



# Journal of the Senate

Number 16—Regular Session

Wednesday, April 29, 2009

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## CALL TO ORDER

The Senate was called to order by President Atwater at 10:00 a.m. A quorum present—40:

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

## PRAYER

The following prayer was offered by The Rev. Canon Laughton D. Thomas, St. Michael and All Angels Episcopal Church, Tallahassee:

Almighty God, our nation and our state are experiencing the affects of financial crisis. Everyone is watching and waiting to see the possible full impact. Our state’s House and Senate have been working long hours on educational concerns, off-shore drilling, legal changes and a budget that will be equitable to all interests. They are now close to agreement on a final budget to submit to Governor Crist. We pray that your holy spirit will continue to guide their deliberations on this and all legislation before them during this final week of the regularly scheduled session.

Lord, we thank you for inspiring the commitment shown by our Senators. Watch over them and bless them in their going out and coming in. May they serve the people of their districts and the State of Florida to the best of their abilities. May partisanship and individual gains take a back seat to doing justice, loving mercy, and walking humbly with their God.

This prayer we ask in your precious name. Amen.

## PLEDGE

Senate Pages Lindsey Sanders, Curtis “Tyree” Clark, and Michael A. Robinson II all of Tallahassee; and Rose Jean-Mary of Miami, 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. Alan B. Pillersdorf of Palm Springs, whom he is sponsoring as doctor of the day. Dr. Pillersdorf specializes in Plastic Surgery.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 788, with Amendment 1, and requests the concurrence of the Senate.

*Robert L. “Bob” Ward, Clerk*

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

by the Legislature, relating to the application state taxes on Indian lands; amending s. 1013.737, F.S.; authorizing the state to pledge to use revenues from gaming activities to repay bonds; providing a contingent effective date.

**House Amendment 1 (386451) (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Section 285.711, Florida Statutes, is created to read:

*285.711 Gaming compact between the Seminole Tribe and the State of Florida.—The Governor is authorized and directed to negotiate and execute a gaming compact with the Seminole Tribe of Florida on behalf of the State of Florida subject to ratification by the Legislature in the form substantially as follows:*

*Gaming Compact Between the Seminole Tribe of Florida and the State of Florida*

*This compact is made and entered into by and between the Seminole Tribe of Florida, a federally recognized Indian Tribe and the State of Florida, with respect to the operation of covered games on the Tribe's Indian lands as defined by the Indian Gaming Regulatory Act, 25 U.S.C. ss. 2701 et seq.*

**PART I.**

**TITLE.**—*This Compact shall be referred to as the "Seminole Tribe of Florida and State of Florida Gaming Compact."*

**PART II.**

**RECITALS.**—

A. *The Seminole Tribe of Florida is a federally recognized tribal government possessing sovereign powers and rights of self-government.*

B. *The State of Florida is a state of the United States of America possessing the sovereign powers and rights of a state.*

C. *The State of Florida and the Seminole Tribe of Florida maintain a government-to-government relationship.*

D. *The United States Supreme Court has long recognized the right of an Indian Tribe to regulate activity on lands within its jurisdiction, but the Congress, through the Indian Gaming Regulatory Act, has given states a role in the conduct of tribal gaming in accordance with negotiated tribal-state compacts.*

E. *Pursuant to the Seminole Tribe Amended Gaming Ordinance, adopted by Resolution No. C-195-06, and approved by the National Indian Gaming Commission on July 10, 2006, hereafter referred to as the Seminole Tribal Gaming Code, the Seminole Tribe of Florida desires to offer the play of Covered Games, as defined in Part III. of this Compact, as a means of generating revenues for purposes authorized by the Indian Gaming Regulatory Act, including without limitation the support of tribal governmental programs, such as health care, housing, sewer and water projects, police, fire suppression, general assistance for tribal elders, day care for children, economic development, educational opportunities, per capita payments to tribal members and other typical and valuable governmental services and programs for tribal members.*

F. *It is in the best interest of the State of Florida to enter into a compact with the Seminole Tribe of Florida. This compact will generally benefit Florida, while at the same time limiting the expansion of gaming within the State. The State of Florida also recognizes that the significant revenue participation pursuant to the Compact in exchange for its exclusivity provisions provide an opportunity to increase and enhance the dollars available to spend on governmental programs that benefit the citizens of Florida.*

**PART III.**

**DEFINITIONS.**—*As used in this Compact and the Appendices thereto:*

A. *"Annual Oversight Assessment" means the assessment described in Part XI., Section C. of this Compact.*

B. *"Class III gaming" means the forms of Class III gaming defined in 25 U.S.C. s. 2703(8) and by the regulations of the National Indian Gaming Commission.*

C. *"Commission" means the Seminole Tribal Gaming Commission, which is the tribal governmental agency that has the authority to carry out the Tribe's regulatory and oversight responsibilities under this Compact.*

D. *"Compact" means the Seminole Tribe of Florida and State of Florida Gaming Compact.*

E. *"Covered Game" or "Covered Gaming Activity" means the following Class III gaming activities:*

1.(a) *Slot machines, meaning any mechanical or electrical contrivance, terminal that may or may not be capable of downloading slot games from a central server system, machine, or other device that, upon insertion of a coin, bill, ticket, token, or similar object or upon payment of any consideration whatsoever, including the use of any electronic payment system, except a credit card or debit card, is available to play or operate, the play or operation of which, whether by reason of skill or application of the element of chance or both, may deliver or entitle the person or persons playing or operating the contrivance, terminal, machine, or other device to receive cash, billets, tickets, tokens, or electronic credits to be exchanged for cash or to receive merchandise or anything of value whatsoever, whether the payoff is made automatically from the machine or manually. The term includes associated equipment necessary to conduct the operation of the contrivance, terminal, machine, or other device. Slot machines may use spinning reels, video displays, or both.*

(b) *If at any time, State law authorizes alters, amends, or otherwise changes the definition of slot machines said definition will apply.*

2. *High stakes poker games, as provided in Part V., Section K.; and*

3. *This definition specifically does not include banking or banked card games, including baccarat, chemin de fer and blackjack, roulette, craps, roulette-styled games, or craps-styled games.*

F. *"Covered Game Employee" or "Covered Employee" means any individual employed and licensed by the Tribe whose responsibilities include the rendering of services with respect to the operation, maintenance or management of Covered Games, including, but not limited to, the following: managers and assistant managers; accounting personnel; Commission officers; surveillance and security personnel; cashiers, supervisors, and floor personnel; cage personnel; and any other employee whose employment duties require or authorize access to areas of the Facility related to the conduct of Covered Games or the technical support or storage of Covered Game components. This definition does not include the Tribe's elected officials provided that such individuals are not directly involved in the operation, maintenance, or management of Covered Games or Covered Games components.*

G. *"Documents" means books, records, electronic, magnetic and computer media documents and other writings and materials, copies thereof, and information contained therein.*

H. *"Effective Date" means the date on which the Compact becomes effective pursuant to Part XVII., Section A. of this Compact.*

I. *"Facility" or "Facilities" means any building of the Tribe in which the Covered Games authorized by this Compact are conducted on Indian lands as defined by the Indian Gaming Regulatory Act.*

J. *"Guaranteed Minimum Payment" means the minimum Payment the Tribe agrees to make to the State as provided by Part XI. of the Compact.*

K. *"Indian Gaming Regulatory Act" or "IGRA" means the Indian Gaming Regulatory Act, Pub. L. No. 100-497, Oct. 17, 1988, 102 Stat. 2467, codified at 25 U.S.C. ss. 2701 et seq., and 18 U.S.C. ss. 1166-1168.*

L. *"Net Poker Income" means the total revenue from all hands played, including buy-ins and rebuys.*

M. *"Net Win" means the total receipts from the play of all Covered Games less all prize payouts.*

N. "Non-tribal member" means a person who is not a bona fide member of an Indian tribe as defined in 25 U.S.C. s. 2703(5).

O. "Patron" means any person who is on the premises of a Facility, or who is entering the Tribe's Indian lands for the purpose of playing Covered Games authorized by this Compact.

P. "Reservation" means any of the seven Tribal locations currently with gaming facilities, specifically enumerated in Part IV., Section B.

Q. "Revenue Share" means the periodic payment by the Tribe to the State provided for in Part XI., Sections A. and B. of this Compact.

