.

On motion by Senator Gaetz—

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.

—a companion measure, was substituted for **CS for SB 2324** and read the second time by title.

Pursuant to Rule 4.19, **HB 7125** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 2658** was deferred.

CS for CS for CS for SB 2104—A bill to be entitled An act relating to environmental protection; amending s. 253.034, F.S.; establishing a date by which land management plans for conservation lands must contain certain outcomes, goals, and elements; amending s. 253.111, F.S.; deleting a 40-day timeframe for a board of county commissioners to decide whether to acquire state land being sold by the Board of Trustees of the Internal Improvement Trust Fund; amending s. 253.7829, F.S.; conforming a cross-reference; amending s. 253.783, F.S.; revising provisions relating to the disposition of surplus lands; authorizing the Department of Environmental Protection to extend the second right of refusal to the current owner of adjacent lands affected by acquired surplus lands under certain circumstances; authorizing the department to extend the third right of refusal to the original owner or the original owner's heirs of lands acquired by the Canal Authority of the State of Florida or the United States Army Corps of Engineers; authorizing the department to extend the fourth right of refusal to any person having a leasehold interest in the land from the canal authority; conforming cross-references; amending s. 259.035, F.S.; increasing the maximum number of terms of appointed members of the Acquisition and Restoration Council; clarifying that vacancies in the unexpired term of appointed members shall be filled in the same manner as the original appointment; requiring an affirmative vote of six members of the council for certain decisions; amending s. 259.037, F.S.; establishing certain dates by which agencies managing certain lands must submit certain reports and lists to the Land Management Uniform Accounting Council; amending s. 259.105, F.S.; requiring that certain proceeds from the Florida Forever Trust Fund be spent on capital projects within a year after acquisition rather than only at the time of acquisition; requiring an affirmative vote of six members of the Acquisition and Restoration Council for certain decisions; amending s. 253.12, F.S.; clarifying that title to certain sovereignty lands which were judicially adjudicated are excluded from automatically becoming private property; repealing s. 288.1185, F.S., relating to the Recycling Markets Advisory Committee; amending s. 373.0693, F.S.; providing conditions for serving on a basin board after a term expires; removing ex officio designation for board members serving on basin boards; revising the membership of certain basin boards; eliminating the Oklawaha River Basin Advisory Council; amending s. 373.427, F.S.; increasing the amount of time for filing a petition for an administrative hearing on an application to use board of trustees-owned submerged lands; amending s. 376.30702, F.S.; revising contamination

notification provisions; requiring individuals responsible for site rehabilitation to provide notice of site rehabilitation to specified entities; revising provisions relating to the content of such notice; requiring the Department of Environmental Protection to provide notice of site rehabilitation to specified entities and certain property owners; providing an exemption; requiring the department to verify compliance with notice requirements; authorizing the department to pursue enforcement measures for noncompliance with notice requirements; revising the department's contamination notification requirements for certain public schools; requiring the department to provide specified notice to private K-12 schools and child care facilities; requiring the department to provide specified notice to public schools within a specified area; providing notice requirements, including directives to extend such notice to certain other persons; requiring local governments to provide specified notice of site rehabilitation; requiring the department to recover notification costs from responsible parties; providing an exception; amending s. 403.0876, F.S.; providing that the Department of Environmental Protection's failure to approve or deny certain air construction permits within 90 days does not automatically result in approval or denial; amending s. 403.121, F.S.; excluding certain air pollution violations from certain departmental actions; clarifying when a respondent in an administrative action is the prevailing party; revising the penalties that may be assessed for violations involving drinking water contamination, wastewater, dredge, fill, or stormwater, mangrove trimming or alterations, solid waste, air emission, and waste cleanup; increasing fines relating to public water system requirements; revising provisions relating to a limit on the amount of a fine for a particular violation by certain violators; amending ss. 403.7032 and 14.2015, F.S.; directing the Department of Environmental Protection and the Office of Tourism, Trade, and Economic Development to create the Recycling Business Assistance Center; providing requirements; authorizing the Office of Tourism, Trade, and Economic Development to consult with Enterprise Florida, Inc., and other state agency personnel; amending s. 403.707, F.S.; providing for inspections of waste-to-energy facilities by the Department of Environmental Protection; amending s. 403.708, F.S.; authorizing the disposal of yard trash at a Class I landfill if the landfill has a system for collecting landfill gas and arranges for the reuse of the gas; amending s. 403.9323, F.S.; clarifying legislative intent with respect to the protection of mangroves; amending s. 403.9324, F.S.; authorizing the Department of Environmental Protection to adopt by rule certain exemptions and general permits under the Mangrove Trimming and Preservation Act; amending s. 403.9329, F.S.; clarifying the department's authority to revoke a person's status as a professional mangrove trimmer; amending s. 403.9331, F.S.; providing that the Mangrove Trimming and Preservation Act does not authorize trimming on uninhabited islands or lands that are publicly owned or set aside for conservation or mitigation except under specified circumstances; amending ss. 712.03 and 712.04, F.S.; providing an exception from an entitlement to marketable record title to interests held by governmental entities; repealing s. 23, ch. 2008-150, Laws of Florida, relating to a provision prohibiting the Department of Environmental Protection from issuing a permit for certain Class I landfills; providing an effective date.

—was read the second time by title.

THE PRESIDENT PRESIDING

SENATOR VILLALOBOS PRESIDING

Senator Constantine moved the following amendment:

Amendment 1 (563234) (with title amendment)—Between lines 1374 and 1375 insert:

Section 25. Part IV of chapter 369, Florida Statutes, consisting of sections 369.401, 369.402, 369.403, 369.404, 369.405, 369.406, 369.407, and 369.408, is created to read:

369.401 Short title.—This part may be cited as the “Florida Springs Protection Act.”

369.402 Legislative findings and intent.—

(1) Florida's springs are a precious and fragile natural resource that must be protected. Springs provide recreational opportunities for swimmers, canoeists, wildlife watchers, cave divers, and others. Because of the recreational opportunities and accompanying tourism, many of the state's

springs greatly benefit state and local economies. In addition, springs provide critical habitat for plants and animals, including many endangered or threatened species, and serve as indicators of groundwater and surface water quality.

(2) In general, Florida's springs, whether found in urban or rural settings, or on public or private lands, are threatened by actual, or potential, flow reductions and declining water quality. Many of Florida's springs show signs of ecological imbalance, increased nutrient loading, and lowered water flow. Groundwater sources of spring discharges are recharged by seepage from the surface and through direct conduits such as sinkholes and can be adversely affected by polluted runoff from urban and agricultural lands and discharges resulting from poor wastewater management practices.

(3) Springs and groundwater can be restored through good stewardship, including effective planning strategies, best-management practices, and appropriate regulatory programs that preserve and protect the springs and their springsheds.

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

(1) "Cooperating entities" means the Department of Environmental Protection, the Department of Health, the Department of Agriculture and Consumer Services, the Department of Community Affairs, the Department of Transportation, and each water management district and those county and municipal governments having jurisdiction in the areas of the springs identified in s. 369.404.

(2) "Department" means the Department of Environmental Protection.

(3) "Estimated sewage flow" means the quantity of domestic and commercial wastewater in gallons per day which is expected to be produced by an establishment or single-family residence as determined by rule of the Department of Health.

(4) "First magnitude spring" means a spring that has a median discharge of greater than or equal to 100 cubic feet per second for the period of record, as determined by the department.

(5) "Karst" means landforms, generally formed by the dissolution of soluble rocks such as limestone or dolostone, forming direct connections to the groundwater such as springs, sinkholes, sinking streams, closed depressions, subterranean drainage, and caves.

(6) "Onsite sewage treatment and disposal system" or "septic system" means a system that contains a standard subsurface, filled, or mound drainfield system; an aerobic treatment unit; a graywater system tank; a laundry wastewater system tank; a septic tank; a grease interceptor; a pump tank; a solids or effluent pump; a waterless, incinerating, or organic waste-composting toilet; or a sanitary pit privy that is installed or proposed to be installed beyond the building sewer on land of the owner or on other land to which the owner has the legal right to install a system. The term includes any item placed within, or intended to be used as a part of or in conjunction with, the system. This term does not include package sewage treatment facilities and other treatment works regulated under chapter 403.

(7) "Second magnitude spring" means a spring that has a median discharge of 10 to 100 cubic feet per second for the period of record, as determined by the department.

(8) "Spring" means a point where groundwater is discharged onto the earth's surface, including under any surface water of the state, including seeps. The term includes a spring run.

(9) "Springshed" means those areas within the groundwater and surface water basins which contribute to the discharge of a spring.

(10) "Usable property" means the area of the property expressed in acres exclusive of all paved areas and prepared road beds within public or private rights-of-way or easements and exclusive of surface water bodies.

369.404 Designation of spring protection zones.—

(1) All counties or municipalities in which there are located first or second magnitude springs are hereby designated as spring protection zones.

(2) By July 1, 2010, the department is directed to propose for adoption rules to implement the requirements of this section.

(a) Such rules at a minimum shall create a priority list of first and second magnitude springs designating them as high, medium, or low priority based on the following measurements of nitrate concentration in the water column at the point that the spring discharges onto the earth's surface as an average annual concentration:

1. High – nitrate greater than or equal to 1.0 milligrams per liter as determined using existing water quality data;

2. Medium – nitrate greater than or equal to 0.5 milligrams per liter and less than 1.0 milligrams per liter as determined using existing water quality data; and

3. Low – all first or second magnitude springs not categorized as either High or Medium.

(b) Based on the priority determination of the department for first and second magnitude springs, the corresponding deadlines apply to the requirements of s. 369.405 to spring protection zones as designated in this section.

1. For high-priority springs, the deadline for compliance shall be no later than July 1, 2016;

2. For medium-priority springs, the deadline for compliance shall be no later than July 1, 2019; and

3. For low-priority springs, the deadline for compliance shall be no later than July 1, 2024.

(3) By July 1, 2010, the department is directed to propose for adoption rules that provide the minimum scientific methodologies, data, or tools that shall be used by a county or municipal government to support the request for an exemption as provided for in subsection (4).

(4) A county or municipal government, upon application to the department, may seek to have specific geographic areas exempted from the requirements of sections 369.405, 369.406, and 369.407 by demonstrating that activities within such areas will not impact the springshed in a manner that leads to new or continued degradation.

(5) Pursuant to subsection (4), the department may approve or deny an application for an exemption, or may modify the boundaries of the specific geographic areas for which an exemption is sought. The ruling of the department on the applicant's request shall constitute a final agency action subject to review pursuant to ss. 120.569 and 120.57.

(6) By July 1, 2010, the department must conduct a study and report its findings of nitrate concentrations within spring protection zones designated pursuant to s. 369.404.

369.405 Requirements for spring protection zones.—The requirements of this section are subject to the timelines established in s. 369.404.

(1) Domestic wastewater discharge and wastewater residual application must comply with the requirements of this subsection.

(a) All existing wastewater discharges from facilities having permitted capacities greater than or equal to 100,000 gallons per day must achieve annual average total nitrogen concentrations less than or equal to 3 milligrams per liter, as nitrogen.

(b) All existing wastewater discharges from facilities having permitted capacities less than 100,000 gallons per day but greater than 10,000 gallons per day must achieve annual average concentrations less than or equal to 10 milligrams per liter, as nitrogen.

(2) Onsite sewage treatment and disposal systems in areas permitted to or that contain septic systems in densities greater than or equal to 640 systems per square mile must connect to a central wastewater treatment facility or other centralized collection and treatment system. For the purposes of this subsection, density must be calculated using the largest number of systems possible within a square mile.

(3) Agricultural operations must implement applicable best-management practices, including nutrient management, adopted by the Depart-

ment of Agriculture and Consumer Services to reduce nitrogen impacts to groundwater. By December 31, 2009, the Department of Agriculture and Consumer Services, in cooperation with the other cooperating entities and stakeholders, must develop and propose for adoption by rule equine, and cow and calf best-management practices pursuant to this paragraph. Implementation must be in accordance with paragraph 403.067(7)(b).

(4) Stormwater systems must comply with the requirements of this section. The department is directed to propose for adoption rules to implement the requirements of this subsection by July 1, 2010.

(a) Local governments in cooperation with the water management districts must develop and implement a remediation plan for all existing drainage wells containing strategies to reduce nitrogen loading to groundwater to the maximum extent practicable. The department shall review and approve the remediation plan prior to implementation. All new drainage wells must comply with the department's underground injection control rules.

(b) Local governments must develop and implement a remediation plan for all stormwater management systems constructed prior to 1982 which have not been modified to provide stormwater treatment containing strategies to reduce nitrogen loading to groundwater to the maximum extent practicable.

(c) Local governments in cooperation with the water management districts must develop and implement a remediation plan to reduce nitrogen loading to groundwater including reducing existing direct discharges of stormwater into groundwater through karst features to the maximum extent practicable. The department shall review and approve the remediation plan prior to implementation.