R. "Revenue Sharing Cycle" means the annual (12-month) period of the Tribe's operation of Covered Games in its Facilities and whose first annual Cycle shall commence on the day the Tribe makes Covered Games available for public play in its Facilities.

S. "Rules and regulations" means the rules and regulations promulgated by the Commission for implementation of this Compact.

T. "State" means the State of Florida.

U. "State Compliance Agency" or "SCA" means any state agency that has the authority granted by the Legislature to carry out the State's oversight responsibilities under this Compact. The SCA shall be the Governor or his designee unless and until an SCA has been designated by the Legislature for this purpose.

V. "Tribe" means the Seminole Tribe of Florida or any affiliate thereof conducting activities pursuant to this Compact under the authority of the Seminole Tribe of Florida.

#### PART IV.

##### AUTHORIZATION AND LOCATION OF COVERED GAMES.—

A. The Tribe and State agree that the Tribe is authorized to operate Covered Games on its Indian lands, as defined in the Indian Gaming Regulatory Act, in accordance with the provisions of this Compact. However, except for the provisions in Part XI., Section A. below, nothing in this Compact shall limit the Tribe's right to operate any game that is Class II under the Indian Gaming Regulatory Act.

B. The Tribe is authorized to conduct Covered Games under this Compact at only the following seven existing gaming Facilities on Tribal lands:

1. Seminole Indian Casino on the Brighton Indian Reservation in Okeechobee County.
2. Seminole Indian Casino in the City of Coconut Creek in Broward County.
3. Seminole Indian Casino in the City of Hollywood in Broward County.
4. Seminole Indian Casino in Immokalee in Collier County.
5. Seminole Indian Big Cypress Casino in the City of Clewiston in Hendry County.
6. Seminole Hard Rock Hotel & Casino in the City of Hollywood in Broward County.
7. Seminole Hard Rock Hotel & Casino in the City of Tampa in Hillsborough County.

C. Any of the identified Facilities in Section B. may be expanded or replaced by another Facility on the same reservation with advance notice to the State of sixty (60) calendar days, subject to the understanding that the number of existing Facilities on each reservation and the number of reservations upon which Class III gaming is authorized shall remain the same as provided in Section B.

#### PART V.

##### RULES AND REGULATIONS; MINIMUM REQUIREMENTS FOR OPERATIONS.—

A. At all times during the Term of this Compact, the Tribe shall be responsible for all duties which are assigned to it and the Commission under this Compact. The Tribe shall promulgate any rules and regulations necessary to implement this Compact, which at a minimum shall expressly include or incorporate by reference all provisions of this Part and the procedural requirements of Part VI. of this Compact. Nothing in this Compact shall be construed to affect the Tribe's right to amend its rules and regulations, provided that any such amendment shall be in conformity with this Compact and subject to approval by the SCA. The SCA may propose additional rules and regulations consistent with and related to the implementation of this Compact to the Commission at any time, and the Commission shall give good faith consideration to such suggestions and shall notify the SCA of its response or action with respect thereto.

B. All Facilities shall comply with, and all Covered Games approved under this Compact shall be operated in accordance with, the requirements set forth in this Compact, including, but not limited to, those set forth in Sections C. and D. of this Part and the Tribe's Internal Control Policies and Procedures. In addition, all Facilities and all Covered Games shall be operated in strict compliance with tribal internal control standards that provide a level of control that equals or exceeds those set forth in the National Indian Gaming Commission's Minimum Internal Control Standards (25 C.F.R. Part 542), as the same may be amended or supplemented from time to time.

C. The Tribe and the Commission shall retain all records in compliance with the requirements set forth in the Record Retention Policies and Procedures.

D. The Tribe will continue and maintain its program to combat problem gambling and curtail compulsive gambling, including work with the Florida Council on Compulsive Gambling or other organization dedicated to assisting problem gamblers. The Tribe will continue to maintain the following safeguards against problem gambling.

1. The Tribe will provide a comprehensive training and education program designed in cooperation with the Florida Council on Compulsive Gambling (or other organization dedicated to assisting problem gamblers) to every new gaming employee.

2. The Tribe will make printed materials available to Patrons, which include contact information for the Florida Council on Compulsive Gambling 24-Hour Helpline (or other hotline dedicated to assisting problem gamblers), and will work with the Florida Council on Compulsive Gambling (or other organization dedicated to assisting problem gamblers) to provide contact information for the Florida Council on Compulsive Gambling (or other organization dedicated to assisting problem gamblers), and to provide such information on the Facilities' internet website. The Tribe will continue to display all literature from the Florida Council on Compulsive Gambling (or other organization dedicated to assisting problem gamblers) within the Facilities.

3. The Commission shall establish a list of the Patrons voluntarily excluded from the Tribe's Facilities, pursuant to subsection 5.

4. The Tribe shall employ its best efforts to exclude Patrons on such list from entry into its Facilities; provided that nothing in this Compact shall create for Patrons who are excluded but gain access to the Facilities, or any other person, a cause of action or claim against the State, the Tribe or the Commission or any other person, entity, or agency for failing to enforce such exclusion.

5. Patrons who believe they may be playing Covered Games on a compulsive basis may request that their names be placed on the list of the Patrons voluntarily excluded from the Tribe's Facilities.

6. All Covered Game employees shall receive training on identifying players who have a problem with compulsive gambling and shall be instructed to ask them to leave. Signs bearing a toll-free help-line number and educational and informational materials shall be made available at conspicuous locations and automated teller machines in each Facility, which aim at the prevention of problem gaming and which specify where Patrons may receive counseling or assistance for gambling problems. All Covered Game employees shall also be screened for compulsive gambling habits. Nothing in this Section shall create for Patrons, or any other person, a cause of action or claim against the State, the Tribe or the Commission or any other person, entity, or agency for failing to identify a

Patron or person who is a compulsive gambler and/or ask that person to leave.

7. The Tribe shall follow the rules for exclusion of Patrons set forth in Article XI of the Seminole Tribal Gaming Code.

8. The Tribe shall make diligent efforts to prevent underage individuals from loitering in the area of each Facility where the Covered Games take place.

9. The Tribe shall assure that advertising and marketing of the Covered Games at the Facilities contain a responsible gambling message and a toll-free help-line number for problem gamblers, where practical, and that they make no false or misleading claims.

E. Summaries of the rules for playing Covered Games and promotional contests shall be visibly displayed in the Facilities. Complete sets of rules shall be available in the Facilities upon request. Copies of all such rules shall be provided to the SCA within thirty (30) calendar days of their issuance or their amendment.

F. The Tribe shall provide the Commission and SCA with a chart of the supervisory lines of authority with respect to those directly responsible for the conduct of Covered Games, and shall promptly notify those agencies of any material changes thereto.

G. The Tribe engages in and shall continue to maintain proactive approaches to prevent improper alcohol sales, drunk driving, underage drinking, and underage gambling. These approaches involve intensive staff training, screening and certification, Patron education, and the use of security personnel and surveillance equipment in order to enhance Patrons' enjoyment of the Facilities and provide for Patron safety. Staff training includes specialized employee training in nonviolent crisis intervention, driver's license verification and the detection of intoxication. Patron education is carried out through notices transmitted on valet parking stubs, posted signs in the Facilities and in brochures. Roving and fixed security officers, along with surveillance cameras, assist in the detection of intoxicated Patrons, investigate problems, and engage with Patrons to de-escalate volatile situations. To help prevent alcohol-related crashes, the Tribe will continue to operate the "Safe Ride Home Program," a free taxi service. Additionally, to reduce risks of underage gambling and underage drinking, the Tribe will continue to prohibit entry onto the casino floor of anyone under eighteen (18) years of age. The Tribe shall maintain these programs and policies in its Alcohol Beverage Control Act for the duration of the Compact but may replace such programs and policies with either stricter or more extensive programs and policies. The Tribe shall provide the State with written notice of any changes to the programs and policies in the Tribe's Alcohol Beverage Control Act, which notice shall include a copy of such changes and shall be sent on or before the effective date of the change. Nothing in this Section shall create for Patrons, or any other person, a cause of action or claim against the State, the Tribe or the Commission or any other person, entity, or agency for failing to fulfill the requirements of this Section.

H. No person under twenty-one (21) years of age shall be allowed to play Covered Games.

I. The Tribe may establish and operate Facilities that operate Covered Games only on the reservations as defined by the Indian Gaming Regulatory Act and as specified in Part IV. of this Compact.

J. The Commission shall keep a record of, and shall report at least quarterly to the SCA, the number of Covered Games in each Facility, by the name or type of each and its identifying number.

K. The Tribe presently conducts and shall continue to conduct poker in each of its Facilities in compliance with provisions of Florida law, including provisions that limit wagers and pot sizes. However, the Tribe may hold up to two (2) celebrity/charity poker tournaments per year in each of its Facilities that are not subject to the limitations and restrictions imposed by Florida law, provided that a minimum of one hundred percent (100 percent) of the Net Poker Income from each poker tournament is donated to a charitable organization organized pursuant to Section 501(c)(3) of the Internal Revenue Code. The maximum number of days a celebrity/charity tournament will be played is eight (8) calendar days during the month a tournament is hosted. Any payments made to charitable organizations pursuant to this Part shall not be calculated as Net Win for purpose of payments to the State under Part XI.

L. The Tribe and the Commission shall make available a copy of the following documents to any member of the public upon request: the minimum internal control standards of the National Indian Gaming Commission; the Seminole Tribal Gaming Code; this Compact; the rules of each Covered Game operated by the Tribe; and the administrative procedures for addressing Patron tort claims under Part VI.

M. Cessation of Banking or Banked Card Games. The Tribe shall stop all banked card games within ninety (90) days after the effective date of this Compact.

#### PART VI.

#### PATRON DISPUTES; WORKERS COMPENSATION; TORT CLAIMS; PRIZE CLAIMS; LIMITED CONSENT TO SUIT.—

A. All patron disputes involving gaming will be resolved in accordance with the procedures established in Article XI of the Seminole Tribal Gaming Code.

B. Tort claims by employees of the Tribe's Facilities will be handled pursuant to the provisions of the Tribe's Workers' Compensation Ordinance, which shall provide workers the same or better protections as set forth in Florida's workers compensation laws.

C. Disputes by employees of the Tribe's Facilities will be handled pursuant to the provisions of the Tribe's policy for gaming employees, the Employee Fair Treatment and Dispute Resolution Policy.

D.1. A Patron who claims to have been injured in a Facility where Covered Games are played is required to provide written notice to the Tribe's Risk Management Department or the Facility, in a reasonable and timely manner.

2. The Tribe shall have ten (10) days to respond to a claim made by a Patron. When the Tribe responds to an incident alleged to have caused a Patron's injury or illness, the Tribe shall provide a claim form to the Patron. It is the Patron's responsibility to complete the form and forward the form to the Tribe's Risk Management Department within a reasonable period of time, and in a reasonable and timely manner.

3. Upon receiving written notification of the claim, the Tribe's Risk Management Department shall forward the notification to the Tribe's insurance carrier. The Tribe will use its best efforts to assure that the insurance carrier contacts the Patron within a reasonable period of time following receipt of the claim.

4. The insurance carrier will handle the claim to conclusion. If the Patron and the insurance carrier are not able to resolve the claim, the Patron may bring a tort claim against the Tribe in any court of competent jurisdiction in the County in which the incident occurred, subject to a four (4) year statute of limitations, which shall begin to run from the date of the incident of the alleged claimed injury. Nothing in this Part shall preclude a patron asserting a tort claim against the Tribe from immediately filing suit in any court of competent jurisdiction without resorting to or exhausting tribal remedies

5. In no event shall the Tribe be deemed to have waived its tribal immunity from suit beyond \$500,000 for an individual tort claim and \$1,000,000 for the tort claims of all persons or entities claiming injury in tort arising out of a single event or occurrence. These limitations are intended to include liability for compensatory damages as well as any costs, pre-judgment interest and attorneys fees arising out of any claim brought or asserted against the Tribe, its subordinate governmental and economic units as well as any Tribal officials, employees, servants or agents in their official capacities.

6. The Tribe shall obtain and maintain a commercial general liability policy which provides coverage of no less than \$1,000,000 per occurrence and \$10,000,000 in the aggregate for bodily injury, personal injury, and property damage arising out of, connected with, or relating to the operation of Facilities where Covered Games are offered.

7. Notices explaining the procedures and time limitations with respect to making a tort claim shall be prominently displayed in the Facilities, posted on the Tribe's website, and provided to any Patron for whom the Tribe has notice of the injury or property damage giving rise to the tort claim. Such notices shall explain the method and places for making a tort claim.

## PART VII.

## ENFORCEMENT OF COMPACT PROVISIONS.—

A. The Tribe and the Commission shall be responsible for regulating activities pursuant to this Compact. As part of its responsibilities, the Tribe has adopted or issued standards designed to ensure that the Facilities are constructed, operated and maintained in a manner that adequately protects the environment and public health and safety. Additionally, the Tribe shall ensure that:

1. Operation of the conduct of Covered Games is in strict compliance with (i) the Seminole Tribal Gaming Code, (ii) all rules, regulations, procedures, specifications, and standards lawfully adopted by the National Indian Gaming Commission and the Commission, and (iii) the provisions of this Compact, including, but not limited to, the standards and the Tribe's rules and regulations set forth in the Appendices;

2. Reasonable measures are taken to:

(a) Assure the physical safety of Facility Patrons, employees, and any other person while in the Facility;

(b) Prevent illegal activity at the Facilities or with regard to the operation of Covered Games, including, but not limited to, the maintenance of employee procedures and a surveillance system;

(c) Ensure prompt notification is given to appropriate law enforcement authorities of persons who may be involved in illegal acts in accordance with applicable law;

(d) Ensure that the construction and maintenance of the Facilities comply with the standards of the Florida Building Code, the provisions of which the Tribe has adopted as the Seminole Tribal Building Code; and

(e) Ensure adequate emergency access plans have been prepared to ensure the health and safety of all Covered Game Patrons.

B. All licenses for members and employees of the Commission shall be issued according to the same standards and terms applicable to Facility employees. The Commission's compliance officers shall be independent of the Tribal gaming operations, and shall be supervised by and accountable only to the Commission. A Commission compliance officer shall be available to the Facility during all hours of operation upon reasonable notice, and shall have immediate access to any and all areas of the Facility for the purpose of ensuring compliance with the provisions of this Compact. The Commission shall investigate any such suspected or reported violation of this Part and shall officially enter into its files timely written reports of investigations and any action taken thereon, and shall forward copies of such investigative reports to the SCA within thirty (30) calendar days of such filing. The scope of such reporting shall be determined by a Memorandum of Understanding between the Commission and the SCA as soon as practicable after the Effective Date of this Compact. Any such violations shall be reported immediately to the Commission, and the Commission shall immediately forward the same to the SCA. In addition, the Commission shall promptly report to the SCA any such violations which it independently discovers.

C. In order to develop and foster a positive and effective relationship in the enforcement of the provisions of this Compact, representatives of the Commission and the SCA shall meet, not less than on an annual basis, to review past practices and examine methods to improve the regulatory scheme created by this Compact. The meetings shall take place at a location mutually agreed to by the Commission and the SCA. The SCA, prior to or during such meetings, shall disclose to the Commission any concerns, suspected activities, or pending matters reasonably believed to possibly constitute violations of this Compact by any person, organization or entity, if such disclosure will not compromise the interest sought to be protected.

## PART VIII.

## STATE MONITORING OF COMPACT.—

A. The State may secure an annual independent financial audit of the conduct of Covered Games subject to this Compact. The audit shall examine revenues in connection with the conduct of Covered Games and shall include only those matters necessary to verify the determination of Net Win and the basis and amount of, and the right to, and the amount of

the Payments the Tribe is obligated to make to the State pursuant to Part XI. of this Compact and as defined by this Compact. A copy of the audit report for the conduct of Covered Games shall be submitted to the Commission within thirty (30) calendar days of completion. Representatives of the SCA may, upon request, meet with the Tribe and its auditors to discuss the audit or any matters in connection therewith; provided, such discussions are limited to Covered Games information. The annual independent financial audit shall be performed by an independent accounting firm, with experience in auditing casino operations, selected by the State, subject to the consent of the Tribe, which shall not be unreasonably withheld. The Tribe shall pay the accounting firm for the costs of the annual independent financial audit.