(d) The Department of Transportation must identify any untreated stormwater discharges into groundwater through natural subterranean drainages such as sinkholes and develop and implement a remediation plan to reduce nitrogen loading to groundwater, including reducing existing such groundwater discharges to the maximum extent practicable. The department shall review and approve the remediation plan prior to implementation.

(5) This subsection does not limit the department's authority to require additional treatment or other actions pursuant to chapter 403, as necessary, to meet surface and groundwater quality standards.

369.406 Additional requirements for all spring protection zones.—

(1) All newly constructed or expanded domestic wastewater facilities operational after July 1, 2012, must meet the advanced wastewater treatment requirements of s. 403.086(4).

(2) For all development not permitted as of July 1, 2009, which has septic system densities greater than or equal to 640 systems per square mile, connection to a central wastewater treatment facility or other centralized collection and treatment system is required. For the purposes of this subsection, density must be calculated using the largest number of systems possible within a square mile.

(3) All new septic systems installed on or after January 1, 2010 that are located on properties abutting a water body or water segment that is listed as impaired pursuant to s. 403.067, or properties within a designated spring protection zone pursuant to 369.404, must be designed to meet a target annual average groundwater concentration of no more than 3 milligrams per liter total nitrogen at the owner's property line. Compliance with these requirements does not require groundwater monitoring. The department must initiate and develop by rule design standards for achieving this target annual average groundwater concentration. At a minimum, this standard must take into consideration the relationship between the treatment level achieved by the septic system and the area of usable property available for rainwater dilution. Such design standards adopted by the department must provide multiple options that may be used to meet the standards established in this subsection.

(4) Prior to adoption of the design standards by the department, compliance with the requirements in subsection (3) is presumed if one of the following conditions is met:

(a) The lot associated with the establishment or single-family home is served by a septic system meeting the baseline system standards set forth

in rules of the Department of Health, and the ratio of estimated sewage flow in gallons per day to acres of usable property is 100 to 1 or less.

(b) The lot associated with the establishment or single-family home is served by a septic system meeting at least the advanced secondary treatment standards for nitrogen as set forth in rules of the Department of Health, combined with a drip irrigation system, a shallow low pressure dosed or a time-dosed drainfield system.

(c) The lot associated with the establishment or single-family home is scheduled to connect to a central wastewater treatment facility within 6 months after the application for the permit.

(5) Subsection (4) does not supersede the jurisdictional flow limits established in s. 381.0065(3)(b).

(6) Land application of septage is prohibited and subject to a \$250 fine for a first offense and \$500 fine for a second or subsequent offense pursuant to the authority granted to the Department of Health in s. 381.0065(3)(h).

(7) Any septic system, when requiring repair, modification, or re-approval, must meet a 24-inch separation from the wet season water table and the surface water setback requirements in s. 381.0065(4). All treatment receptacles must be within one size of the requirements in rules of the Department of Health and must be tested for watertightness by a state-licensed septic tank contractor or plumber.

(8) Each owner of a publicly owned or investor-owned sewerage system must notify all owners of septic systems, excluding approved gray-water systems, of the availability of central sewerage facilities for purposes of connection pursuant to s. 381.00655(1) within 60 days after receipt of notification from the Department of Health that collection facilities for the central sewerage system have been cleared for use.

(a) Notwithstanding s. 381.00655(2)(b), a publicly owned or investor-owned sewerage system may not waive the requirement for mandatory onsite sewage disposal connection to an available publicly owned or investor-owned sewerage system, except as provided in paragraph (b).

(b) With the approval of the Department of Health, a publicly owned or investor-owned sewerage system may waive the requirement for mandatory onsite sewage disposal connection for a sewage treatment system that meets or exceeds standards established for septic systems if it determines that such connection is not required in the public interest due to water quality or public health considerations.

(9) In hardship cases the Department of Health may grant variances to the provisions of this section and any rules adopted under this section in accordance with s. 381.0065(4)(h).

(10) After July 1, 2010, land application of Class A, Class B, or Class AA wastewater residuals, as defined by department rule, is prohibited. This prohibition does not apply to Class AA residuals that are marketed and distributed as fertilizer products in accordance with department rule.

(11) Animal feeding operations must implement the requirements of rules adopted by the department to reduce nitrogen impacts to groundwater. By December 31, 2009, the department, in cooperation with the other cooperating entities and stakeholders, must develop and propose for adoption, revised rules for animal feeding operations which address requirements for lined wastewater storage ponds and the development and implementation of nutrient management plans, including the land spreading of animal waste not treated and packaged as fertilizer.

(12) All county and municipal governments must, at a minimum, adopt the department's model ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes located in the Florida-Friendly Landscape Guidance Models for Ordinances, Covenants and Restrictions (2009) by December 31, 2010.

(13) The department and the water management districts shall adopt design criteria for stormwater treatment systems located within spring protection zones to minimize the movement of nitrogen into the groundwater and to prevent the formation of sinkholes within stormwater systems.

(14) This subsection does not limit the department's authority to require additional treatment or other actions pursuant to chapter 403, as necessary, to meet surface and groundwater quality standards.

369.407 Florida Springs Onsite Sewage Treatment and Disposal System Compliance Grant Program.—

(1) The Florida Springs Onsite Sewage Treatment and Disposal System Compliance Grant Program is established in the department and shall be administered by it. The purpose of the program is to provide grants to low-income property owners in spring protection zones using septic systems to assist the property owners in complying with rules for these systems developed by the department, or the water management districts, or to connect to a central wastewater treatment facility or other centralized collection and treatment system pursuant to s. 369.405(2) or s. 381.00655(1). The grant program is effective upon final adoption of the department rules and may be applied to costs incurred on or after such date.

(2) Any property owner in a spring protection zone having an income less than or equal to 200 percent of the federal poverty level who is required by rule of the department or the water management districts to alter, repair, or modify any existing septic system to a nitrate-reducing system pursuant to s. 369.406(3), or to assist property owners with connecting to available publicly owned or investor-owned sewerage system pursuant to s. 381.00655(1), may apply to the department for a grant to assist the owner with the costs of compliance or connection.

(3) The amount of the grant is limited to the cost differential between the replacement of a comparable existing septic system and that of an upgraded nitrate-reducing treatment system pursuant to s. 369.406(3), or the actual costs incurred from connection to a central wastewater treatment facility or other centralized collection and treatment system pursuant to s. 385.00655(1), but may not exceed \$5,000 per property.

(4) The grant must be in the form of a rebate to the property owner for costs incurred in complying with the requirements for septic systems pursuant to s. 369.406(3), or incurred from connection to a central wastewater treatment facility or other centralized collection and treatment system pursuant to s. 381.00655(1). The property owner must provide documentation of those costs in the grant application to the department.

(5) The department shall adopt rules providing forms, procedures, and requirements for applying for and disbursing grants, including bid requirements, and for documenting compliance or connection costs incurred.

(6) The department, in coordination with the water management districts, shall continue to evaluate, by any means it deems appropriate, the level of nitrate deposited in Florida springs by septic systems.

369.408 Rules.—

(1) The department, the Department of Health, and the Department of Agriculture and Consumer Services may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer the provisions of this part, as applicable.

(2)(a) The Department of Agriculture and Consumer Services shall be the lead agency coordinating the reduction of agricultural nonpoint sources of pollution for springs protection. The Department of Agriculture and Consumer Services and the department, pursuant to s. 403.067(7)(c) 4., shall study and if necessary, in cooperation with the other cooperating entities, applicable county and municipal governments, and stakeholders, initiate rulemaking to implement new or revised best-management practices for improving and protecting springs. As needed to implement the new or revised practices, the Department of Agriculture and Consumer Services, shall revise its best-management practices rules to require implementation of the modified practice within a reasonable time period as specified in the rule.

(b) The Department of Agriculture and Consumer Services, the department, and the University of Florida's Institute of Food and Agricultural Sciences shall cooperate in the conduct of necessary research and demonstration projects to develop improved or additional nutrient management tools, including the use of controlled release fertilizer, which can be used by agricultural producers as part of an agricultural best-management practices program. The development of such tools shall reflect a

balance between water quality improvements and agricultural productivity and, where applicable, shall be incorporated into revised best-management practices adopted by rule of the Department of Agriculture and Consumer Services.

(3) The department shall as a part of the rules developed for this part include provisions that allow for the variance of the compliance deadlines provided for in paragraph (b) of s. 369.404(2). Such variance shall, at a minimum, be based on the financial ability of the responsible county or municipality to meet the requirements of this part.

(4) The department must initiate and develop rules to implement subsections (3), (4), and (5) of s. 369.406, in conjunction with the Department of Health, but may not adopt such rules until such date as the type II transfer of the Bureau of Onsite Sewage becomes effective.

Section 26. Subsection (7) of section 403.1835, Florida Statutes, is amended to read:

403.1835 Water pollution control financial assistance.—

(7) Eligible projects must be given priority according to the extent each project is intended to remove, mitigate, or prevent adverse effects on surface or groundwater ~~ground-water~~ quality and public health. The relative costs of achieving environmental and public health benefits must be taken into consideration during the department's assignment of project priorities. The department shall adopt a priority system by rule. In developing the priority system, the department shall give priority to projects that:

(a) Eliminate public health hazards;

(b) Enable compliance with laws requiring the elimination of discharges to specific water bodies, including the requirements of s. 403.086(9) regarding domestic wastewater ocean outfalls;

(c) Assist in the implementation of total maximum daily loads and basin management action plans adopted under s. 403.067;

(d) Enable compliance with other pollution control requirements, including, but not limited to, toxics control, wastewater residuals management, and reduction of nutrients and bacteria;

(e) Assist in the implementation of surface water improvement and management plans and pollutant load reduction goals developed under state water policy;

(f) Promote reclaimed water reuse;

(g) Eliminate environmental damage caused by failing onsite sewage treatment and disposal systems, with priority given to systems located within an area designated as an area of critical state concern under s. 380.05 or located in a spring protection zone designated pursuant to s. 369.404 ~~or those that are causing environmental damage~~; or

(h) Reduce pollutants to and otherwise promote the restoration of state ~~Florida's~~ surface waters and groundwaters ~~ground-waters~~.

Section 27. All state agencies and water management districts shall assess nitrogen loading from all publically owned buildings and facilities owned or managed by each respective agency or district located within a spring protection zone using a consistent methodology, evaluate existing management activities, and develop and begin implementing management plans to reduce adverse impacts to the springs no later than December 31, 2011.

Section 28. Section 403.093, Florida Statutes, is created to read:

403.093 Onsite sewage treatment and disposal systems; inspection.—

(1) In order to increase protection of state water bodies and provide for potential cost savings to the people of this state, it is the intent of the Legislature to consider creation of a statewide onsite sewage treatment and disposal system inspection program.

(2) The department shall develop a report that details the process to be used and resources needed. The report shall be provided to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 15, 2011. The report shall, at a minimum:

a. Provide a method to ensure that each onsite sewage treatment and disposal system be inspected at least once every 5 years.

b. Recommend exemptions from the inspection requirement for onsite sewage treatment and disposal systems. In identifying systems for potential exemption, the department shall consider the risk a system or a certain density of systems poses to water bodies. Such evaluation shall also account for the proximity of the system or systems to a water body or water segment that is listed as impaired pursuant to s. 403.067 or is within a spring protection zone designated pursuant to s. 369.404.

c. Identify the appropriate mechanism for tracking inspections and providing notification to the owner of an onsite sewage treatment and disposal system that requires repairs or modifications.

d. A projection of the revenues that may be generated and those expenses that may be needed to administer an inspection program. These projections are to be based on an inspection fee that will cover the full costs of the proposed program.

(3) It is the intent of the Legislature that revenues derived from an inspection program be used to fund the administrative costs of the program and the remaining revenues be used to fund the grant program created pursuant to s. 369.407.

Section 29. Paragraph (m) is added to subsection (9) of section 259.105, Florida Statutes, to read:

259.105 The Florida Forever Act.—

(9) The Acquisition and Restoration Council shall recommend rules for adoption by the board of trustees to competitively evaluate, select, and rank projects eligible for Florida Forever funds pursuant to paragraph (3)(b) and for additions to the Conservation and Recreation Lands list pursuant to ss. 259.032 and 259.101(4). In developing these proposed rules, the Acquisition and Restoration Council shall give weight to the following criteria:

(m) Any part of the project area falls within a springs protection zone as defined by ss. 369.401-369.407.