B. The SCA may, pursuant to the provisions of this Compact, monitor the conduct of Covered Games to ensure that the Covered Games are conducted in compliance with the provisions of this Compact. In order to properly monitor the conduct of Covered Games, agents of the SCA without prior notice shall have reasonable access to all public areas of the Facilities related to the conduct of Covered Games as provided herein.

1. While the Commission will act as the regulator of the Facilities, the SCA may take reasonable steps to assure that operations at the Facilities comply with the terms of this Compact and may advise on such issues as it deems appropriate.

2. In order to fulfill its oversight responsibilities, the State has identified specific oversight testing procedures, set forth below in subsection 3., paragraphs (a), (b), and (c), which the SCA may perform on a routine basis.

3.(a) The SCA may inspect any Covered Games in operation at the Facilities on a random basis to confirm that the Covered Games operate and play properly pursuant to the manufacturer's technical standards and are conducted in compliance with the rules, regulations and standards established by the Commission and this Compact. Such random inspections shall occur during normal operating hours. No advance notice is required when the SCA inspection is limited to public areas of the Facility; however, representatives of the SCA shall provide notice to the Commission of their presence for such inspections. The SCA shall provide at least 1 hour notice to the Commission of such inspection at or prior to the commencement of the random inspections when such inspection will include non-public areas, and a Commission agent may accompany the inspection.

(b) For each Facility, the SCA may perform one annual review of the slot machine compliance audit.

(c) At least on an annual basis, the SCA may meet with the Tribe's Internal Audit Department for Gaming to review internal controls and violations of same by the Facilities.

4. The SCA will seek to work with and obtain the assistance of the Commission in the resolution of any conflicts with the management of the Facilities, and the State and the Tribe shall make their best efforts to resolve disputes through negotiation whenever possible. Therefore, in order to foster a spirit of cooperation and efficiency, the parties hereby agree that when disputes arise between the SCA staff and Commission regulators from the day-to-day regulation of the Facilities, they should generally be resolved first through meeting and conferring in good faith. This voluntary process does not proscribe the right of either party to seek other relief that may be available when circumstances require such relief. In the event of a dispute or disagreement between Tribal and SCA regulators, the dispute or disagreement shall be resolved in accordance with the dispute resolution provisions of Part XIII. of this Compact;

5. Access to each Facility by the SCA shall be during the Facility's operating hours only, provided that to the extent such inspections are limited to areas of the Facility where the public is normally permitted, the SCA agents may inspect the Facility without giving prior notice to the Tribe or the Commission;

6. Any suspected or claimed violations of this Compact or law shall be directed in writing to the Commission; the SCA agents, in conducting the functions assigned them under this Compact, shall not unreasonably interfere with the functioning of any Facility; and

7. Before the SCA agents enter any nonpublic area of a Facility, they shall provide proper prior notice and photographic identification to the

Commission. The SCA agents shall be accompanied in nonpublic areas of the Facility by a Commission officer. Notice of at least one (1) hour by the SCA to the Commission is required to assure that a Commission officer is available to accompany the SCA agents at all times.

C. Subject to the provisions herein, agents of the SCA shall have the right to review and request copies of documents of the Facility related to its conduct of Covered Games. The review and copying of such documents shall be during normal business hours unless otherwise allowed by the Tribe at the Tribe's discretion. The Tribe cannot refuse said inspection and copying of such documents, provided that the inspectors cannot require copies of documents in such volume that it unreasonably interferes with the normal functioning of the Facilities or Covered Games. To the extent that the Tribe provides the State with information which the Tribe claims to be confidential and proprietary, or a trade secret, the Tribe shall clearly mark such information with the following designation: "Trade Secret, Confidential and Proprietary." If the State receives a request under Chapter 119, Florida Statutes that would include such designated information, the State shall promptly notify the Tribe of such a request and the Tribe shall promptly notify the State about its intent to seek judicial protection from disclosure. Upon such notice from the Tribe, the State shall not release the requested information until a judicial determination is made. This designation and notification procedure does not excuse the State from complying with the requirements of the State's public records law, but is intended to provide the Tribe the opportunity to seek whatever judicial remedy it deems appropriate. Notwithstanding the foregoing procedure, the SCA may provide copies of tribal documents to federal law enforcement and other State agencies or State consultants that the State deems reasonably necessary in order to conduct or complete any investigation of suspected criminal activity in connection with the Tribe's Covered Games or the operation of the Facilities or in order to assure the Tribe's compliance with this Compact.

D. At the completion of any SCA inspection or investigation, the SCA may forward a written report thereof to the Commission, containing all pertinent, nonconfidential, nonproprietary information regarding any violation of applicable laws or this Compact which was discovered during the inspection or investigation unless disclosure thereof would adversely impact an investigation of suspected criminal activity. Nothing herein prevents the SCA from contacting tribal or federal law enforcement authorities for suspected criminal wrongdoing involving the Commission.

E. Except as expressly provided in this Compact, nothing in this Compact shall be deemed to authorize the State to regulate the Tribe's government, including the Commission, or to interfere in any way with the Tribe's selection of its governmental officers, including members of the Commission.

#### PART IX.

**JURISDICTION.**—The obligations and rights of the State and the Tribe under this Compact are contractual in nature, and are to be construed and enforced in accordance with the laws of the State of Florida. This Compact shall not alter tribal, federal or state civil adjudicatory or criminal jurisdiction in any way.

#### PART X.

**LICENSING.**—The Tribe and the Commission shall comply with the licensing and hearing requirements set forth in 25 C.F.R. Parts 556 and 558, as well as the applicable licensing and hearing requirements set forth in Articles IV-VI of the Seminole Tribal Gaming Code. The Commission shall notify the SCA of any disciplinary hearings or revocation or suspension of licenses.

#### PART XI.

##### PAYMENTS TO THE STATE OF FLORIDA.—

A. The parties acknowledge and recognize that this Compact provides the Tribe with partial but substantial exclusivity and other valuable consideration consistent with the goals of the Indian Gaming Regulatory Act, including special opportunities for tribal economic development through gaming within the external boundaries of Florida with respect to the play of Covered Games. In consideration thereof, the Tribe covenants and agrees, subject to the conditions agreed upon in Part XII. of this Compact, to make Payments to the State derived from Net Win as set forth in Section B. The Tribe further agrees to convert all of its Class II video

bingo terminals (or their equivalents) to Class III slot machines within twenty-four (24) months after the Effective Date of this Compact, or the Payment to the State shall be calculated as if the conversion has been completed, whether or not the Tribe has fully executed its conversion. The Tribe further agrees that it will not purchase or lease any new Class II video bingo terminals (or their equivalents) after the Effective Date of this Compact.

B. **Payment schedule.**—Subject to the provisions in Part XI. of the Compact, and subject to the limitations agreed upon in Part XII. of the Compact, the amounts paid by the Tribe to the State shall be calculated as follows:

1. For each Revenue Sharing Cycle, the Tribe agrees to pay not less than a Guaranteed Minimum Payment of One Hundred Million Dollars (\$100,000,000) if the Revenue Share calculated for that Revenue Sharing Cycle under subsection 3., below, is less than the Guaranteed Minimum Payment.

2. All Guaranteed Minimum Payments shall be deducted from and credited toward the Revenue Share in each Revenue Sharing Cycle set forth below in subsection 3.

3. For each Revenue Sharing Cycles, to the extent that the Revenue Share exceeds the Guaranteed Minimum Payment for each Revenue Sharing Cycle, the Tribe agrees, as further provided in subsection 4., to pay a Revenue Share for that Revenue Sharing Cycle equal to eighteen percent (18 percent) of the Net Win received by the Tribe from the operation and play of Covered Games from each Revenue Sharing Cycle.

4.(a) On or before the fifteenth day of the month following the first month of the Revenue Sharing Cycle, the Tribe will remit to the State the greater amount of eight and one-third percent (8.3 percent) of the estimated annual Revenue Share or eight and one-third percent (8.3 percent) of the Guaranteed Minimum Payment ("the monthly payment").

(b) The Tribe will make available to the State at the time of the monthly payment the basis for the calculation of the Payment.

(c) Each month the Tribe will internally "true up" the calculation of the estimated Revenue Share based on the Tribe's un-audited financial statements related to Covered Games.

5.(a) On or before the forty-fifth day after the third month, sixth month, ninth month, and twelfth month of Revenue Sharing Cycles three through twenty-five (provided that the twelve (12) month period does not coincide with the Tribe's fiscal year end date as indicated in paragraph (c), the Tribe will provide the State with an audit report by its independent auditors as to the accuracy of the annual Revenue Share calculation.

(b) For each quarter of these Revenue Sharing Cycles the Tribe agrees to engage its independent auditors to conduct a review of the un-audited net revenue from Covered Games. On or before the one hundred and twentieth day after the end of the Tribe's fiscal year, the Tribe agrees to require its independent auditors to provide an audit report to verify Net Win for Covered Games and the related Payment of the annual Revenue Share to the SCA for State review.

(c) If the twelfth month of the Revenue Sharing Cycle does not coincide with the Tribe's fiscal year, the Tribe agrees to require its independent auditors to deduct Net Win from Covered Games for any of the months that are outside of the Revenue Sharing Cycle and to include Net Win from Covered Games for those months which fall outside of the Tribe's audit period but fall within the Revenue Sharing Cycle, prior to issuing the audit report.

(d) No later than thirty (30) calendar days after the day the audit report is issued, the Tribe will remit to the State any underpayment of the annual Revenue Share, and the State will either reimburse to the Tribe any overpayment of the annual Revenue Share or authorize the overpayment to be deducted from the next monthly payment.

C. Payments pursuant to Sections A. and B. above shall be made to the State via electronic funds transfer in a manner directed by the SCA. Payments will be due in accordance with the Payment Schedule set forth in Section B. The appropriation of any Payments received by the State pursuant to this Compact lies within the exclusive prerogative of the Legislature.

D. The Annual Oversight Assessment to reimburse the State for the actual costs of the operation of the SCA to perform its monitoring functions as defined in this Compact shall be determined and paid in quarterly installments within thirty (30) calendar days of receipt by the Tribe of an invoice from the SCA. The Tribe reserves the right to audit the invoices on an annual basis, a copy of which will be provided to the SCA, and any discrepancies found therein shall be reconciled within forty-five (45) calendar days of receipt of the audit by the SCA. Out-of-pocket expenses to be incurred by the Governor or his designee performing functions of the SCA unless and until the SCA is designated by the Legislature shall be advanced by the Tribe upon submission of properly documented requests.

E. As provided for 25 U.S.C. s. 2710(b)(2)(B)(v), the Tribe agrees to pay to the State an additional amount equal to 5 percent of the annual amount set forth in Section B. of this Part, which funds shall be used for the purposes of offsetting the impacts of the Tribe's facilities on the operations of local governments.

F. With respect to all payments made by the Tribe to the State that were in any way related to benefits of exclusivity in gaming, which payments were remitted before the effective date of this Compact, such moneys shall be deemed forfeited by the Tribe and released to the State without further obligation or encumbrance. Acceptance and appropriation of such funds does not legitimize, validate, or otherwise ratify any previously proposed compact or the operation of class III games by the Tribe for any period prior to the effective date of this Compact.

G. Except as expressly provided in this Part and in Part XIV., nothing in this Compact shall be deemed to require the Tribe to make payments of any kind to the State or any of its agencies.

#### PART XII.

**REDUCTION OF TRIBAL PAYMENTS BECAUSE OF LOSS OF EXCLUSIVITY OR OTHER CHANGES IN FLORIDA LAW.**—The intent of this Part is to provide the Tribe with the right to operate Covered Games on an exclusive basis throughout the State, subject to the exceptions and provisions set forth below.

A. If Class III gaming as defined in this Compact, or other casino-style gambling where the results of such games are determined through the use of a random number generator, that is not presently authorized by or under Florida law is authorized for any location within the State of Florida that is under the jurisdiction of the State, including but not limited to (1) electronically-assisted bingo or pull-tab games or (2) video lottery terminals (VLTs) or any similar games that allow direct operation of the games by customers of the Florida Lottery, any successor entity or any licensee of the Florida Lottery or any successor entity, and such gambling begins to be offered for public or private use, the Payments due the State pursuant to Part XI., Sections A. and B. of this Compact shall cease until such gambling is no longer operated, in which event the Payments due the State pursuant to Part XI., Sections A. and B. of this Compact shall resume.

B. The following are exceptions to the exclusivity provisions of Section A. above.

1. Any Class III gaming authorized by a compact between the State and any other federally recognized tribe pursuant to the Indian Gaming Regulatory Act will not be a breach or other violation of the exclusivity provisions set forth in Section A. above.

2. If a citizen's initiative amending the state constitution is passed by the voters of Florida authorizing, subject to approval by local referendum and implementation by the Legislature, the operation of slot machines or other Class III games in a jurisdiction not then authorized for such games under Florida law, and after which any entity begins to offer slot machine play or operates or conducts other Class III games authorized pursuant to the constitutional amendment, such activity will not be a breach or violation of the exclusivity provisions set forth in Section A., so long as the Tribe's total annual Net Win from Covered Games and revenues from its remaining Class II video bingo terminals (or their equivalent) exceeds \$1.37 billion. In the event revenue sharing payments are discontinued pursuant to this subsection, the abatement of the revenue sharing payments shall only extend until the Tribe's total annual Net Win from Covered Games and revenues from Class II video bingo terminals (or their equivalent) again exceeds \$1.37 billion.

3. The conduct of illegal or otherwise unauthorized Class III gaming within the State shall not be considered a breach or other violation of the exclusivity provisions set forth in Section A. above.

C. To the extent that the exclusivity provisions of this Part are discontinued and the Tribe's ongoing Payment obligations to the State pursuant to Part XI., Sections A. and B. of this Compact cease, any outstanding Payments that would have been due the State from the Tribe's Facilities prior to the breach / violation shall be made within thirty (30) business days after cessation.

D. The discontinuation of this Part's exclusivity provisions and the cessation of Payments pursuant to Part XI., Sections A. and B. of this Compact shall not excuse the Tribe from continuing to comply with all other provisions of this Compact, including continuing to pay the State the Annual Oversight Assessment as set forth in Part XI., Section C. of this Compact. Furthermore, the State shall continue to have the right to monitor the Tribe's compliance with the Compact.

E. In the event that revenue sharing payments to the State made pursuant to Part XI., Sections A. and B. are discontinued under this Part, the annual amount payable to the State for the impacts to local governments under Part XI., Section E. shall be calculated as the amount paid for the last full revenue sharing year. Such payments shall continue to be calculated in such manner until the revenue sharing payments under Part XI., Sections A. and B. are restored.

F. Nothing in this Compact is intended to affect the ability of the State Legislature to enact laws either further restricting or expanding gambling on non-tribal lands.

#### PART XIII.

**DISPUTE RESOLUTION.**—In the event that either party to this Compact believes that the other party has failed to comply with any requirements of this Compact, or in the event of any dispute hereunder, including, but not limited to, a dispute over the proper interpretation of the terms and conditions of this Compact, the goal of the Parties is to resolve all disputes amicably and voluntarily whenever possible. In pursuit of this goal, the following procedures may be invoked:

A. A party asserting noncompliance or seeking an interpretation of this Compact first shall serve written notice on the other party. The notice shall identify the specific Compact provision alleged to have been violated or in dispute and shall specify in detail the asserting party's contention and any factual basis for the claim. Representatives of the Tribe and State shall meet within thirty (30) calendar days of receipt of notice in an effort to resolve the dispute, unless they mutually agree to extend this period.

B. A party asserting noncompliance or seeking an interpretation of this Compact under this Part shall be deemed to have certified that to the best of the party's knowledge, information, and belief formed after reasonable inquiry, the claim of noncompliance or the request for interpretation of this Compact is warranted and made in good faith and not for any improper purpose, such as to harass or to cause unnecessary delay or the needless incurring of the cost of resolving the dispute.

C. If the parties are unable to resolve a dispute through the process specified in Sections A. and B. of this Part, either party can call for mediation under the Commercial Mediation Procedures of the American Arbitration Association (AAA), or any such successor procedures, provided that such mediation does not last more than sixty (60) calendar days, unless an extension to this time limit is mutually agreed to by the parties. The disputes available for resolution through mediation are limited to matters arising under the terms of this Compact.