Section 30. Section 403.9335, Florida Statutes, is created to read:

403.9335 Protection of urban and residential environments and water.—

(1) The Legislature finds that the implementation of the department's Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes located in the Florida-Friendly Landscape Guidance Models for Ordinances, Covenants, and Restrictions (2009) manual, which was developed consistent with the recommendations of the Florida Consumer Fertilizer Task Force, in concert with the provisions of the Labeling Requirements for Urban Turf Fertilizers found in chapter 5E-1 Florida Administrative Code, will assist in protecting the quality of Florida's surface water and groundwater resources. The Legislature further finds that local circumstances, including the varying types and conditions of water bodies, site-specific soils and geology, and urban or rural densities and characteristics, necessitates that additional or more stringent fertilizer-management practices may be needed at the local government level.

(2) All county and municipal governments are encouraged to adopt and enforce the provisions in the department's Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes as a mechanism for better protecting local surface water and groundwater quality.

(3) Each county and municipal government located within the watershed of a water body or water segment that is listed by the department as impaired by nutrients pursuant to s. 403.067, or designated as a spring protection zone pursuant to 369.404, shall adopt, at a minimum, the provisions of the department's Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes. A county or municipal government may adopt additional or more stringent provisions than the model ordinance if the following criteria are met:

(a) The county or municipal government has demonstrated, as part of a comprehensive program to address nonpoint sources of nutrient pollution which is science-based, economically and technically feasible, that additional or more stringent provisions to the model ordinance are ne-

cessary to adequately address urban fertilizer contributions to nonpoint source nutrient loading to a water body.

(b) The county or municipal government documents consideration of all relevant scientific information including input from the department, the Department of Agriculture and Consumer Services and the University of Florida Institute of Food and Agricultural Sciences, if provided, on the need for additional or more stringent provisions to address fertilizer use as a contributor to water quality degradation. All documentation shall be made part of the public record prior to adoption of the additional or more stringent criteria.

(4) Any county or municipal government that has adopted its own fertilizer use ordinance before January 1, 2009 is exempt from the provisions of this section. Ordinances adopted or amended after January 1, 2009 shall adopt the provisions in the most recent version of the model fertilizer ordinance and shall be subject to the criteria described in subsections (1) and (2) above.

(5) Nothing herein shall be construed to regulate the use of fertilizer on farm operations as defined in s. 823.14 or on lands classified as agricultural lands pursuant to s. 193.461.

Section 31. Section 403.9337, Florida Statutes, is created to read:

403.9337 Urban turf fertilizers.—

(1) As used in this section, the term:

(a) "No-phosphate fertilizer" or "no-phosphorus fertilizer" means fertilizer that contains less than 0.5 percent phosphate by weight.

(b) "Urban turf" means noncropland planted, mowed, and managed grasses, including, but not limited to, residential lawns; turf on commercial property; filter strips; and turf on property owned by federal, state, or local governments and other public lands, including roadways, roadsides, parks, campsites, recreation areas, school grounds, and other public grounds. The term does not include pastures, hay production and grazing land, turf grown on sod farms, or any other form of agricultural production; golf courses or sports turf fields; or garden fruits, flowers, or vegetables.

(c) "Soil test" means a test performed on soil planted or sodded, or that will be planted or sodded, by a laboratory approved by the Department of Agriculture and Consumer Services and performed within the last 2 years to indicate if the level of available phosphorus in the soil is sufficient to support healthy turf growth.

(d) "Tissue test" means a test performed on plant tissue growing in the soil planted or sodded, or that will be planted or sodded, by a laboratory approved by the Department of Agriculture and Consumer Services and performed within the last 2 years to indicate if the level of available phosphorus in the soil is sufficient to support healthy turf.

(2) Other than no-phosphate and no-phosphorus fertilizers, fertilizer containing phosphorus may not be applied to urban turf anywhere in this state on or after July 1, 2011, unless a soil or tissue test that is conducted pursuant to a method approved by the Department of Agriculture and Consumer Services indicates:

(a) For turf that is being initially established by seed or sod, the level of available phosphorus is insufficient to establish new turf growth and a root system. However, during the first year, a one-time application only of up to 1 pound of phosphate per 1,000 square feet of area may be applied.

(b) For established turf, the level of available phosphorus is insufficient to support healthy turf growth. However, no more than 0.25 pound of phosphate per 1,000 square feet of area per each application may be applied, not to exceed 0.5 pound of phosphate per 1,000 square feet of area per year.

Section 32. Effective July 1, 2010, all of the powers, duties, functions, 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 Onsite Sewage Programs in the Department of Health, as authorized and governed by ss. 20.43, 20.435, 153.73, 153.54, 163.3180, 180.03, 381.006, 381.0061, 381.0064-381.0068, and 489.551-558, are transferred by a type II transfer, pursuant to s. 20.06(2), to the Florida Department of En-

environmental Protection. In addition all existing powers, duties, functions, records, personnel, and property; unexpended balances of appropriations, allocations, and other funds; administrative authority; administrative rules; pending issues; and existing contracts associated with county health departments' onsite sewage programs are transferred to the Department of Environmental Protection. The Department of Environmental Protection in cooperation with the Department of Health must develop a plan to implement the type II transfer and deliver the proposal to the Governor, the President of the Senate and the Speaker of the House of Representatives by January 15, 2010.

Section 33. Subsection (6) of section 369.317, Florida Statutes, is amended to read:

369.317 Wekiva Parkway.—

(6) The Orlando-Orange County Expressway Authority is hereby granted the authority to act as a third-party acquisition agent, pursuant to s. 259.041 on behalf of the Board of Trustees or chapter 373 on behalf of the governing board of the St. Johns River Water Management District, for the acquisition of all necessary lands, property and all interests in property identified herein, including fee simple or less-than-fee simple interests. The lands subject to this authority are identified in paragraph 10.a., State of Florida, Office of the Governor, Executive Order 03-112 of July 1, 2003, and in Recommendation 16 of the Wekiva Basin Area Task Force created by Executive Order 2002-259, such lands otherwise known as Neighborhood Lakes, a 1,587+/- acre parcel located in Orange and Lake Counties within Sections 27, 28, 33, and 34 of Township 19 South, Range 28 East, and Sections 3, 4, 5, and 9 of Township 20 South, Range 28 East; Seminole Woods/Swamp, a 5,353+/- acre parcel located in Lake County within Section 37, Township 19 South, Range 28 East; New Garden Coal; a 1,605+/- acre parcel in Lake County within Sections 23, 25, 26, 35, and 36, Township 19 South, Range 28 East; Pine Plantation, a 617+/- acre tract consisting of eight individual parcels within the Apopka City limits. The Department of Transportation, the Department of Environmental Protection, the St. Johns River Water Management District, and other land acquisition entities shall participate and cooperate in providing information and support to the third-party acquisition agent. The land acquisition process authorized by this paragraph shall begin no later than December 31, 2004. Acquisition of the properties identified as Neighborhood Lakes, Pine Plantation, and New Garden Coal, or approval as a mitigation bank shall be concluded no later than December 31, 2010. Department of Transportation and Orlando-Orange County Expressway Authority funds expended to purchase an interest in those lands identified in this subsection shall be eligible as environmental mitigation for road construction related impacts in the Wekiva Study Area. *If any of the lands identified in this subsection are used as environmental mitigation for road construction related impacts incurred by the Department of Transportation or Orlando-Orange County Expressway Authority, or for other impacts incurred by other entities, within the Wekiva Study Area or within the Wekiva parkway alignment corridor, and if the mitigation offsets these impacts, then the St. Johns River Water Management District and the Department of Environmental Protection shall consider the activity regulated under part IV of chapter 373 to meet the cumulative impact requirements of s. 373.414(8)(a).*

Section 34. (1) *A task force is established to develop legislative recommendations relating to stormwater management system design in the state. The task force shall:*

(a) *Review the Joint Professional Engineers and Landscape Architecture Committee Report conducted pursuant to s. 17, chapter 88-347, Laws of Florida, and determine the current validity of the report and the need to revise any of the conclusions or recommendations.*

(b) *Determine how a licensed and registered professional might demonstrate competency for stormwater management system design.*

(c) *Determine how the Board of Professional Engineers and the Board of Landscape Architecture might administer certification tests or continuing education requirements for stormwater management system design.*

(d) *Provide recommendations for grandfathering the rights of licensed professionals who currently practice stormwater management design in a manner that will allow them to continue to practice without meeting any new requirements the task force recommends be placed on licensed professionals in the future.*

(2)(a) *The Board of Landscape Architecture, the Board of Professional Engineers, the Florida Engineering Society, the Florida Chapter of the American Society of Landscape Architects, the Secretary of Environmental Protection, and the Secretary of Transportation shall each appoint one member to the task force.*

(b) *Members of the task force may not be reimbursed for travel, per diem, or any other costs associated with serving on the task force.*

(c) *The task force shall meet a minimum of four times either in person or via teleconference; however, a minimum of two meetings shall be public hearings with testimony.*

(d) *The task force shall expire on November 1, 2009.*

(3) *The task force shall provide its findings and legislative recommendations to the President of the Senate and the Speaker of the House of Representatives by November 1, 2009.*

Renumber subsequent sections

And the title is amended as follows:

Delete lines 126-127 and insert: certain Class I landfills; creating part IV of ch. 369, F.S.; providing a short title; providing legislative findings and intent with respect to the need to protect and restore springs and groundwater; providing definitions; requiring the Department of Environmental Protection to delineate the springsheds of specified springs; requiring the department to adopt spring protection zones by secretarial order; requiring the department to adopt total maximum daily loads and basin management action plans for spring systems; providing effluent requirements for domestic wastewater treatment facilities; providing requirements for onsite sewage treatment and disposal systems; providing requirements for agricultural operations; authorizing the Department of Environmental Protection, the Department of Health, and the Department of Agriculture and Consumer Services to adopt rules; amending s. 163.3177, F.S.; requiring certain local governments to adopt a springs protection element as one of the required elements of the comprehensive plan by a specified date; providing that certain design principles be included in the element; requiring the Department of Environmental Protection and the state land planning agency to make information available concerning best-management practices; prohibiting a local government that fails to adopt a springs protection element from amending its comprehensive plan; amending s. 403.1835, F.S.; including certain areas of critical state concern and the spring protection zones established by the act among projects that are eligible for certain financial assistance; requiring the Department of Environmental Protection, the Department of Agriculture and Consumer Services, and water management districts to assess nitrogen loading and begin implementing management plans within the spring protection zones by a specified date; creating s. 403.093, F.S.; providing legislative intent to consider creation of a statewide onsite sewage treatment and disposal system inspection program; requiring a report to the Governor and Legislature; requiring the Department of Environmental Protection to provide procedures for implementing an inspection program; requiring minimum standards; directing disposition of revenues to fund the costs of the program; directing remaining reserves be used to fund the grant program; amending s. 259.105, F.S.; providing priority under the Florida Forever Act for projects within a springs protection zone; creating s. 403.9335, F.S.; providing legislative findings; providing for model ordinances for the protection of urban and residential environments and water; requiring the Department of Environmental Protection to adopt a model ordinance by a specified date; requiring municipalities and counties having impaired water bodies or segments to adopt the ordinance; creating s. 403.9337, F.S.; providing definitions; prohibiting use of certain fertilizers after a specified date; providing for exemptions; transferring by a type II transfer the Bureau of Onsite Sewage from the Department of Health to the Department of Environmental Protection; amending s. 369.317, F.S.; clarifying mitigation offsets in the Wekiva Study Area; establishing a task force to develop recommendations relating to stormwater management system design; specifying study criteria; providing for task force membership, meetings, and expiration; requiring the task force to submit findings and legislative recommendations to the Legislature by a specified date; providing effective dates.

On motion by Senator Constantine, further consideration of **CS for CS for SB 2104** with pending **Amendment 1 (563234)** was deferred.

The Senate resumed consideration of—

CS for CS for SB 2326—A bill to be entitled An act relating to license plates; amending ss. 320.08056 and 320.08058, F.S.; creating a Go Green Florida license plate, a Florida Biodiversity Foundation license plate, a Toomey Foundation for the Natural Sciences license plate, and a Trinity license plate; establishing an annual fee for the plates; providing for the distribution of use fees received from the annual sale of such plates; providing an effective date.

—which was previously considered and amended this day with pending **Amendment 2 (118028)** by Senator Siplin and pending point of order by Senator Rich.

RULING ON POINT OF ORDER

Senator Aronberg, Vice Chair of the Committee on Rules, recommended that the point is not well taken as Rule 7.1 does not prohibit the introduction on the floor of an amendment previously rejected in committee. The President ruled the point not well taken. Pending **Amendment 2 (118028)** by Senator Siplin was adopted.

MOTION

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

Senator Siplin moved the following amendment which was adopted:

Amendment 3 (217360)—Delete line 105 and insert: *must appear at the bottom of the plate. The plate shall not include any religious image.*

MOTION

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

Senator Altman moved the following amendments which were adopted:

Amendment 4 (308790) (with title amendment)—Delete lines 14-24 and insert:

Section 1. Paragraph (cc) of subsection (4) of section 320.08056, Florida Statutes, is amended, and paragraphs (qqq) through (zzz) are added to 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~~.

(qqq) Florida Horse Park license plate \$25.

(rrr) Let's Go Surfing license plate \$25.

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

(ttt) Autism license plate license plate \$25.

(uuu) Go Green Florida license plate \$25.

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

(www) Endless Summer license plate \$25.

(xxx) St. Johns River license plate \$25.

(yyy) Florida Biodiversity Foundation license plate \$25.

(zzz) Preserving the Past license plate \$25.

And the title is amended as follows:

Delete lines 2-3 and insert: An act relating to license plates; amending s. 320.08056, F.S.; revising the annual use fee for the Choose Life license, and establishing annual use fees for specified license plates; amending s. 320.08058, F.S.; revising authorized

Amendment 5 (979264) (with title amendment)—Delete lines 25-118 and insert:

Section 2. Paragraph (c) is added to subsection (29) of section 320.08058, Florida Statutes, paragraph (b) of subsection (32) of that section, is amended, and subsections (69), (70), (71), (72), (73), (74), (75), (76), (77), and (78) are added to that section, to read:

320.08058 Specialty license plates.—

(29) CHOOSE LIFE LICENSE PLATES.—

(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.*

(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) 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.*

(70) 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.

(71) 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.

(72) 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.

(73) 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.

(74) 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.

(75) *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.

(76) *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 remaining 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.

(77) *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.

(78) *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.

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. This act shall take effect September 1, 2009.

And the title is amended as follows:

Delete lines 3-9 and insert: amending s. 320.08058, F.S., revising authorized uses of proceeds received from the sale of the *Choose Life* license plate; revising authorized uses of proceeds received from the sale of the *United We Stand* license plate; creating a *Florida Horse Park* license plate; a *Let’s Go Surfing* license plate; a *Fraternal Order of Police* license plate; an *Autism* license plate; a *Go Green Florida* license plate; a *Catch Me, Release Me* license plate; an *Endless Summer* license plate; a *St. Johns River* license plate; a *Florida Biodiversity Foundation* license plate; and a *Preserving the Past* license plate; providing for the distribution of use fees received 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 vo-

luntary contribution to the Ronald McDonald Houses of Florida; revising provisions for distribution of such contributions; providing an

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 6 (364522) (with directory and title amendments)—Delete lines 25-117 and insert:

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

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

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

Section 2. Paragraph (b) of subsection (32) of section 320.08058, Florida Statutes, is amended, and subsections (69), (70), (71), (72), (73), (74), and (75) are added to section 320.08058, Florida Statutes, 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) 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.*

(70) FLORIDA BIODIVERSITY FOUNDATION LICENSE PLATES.—

(a) *The department shall develop a Florida Biodiversity Foundation 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 “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.*

(71) TOOMEY FOUNDATION FOR THE NATURAL SCIENCES LICENSE PLATES.—

(a) *The department shall develop a Toomey Foundation for the Natural Sciences 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.*

(72) 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.*

(73) 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.

(74) **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.

(75) **“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 directory clause is amended as follows:

Delete lines 14-16 and insert:

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

And the title is amended as follows:

Delete lines 3-7 and insert: 320.08056 and 320.08058, F.S.; revising the requirements for the United We Stand license plate; creating a Go Green Florida license plate, a Florida Biodiversity Foundation license plate, a Toomey Foundation for the Natural Sciences license plate, a Trinity license plate, a Fraternal Order of Police license plate, an autism license plate, and an “I Believe” license plate; establishing an annual fee for the plates;

On motion by Senator Ring, further consideration of **CS for CS for SB 2326** as amended with pending **Amendment 6 (364522)** was deferred.

MOTIONS RELATING TO COMMITTEE REFERENCE

THE PRESIDENT PRESIDING

On motion by Senator Alexander, by two-thirds vote **CS for SB 254** was withdrawn from the Committee on Education Pre-K - 12 Appropriations; **CS for CS for SB 868** was withdrawn from the Committee on General Government Appropriations; **CS for CS for SB 2248** was withdrawn from the Policy and Steering Committee on Ways and Means; and **SB 1136** was withdrawn from the Committee on Higher Education Appropriations.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed HB 5013 and that the Senate be asked to concur with the bill as passed by the House, or failing such concurrence, the House agrees to conference.

Robert L. "Bob" Ward, Clerk

By Transportation & Economic Development Appropriations Committee and Representative(s) Glorioso—

HB 5013—A bill to be entitled An act relating to transportation; amending s. 479.261, F.S.; revising requirements for the logo sign program of the interstate highway system; revising the definition of the term "attraction"; removing provisions for permits to be awarded to the highest bidders; authorizing the department to implement a rotation-based logo program; revising contract provisions for related services; requiring the department to adopt rules that set reasonable rates based on certain factors for annual permit fees; requiring that such fees not exceed a certain amount for certain sign locations; providing for distribution of proceeds from such fees; providing an effective date.

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

On motion by Senator Fasano, by two-thirds vote HB 5013 was withdrawn from the Policy and Steering Committee on Ways and Means.

On motion by Senator Fasano, the rules were waived and by two-thirds vote HB 5013 was placed on the Special Order Calendar and taken up instanter.

On motion by Senator Fasano, by two-thirds vote HB 5013 was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (421310) (with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motion by Senator Fasano, by two-thirds vote HB 5013 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Table with 3 columns: Mr. President, Fasano, Peaden, Alexander, Gaetz, Pruitt, Altman, Garcia, Rich, Aronberg, Gardiner, Richter, Baker, Gelber, Ring, Bennett, Haridopolos, Siplin, Constantine, Jones, Smith, Crist, Joyner, Sobel, Dean, Justice, Storms, Detert, King, Villalobos, Deutch, Lawson, Wise, Diaz de la Portilla, Lynn, Dockery, Oelrich

Nays—None

MOTION

On motion by Senator Alexander, the Senate requested that the House concur in HB 5013 as amended and in the event the House refused to concur, HB 5013 be included in the conference committee on appropriations as previously appointed.

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed HB 5129 and that the Senate be asked to concur with the bill as passed by the House, or failing such concurrence, the House agrees to conference.

Robert L. "Bob" Ward, Clerk

By Government Operations Appropriations Committee and Representative(s) Hays—

HB 5129—A bill to be entitled An act relating to child support enforcement; amending s. 61.046, F.S.; defining the term "health insurance" for purposes of provisions establishing and providing for enforcement of medical support obligations in child-support-enforcement cases; amending s. 61.13, F.S.; establishing standards for a presumption of reasonable costs of and accessibility of health insurance; requiring that the court make a written finding before deviating from the presumed reasonable cost; providing method for calculating a child's health insurance and noncovered medical expenses under certain circumstances; amending s. 61.1301, F.S.; conforming a provision to changes made by the act; amending s. 409.2554, F.S.; defining the term "health insurance" for purposes of provisions establishing and providing for the enforcement of medical support obligations in child-support-enforcement cases that received services under the Social Security Act; amending s. 409.2561, F.S.; conforming provisions to changes made by the act; amending s. 409.2563, F.S.; conforming provisions to changes made by the act; amending s. 409.2572, F.S.; conforming a cross-reference to changes made by the act; amending s. 409.2576, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

On motion by Senator Baker, by two-thirds vote HB 5129 was withdrawn from the Policy and Steering Committee on Ways and Means.

On motion by Senator Baker, the rules were waived and by two-thirds vote HB 5129 was placed on the Special Order Calendar and taken up instanter.

On motion by Senator Baker, by two-thirds vote HB 5129 was read the second time by title.

Senator Baker moved the following amendment which was adopted:

Amendment 1 (976020) (with title amendment)—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motion by Senator Baker, by two-thirds vote HB 5129 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Table with 3 columns: Mr. President, Deutch, Joyner, Alexander, Diaz de la Portilla, Justice, Altman, Dockery, King, Aronberg, Fasano, Lawson, Baker, Gaetz, Lynn, Bennett, Garcia, Oelrich, Constantine, Gardiner, Peaden, Crist, Gelber, Pruitt, Dean, Haridopolos, Rich, Detert, Jones, Richter

Ring	Sobel	Wise
Siplin	Storms	
Smith	Villalobos	

Nays—None

MOTION

On motion by Senator Alexander, the Senate requested that the House concur in **HB 5129** as amended and in the event the House refused to concur, **HB 5129** be included in the conference committee on appropriations as previously appointed.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Haridopolos, by two-thirds vote **CS for SB 1318** was withdrawn from the Committee on Ethics and Elections.

SPECIAL ORDER CALENDAR, continued

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.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 1114** to **CS for CS for HB 481**.

Pending further consideration of **CS for CS for SB 1114** as amended, on motion by Senator Richter, by two-thirds vote **CS for CS for HB 481** was withdrawn from the Committees on Transportation; and Criminal Justice; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Richter—

CS for CS for HB 481—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 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; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1114** as amended and read the second time by title.

MOTION

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

Senator Constantine moved the following amendments which were adopted:

Amendment 1 (380932) (with title amendment)—Between lines 180 and 181 insert:

Section 5. Paragraph (c) of subsection (4) of section 316.191, Florida Statutes, is amended to read:

316.191 Racing on highways.—

(4) Whenever a law enforcement officer determines that a person was engaged in a drag race or race, as described in subsection (1), the officer may immediately arrest and take such person into custody. The court may enter an order of impoundment or immobilization as a condition of incarceration or probation. Within 7 business days after the date the court issues the order of impoundment or immobilization, the clerk of the court must send notice by certified mail, return receipt requested, to the registered owner of the motor vehicle, if the registered owner is a person other than the defendant, and to each person of record claiming a lien against the motor vehicle.

(c) Any motor vehicle used in violation of subsection (2) may be impounded for a period of 30 ~~±0~~ business days if a law enforcement officer has arrested and taken a person into custody pursuant to this subsection and the person being arrested is the registered owner or coowner of the motor vehicle. If the arresting officer finds that the criteria of this paragraph are met, the officer may immediately impound the motor vehicle. The law enforcement officer shall notify the Department of Highway Safety and Motor Vehicles of any impoundment for violation of this subsection in accordance with procedures established by the department. The provisions of paragraphs (a) and (b) shall be applicable to such impoundment.

And the title is amended as follows:

Delete line 16 and insert: trauma centers; amending s. 316.191, F.S.; increasing the period for which a vehicle may be impounded for certain violations of state law relating to racing on highways; providing an effective date.

Amendment 2 (585062) (with title amendment)—Between lines 19 and 20 insert:

Section 1. Paragraph (c) of subsection (1) of section 316.191, Florida Statutes, is amended to read:

316.191 Racing on highways.—

(1) As used in this section, the term:

(c) “~~Race~~” ~~“Racing”~~ means the use of one or more motor vehicles in competition, arising from a challenge to demonstrate superiority of a motor vehicle or driver and the acceptance or competitive response to that challenge, either through a prior arrangement or in immediate response, in which the competitor attempts ~~an attempt~~ to outgain or outdistance another motor vehicle, to prevent another motor vehicle from passing, to arrive at a given destination ahead of another motor vehicle or motor vehicles, or to test the physical stamina or endurance of drivers over long-distance driving routes. A race may be prearranged or may occur through a competitive response to conduct on the part of one or more drivers which, under the totality of the circumstances, can reasonably be interpreted as a challenge to race.

And the title is amended as follows:

Delete line 2 and insert: An act relating to highway safety; amending s. 316.191, F.S.; defining the term “race”; amending s. 318.18,

MOTION

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

Senator Richter moved the following amendment which was adopted:

Amendment 3 (575708) (with title amendment)—Between lines 180 and 181 insert:

Section 5. Paragraph (a) of subsection (6) of section 316.193, Florida Statutes, is amended to read:

316.193 Driving under the influence; penalties.—

(6) With respect to any person convicted of a violation of subsection (1), regardless of any penalty imposed pursuant to subsection (2), subsection (3), or subsection (4):

(a) For the first conviction, the court shall place the defendant on probation for a period not to exceed 1 year and, as a condition of such probation, shall order the defendant to participate in public service or a community work project for a minimum of 50 hours. ~~or~~ The court may order ~~a~~ ~~instead, that any~~ defendant to pay ~~a~~ ~~an additional~~ fine of \$10 for each hour of public service or community work otherwise required ~~only~~; ~~if the court finds that~~, ~~after consideration of~~ the residence or location of the defendant at the time public service or community work is required ~~or the defendant's employment obligations would create an undue hardship for the defendant~~ ~~—payment of the fine is in the best interests of the state~~. However, the total period of probation and incarceration may not exceed 1 year. The court must also, as a condition of probation, order the impoundment or immobilization of the vehicle that was operated by or in the actual control of the defendant or any one vehicle registered in the defendant's name at the time of impoundment or immobilization, for a period of 10 days or for the unexpired term of any lease or rental agreement that expires within 10 days. The impoundment or immobilization must not occur concurrently with the incarceration of the defendant. The impoundment or immobilization order may be dismissed in accordance with paragraph (e), paragraph (f), paragraph (g), or paragraph (h).