D. If the parties are unable to resolve a dispute through the process specified in Sections A., B., and C. of this Part, notwithstanding any other provision of law, the State may bring an action against the Tribe in any court of competent jurisdiction regarding any dispute arising under this Compact. The State is entitled to all remedies available under law or in equity.

E. For purposes of actions based on disputes between the State and the Tribe that arise under this Compact and the enforcement of any judgment resulting therefrom, the Tribe expressly waives its right to assert sovereign immunity from suit and from enforcement of any ensuing judgment, and further consents to be sued in federal or state court, in-

cluding the rights of appeal specified above, as the case may be, provided that (i) the dispute is limited solely to issues arising under this Compact, (ii) there is no claim for monetary damages (except that payment of any money required by the terms of this Compact, as well as injunctive relief or specific performance enforcing a provision of this Compact requiring the payment of money to the State may be sought), and (iii) nothing herein shall be construed to constitute a waiver of the sovereign immunity of the Tribe with respect to any third party that is made a party or intervenes as a party to the action.

F. The State may not be precluded from pursuing any mediation or judicial remedy against the Tribe on the grounds that the State has failed to exhaust its Tribal administrative remedies.

G. Notwithstanding anything to the contrary in this Part, any failure of the Tribe to remit the Payments pursuant to the terms of Part XI. will entitle the State to seek mandatory injunctive relief in federal or state court, at the State's election, to compel the Payments after exhausting the dispute resolution process in Sections A. and B. of this Part.

H. The State shall be entitled to seek immediate injunctive relief in the event the Tribe offers or continues to offer Class III games not authorized under this Compact.

I. If the parties are unable to resolve a dispute involving a claim by the Tribe against the State through the process specified in Sections A., B., and C. of this Part, notwithstanding any other provision of law, the Tribe may invoke non-binding arbitration of the dispute under the Commercial Arbitration Rules of the American Arbitration Association. The arbitrators' decision may not be enforced in any court. If the arbitrators find that the State is not in compliance with the Compact, the State shall have the opportunity to challenge the decision of the arbitrators by bringing an independent action against the Tribe in federal district court ("federal court") regarding the dispute underlying the arbitration in a district in which the federal court has venue. If the federal court declines to exercise jurisdiction, or federal precedent exists that rules that the federal court would not have jurisdiction over such a dispute, the State may bring the action in the Courts of the Seventeenth Judicial Circuit in and for Broward County, Florida. The State is entitled to all rights of appeal permitted by law in the court system in which the action is brought. The State shall be entitled to *de novo* review of the arbitrators' decision under this Section. For the purpose of this Section, the Tribe agrees to waive its immunity as provided in Section E. of this Part.

J. If the arbitrators find that the State is not in compliance with the Compact and the State fails to file suit as provided above within sixty (60) calendar days of the arbitrators' decision or fails to maintain the suit through final judgment, including appeals, without the agreement of the Tribe, the Tribe may suspend Payment under Part XI. until the State comes into compliance with the arbitrators' decision.

K. If the State files suit as provided above and a final judgment is rendered by the court, the failure of the State to comply with the judgment shall constitute grounds for the Tribe to suspend Payment under Part XI. until the State comes into compliance with the court's judgment.

#### PART XIV.

##### Collection of Sales Tax on Sales to Non-Tribal Members.—

A. In addition to the Tribe's payments to the State set forth in Part XI., the Tribe shall collect and remit to the Florida Department of Revenue the taxes imposed by Chapter 212, Florida Statutes, on all sales to non-tribal members, except those non-tribal members who hold valid exemption certificates issued by the Florida Department of Revenue, exempting the sales from taxes imposed by Chapter 212, Florida Statutes.

B. The Tribe shall register with the Department of Revenue and shall remit to the Department of Revenue the taxes collected pursuant to Section A. of this Part.

C. The Tribe shall retain for at least a period of five (5) years records of all sales to non-tribal members which are subject to taxation under Chapter 212, Florida Statutes. The Department of Revenue may conduct an audit not more often than annually in order to verify such collections. The Tribe shall provide reasonable access during normal operating hours to records of transactions subject to the taxes collected pursuant to Section A. of this Part.

D. Any disputes about the amounts collected pursuant to Section A. of this Part shall be resolved as provided for in Part XIII. of this Compact. For purposes of this Section, the Tribe agrees to waive its immunity as provided for in Part XIII., Section E. of this compact, except that the state may seek monetary damages limited to the amount of taxes owed.

#### PART XV.

##### CONSTRUCTION OF COMPACT; SEVERANCE; FEDERAL APPROVAL.—

A. If any provision of this Compact is held by a court of competent jurisdiction to be invalid, this Compact will become null and void. If any provision, part, section, or subsection of this Compact is determined by a federal district court in Florida or other court of competent jurisdiction to impose a mandatory duty on the State of Florida that requires authorization by the Florida Legislature, the duty conferred by that particular provision, part, section or subsection shall no longer be mandatory but will be deemed to be a matter within the discretion of the Governor or other State officers, subject to such legislative approval as may be required by Florida law.

B. It is understood that Part XII. of this Compact, which provides for a cessation of the Payments to the State under Part XI., does not create any duty on the State of Florida but only a remedy for the Tribe if Class III gambling under state jurisdiction is expanded by an act of the Legislature.

C. This Compact is intended to meet the requirements of the Indian Gaming Regulatory Act as it reads on the Effective Date of this Compact, and where reference is made to the Indian Gaming Regulatory Act, or to an implementing regulation thereof, the reference is deemed to have been incorporated into this document as if set in full. Subsequent changes to the Indian Gaming Regulatory Act that diminish the rights of the State or Tribe may not be applied retroactively to alter the terms of this Compact, except to the extent that federal law validly mandates that retroactive application without the respective consent of the State or Tribe.

D. Neither the presence in another tribal-state compact of language that is not included in this Compact, nor the absence in this Compact of language that is present in another tribal-state compact shall be a factor in construing the terms of this Compact.

E. The parties shall cooperate in seeking approval of this Compact from the Secretary of the Interior and the parties further agree that, upon execution, the Tribe shall submit the Compact to the Secretary forthwith.

#### PART XVI.

NOTICES.—All notices required under this Compact shall be given by (i) certified mail, return receipt requested, (ii) commercial overnight courier service, or (iii) personal delivery, to the following persons:

- A. The Governor.
- B. The General Counsel to the Governor.
- C. The Chair of the Seminole Tribe of Florida.
- D. The General Counsel to the Seminole Tribe of Florida.

#### PART XVII.

##### EFFECTIVE DATE & TERM.—

A. This Compact shall become effective upon its approval by the Secretary of the Interior as a tribal-state compact within the meaning of the Indian Gaming Regulatory Act either by publication of the notice of approval in the Federal Register or by operation of law under 25 U.S.C. s. 2710(d)(7)(C).

B. This Compact shall have a term of ten (10) years, beginning on the first day of the month following the month in which the Compact becomes effective under Section A. of this Part. This Compact shall remain in full force and effect until the sooner of expiration of its terms or until terminated by mutual agreement of the parties.

## PART XVIII.

**AMENDMENT OF COMPACT AND REFERENCES.**—Amendment of this Compact may only be made by written agreement of the parties, subject to approval by the Secretary either by publication of the notice of approval in the Federal Register or by operation of law under 25 U.S.C. s. 2710(d)(7)(C). Changes in the provisions of tribal ordinances, regulations, and procedures referenced in this Compact may be made by the Tribe with thirty (30) calendar days advance notice to the State. If the State has an objection to any change to the tribal ordinance, regulation or procedure which is the subject of the notice on the ground that its adoption would be a violation of the Tribe's obligations under this Compact, the State may invoke the dispute resolution provisions provided in Part XIII. of this Compact.

## PART XIX.

## MISCELLANEOUS.—

A. Except to the extent expressly provided in this Compact, this Compact is not intended to, and shall not be construed to, create any right on the part of a third party to bring an action to enforce any of its terms.

B. If, after the Effective Date of this Compact, the State enters into a Compact with any other Tribe that contains more favorable terms with respect to any of the provisions of this Compact and the U.S. Secretary of the Interior approves such compact, either by publication of the notice of approval in the Federal Register or by operation of law under 25 U.S.C. s. 2710(d)(7)(C), upon tribal notice to the State and the Secretary, this Compact shall be deemed amended to contain the more favorable terms, unless the State objects to the change and can demonstrate, in a proceeding commenced under Part XIII., that the terms in question are not more favorable.