For the purposes of this section, any conviction for a violation of s. 327.35; a previous conviction for the violation of former s. 316.1931, former s. 860.01, or former s. 316.028; or a previous conviction outside this state for driving under the influence, driving while intoxicated, driving with an unlawful blood-alcohol level, driving with an unlawful breath-alcohol level, or any other similar alcohol-related or drug-related traffic offense, is also considered a previous conviction for violation of this section. However, in satisfaction of the fine imposed pursuant to this section, the court may, upon a finding that the defendant is financially unable to pay either all or part of the fine, order that the defendant participate for a specified additional period of time in public service or a community work project in lieu of payment of that portion of the fine which the court determines the defendant is unable to pay. In determining such additional sentence, the court shall consider the amount of the unpaid portion of the fine and the reasonable value of the services to be ordered; however, the court may not compute the reasonable value of services at a rate less than the federal minimum wage at the time of sentencing.

And the title is amended as follows:

Delete line 16 and insert: 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.

Pursuant to Rule 4.19, **CS for CS for HB 481** as amended was placed on the calendar of Bills on Third Reading.

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 **CS for CS for HB 55** was retained on the 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 Wednesday, April 29.

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 Special Order

Calendar for Tuesday, April 28, 2009: CS for CS for SB 2226, CS for SB 978, CS for CS for SB 880, CS for CS for SB 2088, CS for CS for SB 168, CS for SB 270, CS for CS for CS for SB 2004, CS for SB 2240, CS for SB 1834, CS for SB 1580, CS for SB 508, CS for CS for SB 440, SM 1330, CS for SB 1342, CS for SB 58, CS for SB 258, SB 754, CS for CS for SB 732, CS for SB 748, CS for SB 1024, SB 658, CS for SB 1824, SB 1500, SB 1426, CS for SB 1400, CS for SB 1296, CS for SB 1826, SB 2080, CS for CS for SB 2126, CS for CS for SB 2626, CS for CS for SB 274, CS for SB 750, SB 644, CS for SB 1290, SB 1370, CS for CS for SB 362, CS for CS for SB 918, CS for SB 1348, CS for CS for SB 1000, CS for CS for SB 1114, CS for SB 398, CS for SB 392, CS for CS for SB 308, CS for SB 344, CS for SB 264, CS for SB 1902, CS for CS for SB 2326, CS for CS for SB 2322, CS for SB 2324, CS for CS for SB 2658, CS for CS for CS for SB 2104, CS for SB 2158, CS for CS for CS for SB 2244, CS for CS for CS for SB 2034, CS for SB 2032, CS for CS for SB 1602, CS for SB 1838, CS for CS for SB 836, CS for SB 746, CS for SB 538, CS for SB 616, CS for CS for SB 424, CS for SB 2374, CS for CS for SB 2262, CS for SB 2030, CS for SB 1126, CS for CS for CS for SB 1182, CS for CS for SB 942, CS for SB 2038, CS for SB 1912, SB 1066, SB 442, SB 1862, CS for CS for SB 340, CS for SB 1122, CS for CS for SB 1468, CS for SB 1268, CS for CS for SB 604, CS for SB 2198, CS for SB 2282, CS for CS for SB 2286, SB 2416, SB 2246, CS for SB 2334, CS for CS for SB 1372, SB 628, SB 1574, CS for SB 2408, CS for SB 2296, CS for SB 1864, CS for CS for CS for SB 904, CS for SB 1054, CS for CS for SB 564, SJR 566, CS for CS for CS for SB 1154, CS for CS for SB 1502, CS for CS for SB 126.

Respectfully submitted,
 Mike Fasano, President Pro Tempore
 Alfred "Al" Lawson, Jr., Minority Leader
 JD Alexander, Chair, Policy and Steering
 Committee on Ways and Means

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 as amended CS for CS for CS for HB 27, CS for CS for HB 239, HB 331, CS for CS for HB 339, CS for CS for CS for CS for HB 425, CS for CS for CS for HB 569, CS for HB 853, CS for CS for HB 1241, CS for CS for CS for HB 1495, CS for CS for HB 7031 and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

By Finance & Tax Council, Civil Justice & Courts Policy Committee, Insurance, Business & Financial Affairs Policy Committee and Representative(s) Ambler, Bovo, Zapata—

CS for CS for CS for HB 27—A bill to be entitled An act relating to residential properties; amending s. 468.436, F.S.; revising a ground for disciplinary action relating to misconduct or negligence; requiring the Department of Business and Professional Regulation to enter an order permanently revoking certain community association manager licenses; amending s. 718.111, F.S.; providing that an association has power to borrow money; requiring two-thirds vote of members to borrow money above a certain threshold; requiring certain notice of meeting; requiring that association access to a unit must be by two persons, one of whom must be a board member or manager or employee of the association; providing an exception for emergencies; amending s. 718.112, F.S.; revising notice requirements for board of administration meetings; revising requirements for the reappointment of certain board members; providing an exception to the expiration of the terms of members of certain boards; revising board eligibility requirements; revising notice requirements for board candidates; establishing requirements for newly elected board members; providing requirements for bylaw amendments by a board of administration; amending s. 718.116, F.S.; authorizing association demands for assessment payments from tenants of delinquent owners during pendency of a foreclosure action of a condominium unit; providing for notice; providing for credits against rent for assessment payments by tenants; providing for eviction proceedings for non-payment; providing for effect of provisions on rights and duties of the

tenant and association; amending s. 718.501, F.S.; providing for division jurisdiction to investigate complaints concerning failure to maintain common elements; prohibiting an officer or director from acting as such for a specified period after having been found to have committed specified violations; providing for payment of restitution and costs of investigation and prosecution in certain circumstances; amending s. 718.115, F.S.; requiring that certain services obtained pursuant to a bulk contract as provided in the declaration be deemed a common expense; requiring that such contracts contain certain provisions; authorizing the cancellation of certain contracts; amending s. 718.1265, F.S.; limiting the exercise of specified special powers unless a certain number of units are rendered uninhabitable; amending s. 718.303, F.S.; revising provisions relating to levy of fines; amending s. 718.5012, F.S.; providing a responsibility of the ombudsman to prepare and adopt a "Florida Condominium Handbook"; requiring the publishing and updating of the handbook to be done in conjunction with the Division of Florida Condominiums, Timeshares, and Mobile Homes; providing the purpose of the handbook; requiring the handbook to be published on the ombudsman's Internet website; amending s. 720.303, F.S.; revising provisions relating to homeowners' association board meetings, inspection and copying of records, reserve accounts of budgets, and recall of directors; prohibiting a salary or compensation for certain association personnel; providing exceptions; providing requirements for the borrowing of funds or committing to a line of credit by the board; providing requirements relating to transfer fees; amending s. 720.304, F.S.; revising requirements with respect to the display of flags; amending s. 720.305, F.S.; authorizing fines assessed against members which exceed a certain amount to become a lien against a parcel; amending s. 720.306, F.S.; providing requirements for secret ballots; requiring newly elected members of a board of directors to make certain certifications in writing to the association; providing for disqualification for failure to make such certifications; requiring an association to retain certifications for a specified time; amending s. 720.3085, F.S.; requiring a tenant in a unit in which the regular assessments are delinquent to pay future regular assessments to the association; requiring notice; providing for eviction by the association; specifying rights of the tenant; creating s. 720.3095, F.S.; providing requirements of maintenance and management contracts of a homeowners' association; requiring disclosures; providing a penalty; providing exceptions; creating s. 720.3096, F.S.; limiting contracts entered into by a homeowners' association; providing requirements for such contracts; amending s. 720.401, F.S.; requiring that the disclosure summary to prospective parcel owners include additional provisions; amending s. 34.01, F.S.; correcting a cross-reference to conform to changes made by the act; amending s. 720.302, F.S.; correcting a cross-reference to conform to changes made by the act; establishing legislative intent; repealing s. 720.311, F.S., relating to a procedure for dispute resolution in homeowners' associations; providing that dispute resolution cases pending on the date of repeal will continue under the repealed provisions; creating part IV of ch. 720, F.S., relating to dispute resolution; creating s. 720.501, F.S.; providing a short title; creating s. 720.502, F.S.; providing legislative findings; creating s. 720.503, F.S.; setting applicability of provisions for mediation and arbitration applicable to disputes in homeowners' associations; creating exceptions; providing applicability; tolling applicable statutes of limitations; creating s. 720.504, F.S.; requiring that the notice of dispute be delivered before referral to mediation or arbitration; creating s. 720.505, F.S.; creating a statutory notice form for referral to mediation; requiring delivery by certified mail or personal delivery; setting deadlines; requiring parties to share costs; requiring the selection of a mediator and times to meet; providing penalties for failure to mediate; creating s. 720.506, F.S.; creating an opt-out provision; creating s. 720.507, F.S.; creating a statutory notice form for referral to arbitration; requiring delivery by certified mail or personal delivery; setting deadlines; requiring parties to share costs; requiring the selection of an arbitrator and times to meet; providing penalties for failure to arbitrate; creating s. 720.508, F.S.; providing for rules of procedure; providing for confidentiality; creating s. 720.509, F.S.; setting qualifications for mediators and arbitrators; creating s. 720.510, F.S.; providing for enforcement of mediation agreements and arbitration awards; amending s. 718.103, F.S.; expanding the definition of "developer" to include a bulk assignee or bulk buyer; amending s. 718.301, F.S.; revising conditions under which unit owners other than the developer may elect not less than a majority of the members of the board of administration of an association; creating part VII of ch. 718, F.S.; providing a short title; providing legislative findings and intent; defining the terms "bulk assignee" and "bulk buyer"; providing for the assignment of developer rights by a bulk assignee; specifying liabilities of bulk assignees and bulk buyers; providing exceptions;

providing additional responsibilities of bulk assignees and bulk buyers; authorizing certain entities to assign developer rights to a bulk assignee; limiting the number of bulk assignees at any given time; providing for the transfer of control of a board of administration; providing effects of such transfer on parcels acquired by a bulk assignee; providing obligations of a bulk assignee upon the transfer of control of a board of administration; requiring that a bulk assignee certify certain information in writing; providing for the resolution of a conflict between specified provisions of state law; providing that the failure of a bulk assignee or bulk buyer to comply with specified provisions of state law results in the loss of certain protections and exemptions; requiring that a bulk assignee or bulk buyer file certain information with the Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation before offering any units for sale or lease in excess of a specified term; requiring that a copy of such information be provided to a prospective purchaser; requiring that certain contracts and disclosure statements contain specified statements; requiring that a bulk assignee or bulk buyer comply with certain disclosure requirements; prohibiting a bulk assignee from taking certain actions on behalf of an association while the bulk assignee is in control of the board of administration of the association and requiring that such bulk assignee comply with certain requirements; requiring that a bulk assignee or bulk buyer comply with certain requirements regarding certain contracts; providing unit owners with specified protections regarding certain contracts; requiring that a bulk buyer comply with certain requirements regarding the transfer of a unit; prohibiting a person from being classified as a bulk assignee or bulk buyer unless condominium parcels were acquired before a specified date; providing for the determination of the date of acquisition of a parcel; providing that the assignment of developer rights to a bulk assignee does not release a developer from certain liabilities; preserving certain liabilities for certain parties; requiring all new residential construction in a deed-restricted community that requires mandatory membership in the association under specified provisions of Florida law to comply with specified provisions of federal law; providing an effective date.

—was referred to the Committees on Regulated Industries; Community Affairs; and Judiciary.

By Economic Development & Community Affairs Policy Council, Roads, Bridges & Ports Policy Committee and Representative(s) Glorioso, Ford, Garcia, McBurney, Precourt, Robaina—

CS for CS for HB 239—A bill to be entitled An act relating to motor vehicles; amending s. 320.08056, F.S.; revising the annual use fee for the Choose Life license plate; establishing annual use fees for specified license plates; limiting the use of proceeds from the sale of specialty license plates; amending s. 320.08058, F.S.; revising authorized uses of proceeds received from the sale of the Choose Life license plate, United We Stand license plate, and Florida Golf license plate; creating an Autism license plate, a Let's Go Surfing license plate, a Florida Horse Park license plate, a St. Johns River license plate, an Endless Summer license plate, a Catch Me, Release Me license plate, a Fraternal Order of Police license plate, a Go Green Florida license plate, and a Florida Biodiversity Foundation license plate; providing for the distribution of use fees received 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 Autism License Plate Fund and Ronald McDonald Houses of Florida; providing for distribution of such contributions; amending s. 320.0706, F.S.; providing for the display of license plates on wreckers; providing penalties; amending s. 322.08, F.S.; requiring the application form for a driver's license or duplicate thereof to include language permitting a voluntary contribution to the Autism License Plate Fund; amending ss. 320.08056 and 320.08058, F.S.; creating a Hispanics Settled Florida in 1565 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 referred to the Committees on Communications, Energy, and Public Utilities; Environmental Preservation and Conservation; and General Government Appropriations.

By Representative(s) Skidmore, Zapata—

HB 331—A bill to be entitled An act relating to public health initiatives; amending s. 381.98, F.S.; establishing the Florida Public Health Institute, Inc., and deleting provisions relating to the Florida Public Health Foundation, Inc.; providing purposes of the institute; providing for the institute to operate as a not-for-profit corporation; revising composition of the board of directors; removing obsolete language relating to certain research; requiring annual reports to the Legislature; amending ss. 381.855, 381.911, and 381.981, F.S.; conforming terminology; amending s. 499.029, F.S.; renaming the Cancer Drug Donation Program as the Prescription Drug Donation Program; revising definitions; expanding the drugs and supplies that may be donated under the program; expanding the types of facilities and practitioners that may participate in the program; conforming provisions to changes in terminology; removing obsolete language relating to the adoption of initial rules; 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, Agriculture & Natural Resources Policy Committee and Representative(s) Patterson, Fresen, Hukill, Workman—

CS for CS for HB 339—A bill to be entitled An act relating to secondhand dealers and secondary metals recyclers; amending s. 538.03, F.S.; excluding specified equipment from the definition of “secondhand goods”; amending s. 538.21, F.S.; preempting certain local government ordinances relating to hold notices for secondary metals recyclers; creating part III of ch. 538, F.S.; providing definitions; providing exceptions; providing for registration; providing for recordkeeping; providing for the tendering of payments; providing for the inspection of records and business premises by a law enforcement agency; providing for a holding period; providing electronic access to transaction files by law enforcement agencies; providing for written notification to seller of transaction deficiencies; providing a method of relinquishment of abandoned property; providing for restitution; providing for replevin; prohibiting certain acts; providing penalties; providing for powers and duties of the Department of Revenue; providing an effective date.

—was referred to the Committees on Community Affairs; Commerce; and Criminal Justice.

By Full Appropriations Council on General Government & Health Care, Government Operations Appropriations Committee, General Government Policy Council, Insurance, Business & Financial Affairs Policy Committee and Representative(s) Plakon, Fresen—

CS for CS for CS for CS for HB 425—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 455.213, F.S.; deleting signature notarization from the information that the department may require in documents submitted for the issuance or renewal of a license; prescribing when an application is received for purposes of certain requirements of the Administrative Procedure Act; amending s. 455.227, F.S.; establishing additional grounds for discipline of professions subject to regulation; prohibiting the failure to report criminal convictions and pleas; prohibiting the failure to complete certain treatment programs; providing penalties; creating s. 455.2274, F.S.; authorizing the department’s representative to appear in criminal proceedings under certain circumstances and provide certain assistance to the court; amending s. 468.402, F.S.; providing for certain disciplinary action against a talent agency for revocation, suspension, or denial of the agency’s license in any jurisdiction; amending s. 468.403, F.S.; prohibiting certain acts by persons who are not licensed as a talent agency; amending s. 468.409, F.S.; requiring certain records kept by a talent agency to be readily available for inspection by the department; requiring copies of the records to be provided to the department in a specified manner; amending s. 468.410, F.S.; specifying the time by which a talent agency must give an applicant for the agency’s registration or employment services a copy of the contract for those services; amending s. 468.412, F.S.; requiring a talent agency to advise an artist, in writing, of certain rights relating to contracts for employment; specifying that an engagement procured by a talent agency during a specified period remains commissionable to the agency; limiting a prohibition against division of fees by a talent agency

to circumstances in which the artist does not give written consent; providing a definition; authorizing a talent agency to assign an engagement contract to another agency under certain circumstances; amending s. 468.413, F.S.; increasing the penalty that the department may assess against a talent agency that violates certain provisions of law; amending s. 468.609, F.S.; deleting a requirement that applicants for building code administrator certification complete a certain core curriculum before taking the certification examination; amending ss. 468.627 and 471.0195, F.S.; deleting provisions requiring building code administrator and inspector certificateholders and engineer licensees to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 473.305, F.S.; deleting an examination late filing fee applicable to certified public accountant examinees; amending s. 473.311, F.S.; deleting a provision requiring passage of a rules examination for renewal of license as a certified public accountant; amending s. 473.313, F.S.; deleting a provision requiring passage of an examination as a condition for reactivation of an inactive license as a certified public accountant; amending s. 475.175, F.S.; deleting the option to submit a notarized application for a real estate broker or sales associate license; amending s. 475.451, F.S.; limiting the attorney exemption from continuing education requirements to attorneys in good standing with The Florida Bar; amending s. 475.615, F.S.; deleting a requirement that an application for a real estate appraiser certification be notarized; amending ss. 476.134 and 476.144, F.S.; requiring a written examination for a barbering license; deleting provisions for a practical examination for barbering license applicants; amending s. 477.026, F.S.; increasing maximum fees for cosmetology licenses; amending ss. 481.215 and 481.313, F.S.; deleting provisions requiring architect, interior designer, and landscape architect licensees to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 481.229, F.S.; exempting certain persons or entities engaged in the manufacture, sale, or installation of commercial food service equipment from provisions regulating architecture and interior design under certain circumstances; amending s. 489.103, F.S.; revising a disclosure statement that a local permitting agency must provide to property owners who apply for building permits and claim certain exemptions from provisions regulating construction contracting; amending s. 489.105, F.S.; revising the term “specialty contractor” to require that the scope of work and responsibility of a specialty contractor be established in a category of construction contracting adopted by rule of the Construction Industry Licensing Board; amending s. 489.109, F.S.; increasing maximum fees for construction contractor certifications; establishing fees for registration or certification to qualify a business organization for contracting; deleting provisions relating to a business organization’s certificate of authority to conform to changes made by the act; amending s. 489.114, F.S.; deleting provisions relating to a business organization’s certificate of authority to conform to changes made by the act; amending s. 489.115, F.S.; deleting provisions requiring construction contractor certificateholders and registrants to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 489.117, F.S.; revising requirements for the registration of certain contractors; deleting provisions requiring a contractor applicant to submit proof of a local occupational license; specifying circumstances under which a specialty contractor holding a local license is not required to register with the board; deleting provisions for the issuance of tracking registrations to certain contractors who are not eligible for registration as specialty contractors; limiting the licensing and disciplinary actions that local jurisdictions must report to the board to certain actions of registered contractors; deleting provisions requiring the board to establish uniform job scopes for any construction contracting license category; amending s. 489.119, F.S.; deleting provisions for the issuance of a certificate of authority to a business organization for contracting; requiring a contractor to apply for registration or certification to qualify a business organization as the qualifying agent; authorizing the board to deny a registration or certification to qualify a business organization under certain circumstances; providing application procedures and requirements for the issuance of a business tax receipt to a business organization; deleting provisions for the issuance of an occupational license to a business organization; authorizing a local government to impose fines against certified or registered contractors under certain circumstances; requiring the qualifying agent of a business organization to present certain evidence to the board; providing that the board has discretion to approve a business organization; amending s. 489.127, F.S.; deleting provisions relating to a business organization’s certificate of authority for contracting to conform to changes made by the act; amending s. 489.128, F.S.; revising the

circumstances under which a person is considered an unlicensed contractor; deleting provisions relating to a business organization's certificate of authority for contracting to conform to changes made by the act; amending ss. 489.129 and 489.132, F.S.; deleting provisions relating to a business organization's certificate of authority for contracting to conform to changes made by the act; amending s. 489.1455, F.S.; deleting provisions requiring certain journeymen licensees to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 489.505, F.S.; revising the term "specialty contractor" to require that the scope of practice of a specialty contractor be established in a category of electrical or alarm system contracting adopted by rule of the Electrical Contractors' Licensing Board; amending s. 489.513, F.S.; deleting a requirement that the local license required for an electrical or alarm system contractor be an occupational license; limiting the licensing and disciplinary actions that local jurisdictions must report to the board to certain actions of registered contractors; deleting provisions requiring the board to establish uniform job scopes for any electrical and alarm system contracting license category; amending s. 489.516, F.S.; authorizing local officials to require a contractor to obtain a business tax receipt; deleting provisions requiring a contractor to pay an occupational license fee; amending s. 489.517, F.S.; deleting provisions requiring electrical and alarm system contractor certificateholders and registrants to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 489.521, F.S.; providing application procedures and requirements for the issuance of a business tax receipt to a business organization; deleting provisions for the issuance of an occupational license to a business organization; amending s. 489.5315, F.S.; specifying that certain electrical or alarm system contractors are not required to obtain a business tax receipt; deleting a provision exempting certain contractors from requirements for an occupational license to conform to changes made by the act; amending s. 489.532, F.S.; revising the circumstances under which a person is considered an unlicensed electrical or alarm system contractor; amending s. 489.537, F.S.; authorizing a county or municipality to collect fees for business tax receipts from electrical and alarm system contractors; deleting a provision authorizing the collection of occupational license fees; amending s. 509.233, F.S.; authorizing local governments to establish, by ordinance, local exemption procedures to allow patrons' dogs within certain designated outdoor portions of public food service establishments; deleting provisions for a pilot program that limits the authority for such local exemption procedures to a specified time; deleting a provision that provides for the future review and repeal of such pilot program; amending s. 509.302, F.S.; defining the term "hospitality industry"; revising the purpose of the program to focus on certain training and transition programs; requiring a statewide non-profit organization that receives the program's grant funding to represent a hospitality industry in the state; requiring the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to use a portion of certain annual licenses fees for programs directed to careers in the restaurant industry and a portion of the fees for programs directed to careers in the lodging industry; authorizing the division to use a portion of the fees for administration of the program; deleting provisions related to the allocation of the funds to various programs; revising the criteria for the award of grants to conform to changes made by the act; removing an expired provision that authorized administrative fines to be used for the program; amending s. 548.002, F.S.; defining the term "event" for regulation of pugilistic exhibitions; amending s. 548.003, F.S.; authorizing the Florida State Boxing Commission to adopt criteria for the approval of certain amateur sanctioning organizations; authorizing the commission to adopt health and safety standards for amateur mixed martial arts; reenacting ss. 468.436(2)(a), 468.832(1)(a), 468.842(1)(a), 471.033(1)(a), 472.033(1)(a), 473.323(1)(a), 475.25(1)(a), 475.624(1), 476.204(1)(h), 477.029(1)(h), 481.225(1)(a), and 481.325(1)(a), F.S., relating to the discipline of community association managers or firms, home inspectors, mold assessors and remediators, engineers, surveyors and mappers, certified public accountants and accounting firms, real estate brokers and sales associates, real estate appraisers, barbers, cosmetologists, architects, and landscape architects, to incorporate the amendment made to s. 455.227, F.S., in references thereto; amending s. 20.165, F.S.; creating the Division of Service Operations of the department; amending s. 455.217, F.S.; conforming provisions and transferring to the Division of Service Operations from the Division of Technology certain responsibilities related to examinations; revising certain requirements for the department concerning the use of outside vendors for the development, preparation, and evaluation of examinations; amending s. 471.003, F.S.; revises the types of construc-

tion projects for which certain contractors are exempt from licensure as an engineer; requiring that the Office of Program Policy Analysis and Government Accountability perform a study and make certain recommendations to the Legislature by a specified date regarding the enactment of laws to provide for protection and remedies from certain online poker activities; providing for retroactive application; repealing s. 509.201, F.S., relating to posting and advertising the room rates of a public lodging establishment and related penalties; providing effective dates.

—was referred to the Committees on Regulated Industries; Community Affairs; and General Government Appropriations.

By Finance & Tax Council, General Government Policy Council, Insurance, Business & Financial Affairs Policy Committee and Representative(s) Roberson, K.—

CS for CS for CS for HB 569—A bill to be entitled An act relating to financial instruments; amending s. 17.57, F.S.; 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; 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; amending s. 215.555, F.S.; revising the dates of an insurer's contract year for purposes of calculating the insurer's retention; revising reimbursement contract coverage payment provisions; extending application of provisions relating to reimbursement contracts; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Accountability; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By General Government Policy Council and Representative(s) Paterson, Kreegel, Murzin, Williams, T., Zapata—

CS for HB 853—A bill to be entitled An act relating to surplus lines insurers; amending s. 626.913, F.S.; specifying nonapplication of certain provisions of law to surplus lines insurance; providing an exception; amending s. 626.924, F.S.; requiring surplus lines policies issued on or after a specified date to 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 the retroactive applicability of certain provisions; providing severability; providing an effective date.