C. Upon the occurrence of certain events beyond the Tribe's control, including acts of God, war, terrorism, fires, floods, or accidents causing damage to or destruction of one or more of its Facilities or property necessary to operate the Facility(ies), (i) the Tribe's obligation to pay the Guaranteed Minimum Payment described in Part XI. shall be reduced pro rata to reflect the percentage of the total Net Win lost to the Tribe from the impacted Facility(ies) and (ii) the Net Win specified under Part XII., Section B., for purposes of determining whether the Tribe's Payments described in Part XI. shall cease, shall be reduced pro rata to reflect the percentage of the total Net Win lost to the Tribe from the impacted Facility(ies), with the proviso that if Payments to the State have already stopped under the provisions of Part XII., Section B., the provisions of this Section shall not trigger a resumption of payments under that Part. The foregoing shall not excuse any obligations of the Tribe to make Payments to the State as and when required hereunder or in any related document or agreement.

D. The Tribe and the State recognize that opportunities to engage in gaming in smoke-free or reduced-smoke environments provides both health and other benefits to Patrons, and the Tribe has already instituted a non-smoking section at its Seminole Hard Rock Hotel & Casino – Hollywood Facility. As part of its continuing commitment to this issue, the Tribe will:

1. Install and utilize a ventilation system at all new construction at its Facilities, which system exhausts tobacco smoke to the extent reasonably feasible under existing state-of-the-art technology; and

2. Designate a smoke-free area for slot machines at all new construction at its Facilities.

3. Install non-smoking, vented tables for table games in its Facilities sufficient to respond to demand for such tables.

E. The annual average minimum pay-out of all slot machines in each Facility shall not be less than eighty-five percent (85 percent).

F. Nothing in this Compact shall alter any of the existing memoranda of understanding, contracts, or other agreements entered into between the Tribe and any other federal, state, or local governmental entity.

G. The Tribe currently has as set forth in its Employee Fair Treatment and Dispute Resolution Policy, and agrees to maintain, standards that are comparable to the standards provided in federal laws and State laws forbidding employers from discrimination in connection with the em-

ployment of persons working at the Facilities on the basis of race, color, religion, national origin, gender, age, disability/handicap, or marital status. Nothing herein shall preclude the Tribe from giving preference in employment, promotion, seniority, lay-offs or retention to members of the Tribe and other federally recognized tribes. The Tribe will comply with all federal and state labor laws, where applicable.

Section 2. This act shall take effect on the same date that House Bill 7145, or similar legislation, takes effect if such legislation is adopted during the same legislative session or an extension thereof and becomes law.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to gaming on Indian lands; creating s. 285.711, F.S.; authorizing and directing the Governor to negotiate and execute a gaming compact between the state and the Seminole Indian Tribe of Florida; providing a title; providing recitals stating rights, powers, and purpose of the parties to the compact; providing definitions; authorizing the operation of certain games in specified locations on Indian lands; authorizing expansion or replacement of gaming facilities; prohibiting additional gaming facilities; providing for rules and regulations; providing minimum requirements for operations; requiring certain procedures and signs relating to compulsive gambling; providing a limitation of liability for failing to identify a compulsive gambler; requiring certain procedures to prevent certain activities; providing for staff training, screening, and certification, patron education, and security measures; prohibiting a person under a certain age from playing the games; requiring certain recordkeeping by the tribe and the Seminole Tribal Gaming Commission; requiring the tribe to stop certain card games; providing for patron disputes and claims; providing for employee tort claims; providing limitations on claims; providing for limited liability and liability coverage of the tribe; providing for enforcement of compact provisions; providing responsibilities of the tribe and the commission; providing that the tribe and the commission shall be responsible for regulating activities; providing requirements for construction, operation, and maintenance of facilities and the conduct of games; providing for members and employees of the commission; providing requirements for licensing members and employees; providing for commission compliance officers; requiring representatives of the commission and the State Compliance Agency to meet to review practices and examine methods to improve the regulatory scheme; providing for state monitoring of the compact; authorizing the state to secure an annual independent financial audit of the conduct of the games; providing requirements and limitations for such audit; authorizing the State Compliance Agency to monitor the conduct of the games, inspect any games in operation, and perform one annual review of the slot machine compliance audit for certain purposes; authorizing that agency to meet with the tribe's Internal Audit Department for Gaming to review internal controls and violations; providing procedures inspections and for suspected or claimed violations; providing for construction and application of the compact; providing licensing and hearing requirements; providing for payment of consideration to the state; providing a payment schedule, payment amounts, and procedures for such payments; providing procedures for auditing certain revenue and review of unaudited revenue; providing that certain prior payments shall be deemed forfeited and released to the state; providing that acceptance and appropriation of such funds does not legitimize, validate, or otherwise ratify any previously proposed compact or the operation of class III games by the tribe prior to the effective date of this compact; providing the tribe with the right to operate such games on an exclusive basis; providing for reduction of tribal payments because of loss of exclusivity or other changes in state law; providing for exceptions to the exclusivity; providing procedures for resolution of disputes among the parties and for interpretation of the compact; requiring notice of a claim of noncompliance; authorizing nonbinding arbitration and providing procedures therefor; providing that for certain purposes the tribe waives rights to immunity from suit and enforcement of judgment; providing for collection of sales tax on sales to non-tribal members; providing for construction, application, and severability; providing for federal approval; providing notice requirements; providing an effective date and term of the compact; providing for amendment of compact and references; providing for application to third parties; providing for application to any compact with any other tribe;

providing for events beyond the tribe's control; providing for smoke-free or reduced-smoke environments; providing for minimum pay-out; providing for effect of compact on agreements entered into between the tribe and any other federal, state, or local governmental entity; providing for employment practices; providing a contingent effective date.

On motion by Senator Jones, the Senate refused to concur in the House amendment to **CS for CS for SB 788** and the House was requested to recede. The action of the Senate was certified to the House.

#### MOTION

On motion by Senator Jones, the Senate requested that the House agree to appoint conferees and add **CS for CS for SB 788** to the Appropriations Conference Committee on Gaming.

### ADOPTION OF RESOLUTIONS

At the request of Senator Ring—

By Senator Ring—

**SR 2720**—A resolution recognizing May 2009 as “Amyotrophic Lateral Sclerosis Awareness Month” in the State of Florida.

WHEREAS, Amyotrophic Lateral Sclerosis (ALS), better known as Lou Gehrig's Disease, is a progressive neurodegenerative disease that affects nerve cells in the brain and spinal cord, and

WHEREAS, the early symptoms of ALS include weakness of the skeletal muscles, especially involving the arms and legs, and difficulty in swallowing, talking, and breathing, and

WHEREAS, ALS eventually causes muscles to atrophy, eventually leading to functional quadriplegia, and

WHEREAS, ALS does not affect an individual's mental capacity, which means that a person with ALS remains alert and aware of his or her loss of motor functions and the inevitability of continued deterioration and death, and

WHEREAS, on average, a patient diagnosed as having ALS survives only 2 to 5 years after the initial diagnosis, and

WHEREAS, research indicates that military veterans are at least 50 percent more likely to develop ALS than those who have not served in the military, and

WHEREAS, ALS has no known cause, means of prevention, or cure, and

WHEREAS, the recognition of “Amyotrophic Lateral Sclerosis Awareness Month” will increase awareness regarding the circumstances of ALS patients and the terrible impact of this disease not only on the person who has ALS, but on his or her family and the larger community, and will lend support to the goals of biomedical research on ALS, which are to find the cause or causes of ALS, understand the mechanisms involved in the progression of the disease, and to develop effective treatment, NOW, THEREFORE,

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

That May 2009 is recognized as “Amyotrophic Lateral Sclerosis Awareness Month” in the State of Florida.

—**SR 2720** was introduced, read and adopted by publication.

At the request of Senator Lynn—

By Senator Lynn—

**SR 2806**—A resolution addressed to the Congress of the United States, urging the Congress to enact legislation to authorize states that have complied with the Streamlined Sales and Use Tax Agreement to require out-of-state sellers to collect each such state's sales and use tax.