—was referred to the Committees on Banking and Insurance; Finance and Tax; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Natural Resources Appropriations Committee, Agriculture & Natural Resources Policy Committee and Representative(s) Troutman, Bullard, Murzin, Zapata—

CS for CS for HB 1241—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 482.021, F.S.; revising terminology to modify requirements for supervision provided by certified operators in charge of pest control businesses; amending s. 482.051, F.S.; requiring pest control licensees to perform inspections before issuing certain contracts; amending s. 482.071, F.S.; increasing the financial responsibility requirements for pest control licensees; creating s. 482.072, F.S.; requiring pest control service center licenses; providing license application requirements and procedures; providing for expiration and renewal of licenses; establishing license fees; exempting pest control service center employees from identification card requirements except under certain circumstances; requiring recordkeeping and monitoring of service center operations; authorizing disciplinary action against pest control licensees for violations committed by service center employees; amending s. 482.152, F.S.; revising duties and supervisory requirements of certified operators in charge of pest control businesses; creating s. 482.157, F.S.; providing for pest control certification of commercial wildlife management personnel; providing application procedures and requirements; requiring a certification examination; establishing certification fees; amending s. 482.226, F.S.; increasing the financial responsibility requirements for certain pest control licensees; amending s. 493.6102, F.S.; specifying that provisions regulating security officers do not apply to certain officers performing off-duty activities; amending s. 493.6105, F.S.; revising application requirements and procedures for private investigator, security officer, or recovery agent licenses; specifying application requirements for firearms instructor license; amending s. 493.6106, F.S.; revising citizenship requirements and documentation for private investigator, security officer, and recovery agent licenses; prohibiting the licensure of applicants for a statewide firearm license or firearms instructor license who are prohibited from purchasing or possessing firearms; requiring notice of changes to branch office locations for private investigative, security, or recovery agencies; amending s. 493.6107, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6108, F.S.; revising requirements for criminal history checks of license applicants whose fingerprints are not legible; requiring investigation of the mental and emotional fitness of applicants for firearms instructor licenses; amending s. 493.6111, F.S.; requiring a security officer school or recovery agent school to obtain the department's approval for use of a fictitious name; amending s. 493.6113, F.S.; revising application renewal procedures and requirements; amending s. 493.6115, F.S.; conforming cross-references; amending s. 493.6118, F.S.; authorizing disciplinary action against statewide firearm licensees and firearms instructor licensees who are prohibited from purchasing or possessing firearms; amending s. 493.6121, F.S.; deleting provisions for the department's access to certain criminal history records provided to licensed gun dealers, manufacturers, and exporters; amending s. 493.6202, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6203, F.S.; prohibiting bodyguard services from being credited toward certain license requirements; revising training requirements for private investigator intern license applicants; amending s. 493.6302, F.S.; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6303, F.S.; revising the training requirements for security officer license applicants; amending s. 493.6304, F.S.; revising application requirements and procedures for security officer school licenses; amending s. 493.6401, F.S.; revising terminology for recovery agent schools and training facilities; amending s. 493.6402, F.S.; revising terminology for recovery agent schools and training facilities; requiring the department to accept certain methods of payment for certain fees; amending s. 493.6406, F.S.; requiring recovery agent school and instructor licenses; providing license application requirements and procedures; amending ss. 501.605 and 501.607, F.S.; revising application requirements for commercial telephone seller and salesperson licenses; amending s. 501.913, F.S.; specifying the sample size required for antifreeze registration application; amending s. 525.01, F.S.; revising requirements for petroleum fuel affi-

davits; amending s. 525.09, F.S.; imposing an inspection fee on certain alternative fuels containing alcohol; amending s. 526.50, F.S.; defining terms applicable to regulation of the sale of brake fluid; amending s. 526.51, F.S.; revising brake fluid permit application requirements; deleting permit renewal requirements; providing for reregistration of brake fluid and establishing fees; amending s. 526.52, F.S.; revising requirements for printed statements on brake fluid containers; amending s. 526.53, F.S.; revising requirements and procedures for brake fluid stop-sale orders; authorizing businesses to dispose of unregistered brake fluid under certain circumstances; amending s. 527.02, F.S.; increasing fees for liquefied petroleum gas licenses; revising fees for pipeline system operators; amending s. 527.0201, F.S.; revising requirements for liquefied petroleum gas qualifying examinations; increasing examination fees; increasing continuing education requirements for certain liquefied petroleum gas qualifiers; amending s. 527.021, F.S.; requiring the annual inspection of liquefied petroleum gas transport vehicles; increasing the inspection fee; amending s. 527.12, F.S.; providing for the issuance of certain stop orders; amending ss. 559.805 and 559.928, F.S.; deleting requirements that lists of independent agents of sellers of business opportunities and the agents' registration affidavits include the agents' social security numbers; amending s. 570.0725, F.S.; revising provisions for public information about food banks and similar food recovery programs; authorizing the department to adopt rules; amending ss. 570.53 and 570.54, F.S.; conforming cross-references; amending s. 570.55, F.S.; revising requirements for identifying sellers or handlers of tropical or subtropical fruit or vegetables; amending s. 570.902, F.S.; conforming terminology to the repeal by the act of provisions establishing the Florida Agricultural Museum; amending s. 570.903, F.S.; revising provisions for direct-support organizations for certain agricultural programs to conform to the repeal by the act of provisions establishing the Florida Agricultural Museum; deleting provisions for a direct-support organization for the Florida State Collection of Arthropods; amending s. 573.118, F.S.; requiring the department to maintain records of marketing orders; requiring an audit at the request of an advisory council; requiring that the advisory council receive a copy of the audit within a specified time; amending s. 581.011, F.S.; deleting terminology relating to the Florida State Collection of Arthropods; revising the term "nursery" for purposes of plant industry regulations; amending s. 581.031, F.S.; increasing citrus source tree registration fees; amending s. 581.131, F.S.; increasing registration fees for a nurseryman, stock dealer, agent, or plant broker certificate; amending s. 581.211, F.S.; increasing the maximum fine for violations of plant industry regulations; amending s. 583.13, F.S.; deleting a prohibition on the sale of poultry without displaying the poultry grade; amending s. 590.125, F.S.; revising terminology for open burning authorizations; specifying purposes of certified prescribed burning; requiring the authorization of the Division of Forestry for certified pile burning; providing pile burning requirements; limiting the liability of property owners or agents engaged in pile burning; providing for the certification of pile burners; providing penalties for violations by certified pile burners; requiring rules; revising notice requirements for wildfire hazard reduction treatments; providing for approval of local government open burning authorization programs; providing program requirements; authorizing the division to close local government programs under certain circumstances; providing penalties for violations of local government open burning requirements; amending s. 590.14, F.S.; authorizing fines for violations of any division rule; providing penalties for certain violations; providing legislative intent; amending s. 599.004, F.S.; revising standards that a winery must meet to qualify as a certified Florida Farm Winery; amending s. 604.15, F.S.; defining the term "responsible position" for purposes of provisions regulating dealers in agricultural products; amending s. 604.19, F.S.; revising requirements for late fees on agricultural products dealer applications; amending s. 604.20, F.S.; revising the minimum amount of the surety bond or certificate of deposit required for agricultural products dealer licenses; providing conditions for the payment of bond or certificate of deposit proceeds; requiring additional documentation for issuance of a conditional license; amending s. 604.25, F.S.; revising conditions under which the department may deny, refuse to renew, suspend, or revoke agricultural products dealer licenses; deleting a provision pro-

hibiting certain persons from holding a responsible position with a licensee; amending s. 616.242, F.S.; amending s. 686.201, F.S.; exempting contracts involving a seller of travel from the requirements of that section; authorizing the issuance of stop-operation orders for amusement rides under certain circumstances; amending s. 790.06, F.S.; authorizing a concealed firearm license applicant to submit fingerprints administered by the Division of Licensing; repealing ss. 570.071 and 570.901, F.S., relating to the Florida Agricultural Exposition and the Florida Agricultural Museum; amending s. 205.064, F.S.; authorizing a person selling certain agricultural products who is not a natural person to qualify for an exemption from obtaining a local business tax receipt; amending s. 322.01, F.S.; revising the term “farm tractor” for purposes of drivers’ licenses; amending s. 500.03, F.S.; revising the term “food establishment” to include tomato repackers for purposes of the Florida Food Safety Act; creating s. 500.70, F.S.; defining the terms “field packing,” “packing” or “repacking,” and “producing”; requiring the Department of Agriculture and Consumer Services to adopt minimum food safety standards for the producing, harvesting, packing, and repacking of tomatoes; authorizing the department to inspect tomato farms, greenhouses, and packinghouses or repackers for compliance with the standards and certain provisions of the Florida Food Safety Act; providing penalties; authorizing the department to establish good agricultural practices and best management practices for the state’s tomato industry; providing a presumption that tomatoes introduced into commerce are safe for human consumption under certain circumstances; providing exemptions; authorizing the department to adopt rules; amending s. 570.07, F.S.; authorizing the department to adopt best management practices for agricultural production and food safety; amending s. 570.48, F.S.; revising duties of the Division of Fruit and Vegetables for tomato food safety inspections; amending s. 604.15, F.S.; revising the term “agricultural products” to make tropical foliage exempt from regulation under provisions relating to dealers in agricultural products; amending s. 624.4095, F.S.; requiring that gross written premiums for certain crop insurance not be included when calculating the insurer’s gross ratio; requiring that liabilities for ceded reinsurance premiums be netted against the asset for amounts recoverable from reinsurers; requiring that insurers who write other insurance products to disclose a breakout of the gross written premiums for crop insurance; amending s. 823.145, F.S.; expanding the materials used in agricultural operations that may be disposed of by open burning; providing certain limitations on open burning; amending s. 163.3162, F.S.; prohibiting a county from enforcing certain limits on the activity of a bona fide farm operation on agricultural land under certain circumstances; prohibiting a county from charging agricultural lands for stormwater management assessments and fees under certain circumstances; allowing an assessment to be collected if credits against the assessment are provided for implementation of best-management practices; providing exemptions from certain restrictions on a county’s powers over the activity on agricultural land; providing a definition; providing for application; creating s. 163.3163, F.S.; creating the “Agricultural Land Acknowledgement Act”; providing legislative findings and intent; providing definitions; requiring an applicant for certain development permits to sign and submit an acknowledgement of contiguous agricultural land as a condition of the political subdivision issuing the permits; specifying information to be included in the acknowledgement; requiring that the acknowledgement be recorded in the official county records; amending s. 604.50, F.S.; exempting farm fences from the Florida Building Code; exempting nonresidential farm buildings and farm fences from county and municipal codes and fees; specifying that the exemptions do not apply to code provisions implementing certain floodplain regulations; providing an effective date.

—was referred to the Committees on Agriculture; Governmental Oversight and Accountability; and General Government Appropriations.

By Full Appropriations Council on General Government & Health Care, General Government Policy Council, Insurance, Business & Financial Affairs Policy Committee and Representative(s) Nelson, Hays, Long, Plakon, Williams, T.—

CS for CS for CS for HB 1495—A bill to be entitled An act relating to property and casualty insurance; amending s. 215.47, F.S.; authorizing the State Board of Administration to invest in certain revenue bonds under certain circumstances; amending s. 215.555, F.S., relating to the Florida Hurricane Catastrophe Fund; revising the dates of an insurer’s contract year for purposes of calculating the insurer’s retention; revising reimbursement contract coverage payment provisions; extending application of provisions relating to reimbursement contracts; revising the dates on which the State Board of Administration is required to publish a statement of the estimated borrowing capacity of the Florida Hurricane Catastrophe Fund; requiring the board to publish a statement of the estimated claims-paying capacity of the Florida Hurricane Catastrophe Fund; requiring a reimbursement premium formula to provide cash build-up factors for certain contract years; extending provisions relating to temporary increase in coverage limit operations for the fund; providing additional reimbursement requirements for temporary increase in coverage addenda for additional contract years; expanding the powers and duties of the board; specifying required increases in TICL reimbursement premiums for certain contract years; specifying non-application of cash build-up factors to TICL reimbursement premiums; deleting authority for the State Board of Administration to increase the claims-paying capacity of the fund; amending s. 215.5586, F.S., relating to the My Safe Florida Home Program; 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; deleting provisions relating to no-interest loans; requiring that contracts valued at or greater than a specified amount be subject to review and approval by the Legislative Budget Commission; requiring the Department of Financial Services to implement a condominium weatherization and mitigation loan program for certain purposes; specifying program requirements; specifying an administration requirement for the program; requiring the department to adopt rules; amending s. 624.4622, F.S.; prohibiting withdrawal notice requirements of longer than 30 days for members of a local government self-insurance fund; requiring local government self-insurance funds to submit an affidavit to specified entities; specifying affidavit contents; amending s. 624.605, F.S.; revising the definition of the term “casualty insurance” to include certain debt cancellation products sold or leased by certain business entities; amending s. 626.753, F.S.; prohibiting certain uses of commissions derived from the sale of crop hail or multiple-peril crop insurance which are shared between certain agents and certain production credit associations or federal land bank associations; providing penalties; providing that patronage dividends and other payments to members of production credit associations or federal land bank associations are unlawful rebates under certain circumstances; providing penalties for an agent who shares commissions with a production credit association or federal land bank association under certain circumstances; amending s. 626.9541, F.S.; specifying that certain patronage dividends and other payments are unfair methods of competition and unfair or deceptive acts; providing penalties; amending s. 627.062, F.S.; extending application of file and use filing requirements for certain property insurance filings; prohibiting the Office of Insurance Regulation from interfering with an insurer’s right to solicit, sell, promote, or otherwise acquire policyholders and implement coverage; specifying limited application to certain rates; specifying that certain rate filings are not subject to office determination as excessive or unfairly discriminatory; providing limitations; providing a definition; prohibiting certain rate filings under certain circumstances; preserving the office’s authority to disapprove certain rate filings under certain circumstances; providing procedures for insurers submitting certain rate filings; specifying nonapplication to certain types of insurance; 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 relating to rate filings; amending s. 627.0628, F.S.; requiring the Florida Commission on Hurricane Loss Projection Methodology to hold public meetings for purposes of implementing certain windstorm mitigation discounts, credits, other rate differentials, and deductible reductions; requiring a report to the Governor, Cabinet, and Legislature; amending s. 627.0629, F.S.; requiring certain hurricane mitigation measure dis-

counts, credits, and rate differentials to supersede certain other discounts, credits, and rate differentials; authorizing residential property insurers to include reinsurance costs without certain TICL adjustments; amending s. 627.0655, F.S.; discontinuing authorization for a premium discount for a policyholder having multiple policies from Citizens Property Insurance Corporation or a policy that has been removed from the corporation by another insurer; amending s. 627.351, F.S.; deleting application of certain personal lines residential property insurance requirements for wind-borne debris regions insured by the corporation; revising the basis of a surcharge to offset an account deficit; providing for members of the board of governors of the corporation to serve staggered terms; providing exceptions to actuarially sound rate requirements for the corporation; providing legislative findings; requiring the corporation to implement certain actuarially sound rates for certain lines of business; providing limitations; providing for cessation of certain rate increases upon implementation of actuarially sound rates; requiring the corporation to transfer certain funds from the rate increase to the Insurance Regulatory Trust Fund in the Department of Financial Services for a certain time; deleting certain wind-only coverage maximum loss reporting requirements; amending s. 627.711, F.S.; revising eligible entities authorized to certify uniform mitigation inspection forms; authorizing insurers to contract with inspection firms to review certain verification forms and reinspect properties for certain purposes; providing for such contracts to be at the insurer's expense; providing a criminal penalty for knowingly submitting a false or fraudulent mitigation form with the intent to receive an undeserved discount; amending s. 627.712, F.S.; providing an additional exception to residential property insurance windstorm coverage requirements for certain risks; expanding a requirement that insurers notify mortgageholders or lienholders of policyholder elections for coverage not covering wind; amending s. 631.65, F.S.; providing construction relating to certain prohibited advertisements or solicitations; requiring the My Safe Florida Home Program to use certain funds for certain mitigation grants; authorizing the department to establish a separate account in the trust fund for accounting purposes; amending s. 626.854, F.S.; prohibiting public adjusters from compensating, or agreeing to compensate, any person for referrals of business; providing an exception; amending s. 626.865, F.S.; revising qualifications for public adjuster's license; deleting requirement that applicant for public adjuster's license pass a written examination; amending s. 626.8651, F.S.; revising qualifications for public adjuster apprentice license; requiring that applicant for public adjuster apprentice license pass a written examination, complete certain training, and receive a specified designation; limiting the number of public adjuster apprentices that may be appointed by a public adjusting firm or supervised by a supervising public adjuster; amending s. 627.7011, F.S.; specifying that provisions regulating homeowners' policies do not prohibit insurers from repairing damaged property; requiring the Office of Program Policy Analysis and Government Accountability to submit a report to the Legislature, Commissioner of Insurance, Chief Financial Officer, and Governor reviewing laws governing public adjuster; specifying review requirements; specifying a required notice for real property insurance policies issued or renewed in this state; providing notice requirements; amending s. 626.9541, F.S.; authorizing licensed general lines agents to collect a service charge for processing certain installment payments under certain circumstances; providing a limitation; providing requirements; amending s. 624.46226, F.S.; authorizing reinsurance companies to issue coverage directly to certain public housing authorities under certain circumstances; specifying that a public housing authority is considered an insurer under certain circumstances; requiring that certain reinsurance contracts issued to public housing authorities receive the same tax treatment as contracts issued to insurance companies; providing construction; requiring rating agencies or rating services to disclose certain information in public reports and ratings; providing an effective date.

—was referred to the Committees on Banking and Insurance; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

By Finance & Tax Council, Economic Development & Community Affairs Policy Council, Economic Development Policy Committee and Representative(s) Carroll, Van Zant—

CS for CS for HB 7031—A bill to be entitled An act relating to economic development; amending s. 11.905, F.S.; revising the schedule for reviewing state agencies and advisory committees; adding the Office of Tourism, Trade, and Economic Development and certain partners and offices of such office to the list of agencies to be reviewed by July 1, 2010; revising the date by which the office must submit an agency report to the Legislature; amending ss. 166.231 and 220.15, F.S.; revising industry code designations; providing a definition; amending s. 212.05, F.S.; extending the time nonresident purchasers have to remove a boat from the state after purchase; providing for an extension decal to be issued by a dealer; imposing a decal cost; revising industry code designations; amending s. 212.097, F.S.; revising review and certification requirements for Urban High-Crime Area Job Tax Credit Program applications; amending s. 212.098, F.S.; revising the definition of the term “qualified area”; amending s. 220.191, F.S.; specifying a review and certification requirement for capital investment tax credit applications; creating s. 288.061, F.S.; providing requirements and procedures for an economic development incentive application process; providing time periods and requirements for certification for economic development incentive applications; providing duties and responsibilities of Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development; amending s. 288.063, F.S.; revising required criteria for review and certification of transportation projects by the Office of Tourism, Trade, and Economic Development; amending s. 288.065, F.S.; revising county population criteria for loans from the Rural Community Development Revolving Loan Fund; amending s. 288.0655, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to award grants for a certain percentage of total infrastructure project costs for certain catalyst site funding applications; expanding eligible facilities for authorized infrastructure projects; providing for waiver of the local matching requirement; specifying a review and certification requirement for the office for certain Rural Infrastructure Fund grant applications; amending s. 288.0656, F.S.; providing legislative intent; revising and providing definitions; providing additional review and action requirements for the Rural Economic Development Initiative relating to rural communities; revising representation on the initiative; deleting a limitation on characterization as a rural area of critical economic concern; authorizing the Governor to designate a portion of the state as an additional rural area of critical economic concern; authorizing rural areas of critical economic concern to designate certain catalyst projects for certain purposes; providing project requirements; requiring the initiative to assist local governments with certain comprehensive planning needs; providing procedures and requirements for such assistance; revising certain reporting requirements for the initiative; amending s. 288.06561, F.S., conforming cross-references; amending s. 288.0657, F.S.; revising the definition of the term “rural community”; amending s. 288.1045, F.S.; revising provisions relating to the application and refund process for the qualified defense contractor tax refund program; specifying a review and certification requirement for program refunds; revising the cap on refunds per applicant; deleting a report requirement; amending s. 288.106, F.S.; revising and providing definitions; including targeted industry zones under the tax refund program for qualified target industry businesses; revising industry code designation requirements for the program; revising program application and approval process provisions; specifying a review and certification requirement for program applications; revising tax refund agreement requirements; revising an economic-stimulus exemption request provision; extending a final date for exemption requests; extending a certification expiration provision; amending s. 288.107, F.S.; revising criteria for businesses eligible for brownfield redevelopment bonus refunds; providing an additional criterion for participation in brownfield redevelopment bonus refunds; specifying a review and certification requirement for brownfield redevelopment bonus refund applications; amending s. 288.108, F.S.; specifying a review and certification requirement for applications for high-impact business performance grants; deleting certain final order and report requirements; amending s. 288.1088, F.S.; specifying a review requirement for Quick

Action Closing Fund project applications; providing a time period for the director to recommend approval or disapproval of a project for receipt of funds from the Quick Action Closing Fund; amending s. 288.1089, F.S.; including alternative and renewable energy projects under the Innovation Incentive Program; revising and providing definitions; revising applicant review and qualification criteria; authorizing reduction or waiver of certain matching requirements in certain areas; revising Enterprise Florida, Inc., proposal evaluation requirements; specifying additional evaluation criteria for alternative and renewable energy proposals; deleting an evaluation and recommendation requirement for the Florida Energy and Climate Commission for certain proposals; revising requirements and criteria for agreements to award and receive incentive funds; providing additional agreement requirements; revising award performance reporting requirements; requiring award recipients to comply with certain business ethics standards; requiring the Office of Tourism, Trade, and Economic Development to submit annual reports to the Governor and Legislature on program grant recipients' activities; requiring the Office of Program Policy Analysis and Government Accountability to submit triennial reports evaluating the program; creating s. 288.10895, F.S.; providing requirements and procedures for and limitations on transfers of economic development incentives; providing definitions; providing for the amount of the incentive that may be transferred; providing conditions for use of transferred incentives; providing a limitation on the number of transfers; providing eligibility of transfers; providing for recovery of transfers under certain circumstances; providing certain agency rulemaking authority; amending s. 288.9622, F.S.; revising legislative intent for the Florida Capital Formation Act; amending s. 288.9624, F.S.; expanding the types of investments that may be made by the Florida Opportunity Fund; providing a limitation on the funds that may be used in making investments; establishing authority for certain actions to be taken to use public and private funds; revising a report requirement; amending s. 380.06, F.S.; exempting certain nonresidential developments and catalyst sites from development of regional impact requirements under certain circumstances; amending ss. 257.193, 288.019, and 627.6699, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Commerce; Governmental Oversight and Accountability; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

HOUSE MESSAGES, RETURNING

CONFEREES APPOINTED

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed the following Representatives to the conference committee for HB 5013 and HB 5129: Chair: Rep. Rivera,

Llorente; Members At Large: Rep. Bogdanoff, Cannon, Galvano, Hasner, Lopez-Cantera, Reagan, Fitzgerald, Saunders, Skidmore; Criminal & Civil Justice Appropriations: Chair: Rep. Adams, Thompson, N., Rouson, Eisnaugle, Planas, Snyder, Soto, Taylor, P.; Gov't Operations Appropriations: Chair: Rep. Hays, Hooper, Braynon, Ford, McBurney, Nelson, Schultz, Williams, A.; Health Care Appropriations: Chair: Rep. Ambler, Patronis, Brandenburg, Frishe, Grimsley, Homan, Jones, Kreegel, Renault; Healthy Seniors Appropriations: Chair: Rep. Domino, Anderson, Schwartz, Hudson, Nehr, Pafford; Human Services Appropriations: Chair: Rep. Zapata, Holder, Roberson, Y., Roberson, K., Van Zant, Rader, Rogers; Natural Resources Appropriations: Chair: Rep. Poppell, Williams, T., Boyd, Bemby, Crisafulli, Fetterman, Mayfield, Plakon, Troutman; PreK-12 Appropriations: Chair: Flores, Legg, Kiar, Adkins, Bullard, Coley, Clarke-Reed, Culp, Fresen, Stargel, Weinstein; State Universities & Private Colleges Appropriations: Chair: Rep. Proctor, Precourt, Heller, Burgin, Dorworth, O'Toole, Patterson, Reed, Taylor, D.; State & Community Colleges & Workforce Appropriations: Chair: Rep. Weatherford, McKeel, Brise, Kelly, Thompson, G., Tobia; Transportation & Economic Development Appropriations: Chair: Rep. Glorioso, Evers, Gibbons, Aubuchon, Bovo, Carroll, Drake, Gibson, Horner, Hukill, Long, Murzin, Ray, Sachs, Schenck, Steinberg, Thurston.

Robert L. "Bob" Ward, Clerk

RETURNING MESSAGES — FINAL ACTION

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1552; and adopted SCR 2726.

Robert L. "Bob" Ward, Clerk

The bills contained in the foregoing messages were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 27 was corrected and approved.

CO-INTRODUCERS

Senators Altman—CS for CS for CS for SB 1004; Bullard—CS for SB 2240; Crist—SB 350; Haridopolos—CS for CS for SB 2322; Joyner—SB 150, CS for SB 1880; Justice—CS for SB 1024

RECESS

On motion by Senator Villalobos, the Senate recessed at 4:56 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Wednesday, April 29 or upon call of the President.