WHEREAS, the opinions of the United States Supreme Court in the 1967 National Bellas Hess decision and the 1992 Quill decision denied the several states the present authority to require the collection of sales and use tax on the sale of goods by out-of-state sellers that have no physical presence in the taxing state, and

WHEREAS, those opinions of the United States Supreme Court do acknowledge that Congress may confer upon the several states the authority to require out-of-state sellers to collect sales and use tax on these remote sales, and

WHEREAS, the present lack of state authority threatens the continued ability of states that are dependent on such revenue to rely on sales and use taxes as a stable revenue source for state and local governments, and

WHEREAS, estimated state revenues lost as a result of the lack of such authority may have been as much as \$16.1 billion in 2003 and such losses are expected to continue to climb, and

WHEREAS, this estimated revenue loss may have cost Florida hundreds of millions of dollars a year in lost tax revenue, and

WHEREAS, local Florida retailers who make sales at their Florida stores experience a tax inequity under the de facto sales tax exemption for Internet and mail order sales because these traditional “bricks and mortar” businesses must apply and collect sales tax while out-of-state sellers having no physical presence in this state need not, and

WHEREAS, there exists an unfair “digital divide” under which higher-income households, which are much more likely to have the resources to own a computer, have Internet access and a credit card to make de facto exempt, remote purchases, while low-income consumers without the resources to shop online or by mail, and who are consigned to shopping in local stores, bear more than their fair share of state sales tax, and

WHEREAS, since 1999, state legislators, governors, local elected officials, state tax administrators, and representatives of the private sector have worked to develop a Streamlined Sales and Use Tax Collection System for the 21st Century, and

WHEREAS, between 2001 and 2002, 35 states, including Florida, enacted legislation expressing the intent of the state to simplify the states' sales and use tax collection systems and to participate in multi-state discussions to finalize and ratify an interstate agreement to streamline the collection of state sales and use taxes, and

WHEREAS, on November 12, 2002, these states unanimously ratified the Streamlined Sales and Use Tax Agreement, which substantially simplifies state and local sales tax systems, removes the burdens to interstate commerce that were of concern to the Supreme Court, and protects state sovereignty, and

WHEREAS, the Streamlined Sales and Use Tax Agreement provides the states with a blueprint to create a simplified sales and use tax collection system that, when implemented, allows justification for Congress to overturn the Bellas Hess and Quill decisions under its federal Commerce Clause powers, and

WHEREAS, by July 1, 2004, 21 states representing more than 35 percent of the total population of the United States had enacted legislation to bring their states' sales and use tax statutes into compliance with the agreement, and

WHEREAS, Florida is resolved to address the complexities of the current sales and use tax collection system, and

WHEREAS, the Sales Tax Fairness and Simplification Act, S.2152 by Senator Mike Enzi of Wyoming and the Streamlined Sales Tax Simplification Act, S.2153 by Senator Byron Dorgan of North Dakota, were introduced in the last session of Congress to grant those states that comply with the agreement the authority to require all sellers, regardless of whether they have physical presence in the taxing state, to collect those states' sales and use taxes, and

WHEREAS, the House Majority Whip, Congressman Roy Blunt of Missouri, has termed this federal legislation to be “fiscal relief for the states that does not cost the federal government a single cent” and en-

sure the viability of the sales and use tax as a state revenue source, NOW, THEREFORE,

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

That the Senate urges the United States Congress to enact legislation to give states that have complied with the Streamlined Sales and Use Tax Agreement the authority to require out-of-state sellers to collect their sales and use tax.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Florida congressional delegation.

—SR 2806 was introduced, read and adopted by publication.

**BILLS ON THIRD READING**

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

**CS for CS for CS for SB 1004**—A bill to be entitled An act relating to coral reefs; creating s. 403.9335, F.S.; creating the “Florida Coral Reef Protection Act”; providing definitions; providing legislative intent; requiring responsible parties to notify the Department of Environmental Protection if their vessel runs aground or damages a coral reef; requiring the responsible party to remove the vessel; requiring the responsible party to cooperate with the department to assess the damage and restore the coral reef; authorizing the department to recover damages from the responsible party; authorizing the department to use a certain method to calculate compensation for damage of coral reefs; authorizing the department to assess civil penalties; authorizing the department to enter into delegation agreements; providing that moneys collected from damages and civil penalties for injury to coral reefs be deposited in the Ecosystem Management and Restoration Trust Fund within the Department of Environmental Protection; providing requirements; authorizing the department to adopt rules; amending s. 403.1651, F.S.; authorizing the department to enter into settlement agreements that require responsible parties to pay another government entity or non-profit organization to fund projects consistent with the conservation or protection of coral reefs; repealing s. 253.04(3), F.S., relating to civil penalties for damage to coral reefs; repealing s. 380.0558, F.S., relating to coral reef restoration; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **CS for CS for CS for SB 1004** 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	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	Justice	Wilson
Deutch	King	Wise
Diaz de la Portilla	Lynn	

Nays—None

Vote after roll call:

Yea—Lawson, Villalobos

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

On motion by Senator Constantine, by two-thirds vote **CS for CS for HB 1423** was withdrawn from the Committees on Environmental Preservation and Conservation; Criminal Justice; Judiciary; and General Government Appropriations.

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

**CS for CS for HB 1423**—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 206.606, F.S.; transferring authority from the Department of Revenue to the Fish and Wildlife Conservation Commission to allocate funds from the Invasive Plant Control Trust Fund for specified purposes; amending s. 253.002, F.S.; authorizing the Board of Trustees of the Internal Improvement Trust Fund to delegate certain authority relating to aquatic and non-invasive plants to the Department of Agriculture and Consumer Services and the Fish and Wildlife Conservation Commission; amending s. 253.04, F.S.; providing for the preservation and regeneration of sea-grasses; providing definitions; providing penalties; amending s. 319.32, F.S.; increasing the certificate of title fee for certain vehicles; amending s. 320.08056, F.S.; increasing the annual use fee for certain specialty license plates; amending s. 327.02, F.S.; revising the definition of the term “live-aboard vessel”; amending s. 327.35, F.S.; revising penalties for boating under the influence of alcohol; revising the blood-alcohol level or breath-alcohol level at which certain penalties apply; amending s. 327.36, F.S.; revising a prohibition against accepting a plea to a lesser included offense from a person who is charged with certain offenses involving the operation of a vessel; revising the blood-alcohol level or breath-alcohol level at which the prohibition applies; amending s. 327.395, F.S.; revising the age limitation for the operation of specified vessels; revising provisions relating to boating safety identification cards; providing exemptions and penalties; providing a short title; amending s. 327.40, F.S.; revising provisions for placement of navigation, safety, and informational markers of waterways; providing for uniform waterway markers; amending s. 327.41, F.S., relating to placement of markers by a county, municipality, or other governmental entity; revising terminology; providing for a county, municipality, or other governmental entity that has been granted or has adopted or established a boating-restricted area to apply for permission to place regulatory markers; amending s. 327.42, F.S.; revising provisions prohibiting mooring to or damaging markers or buoys; amending s. 327.46, F.S.; revising provisions for establishment by the Fish and Wildlife Conservation Commission of boating-restricted areas; providing for counties and municipalities to establish boating-restricted areas with approval of the commission; directing the commission to adopt rules; revising a prohibition against operating a vessel in a prohibited manner in a boating-restricted area; amending s. 327.60, F.S.; revising provisions limiting local regulations relating to vessels operated upon the waters of this state; prohibiting specified county or municipality ordinances or regulations; amending s. 327.65, F.S.; conforming a cross-reference; creating s. 327.66, F.S.; prohibiting possessing or operating a vessel equipped with certain fuel containers or related equipment; prohibiting transporting fuel in a vessel except in compliance with certain federal regulations; providing penalties; declaring fuel transported in violation of such prohibitions to be a public nuisance and directing the enforcing agency to abate the nuisance; providing for disposal of the containers and fuel; declaring conveyances, vessels, vehicles, and equipment used in such violation to be contraband; providing for seizure of the contraband; defining the term “conviction” for specified purposes; providing for the costs to remove fuel, containers, vessels, and equipment to be paid by the owner; providing that a person who fails to pay such cost shall not be issued a certificate of registration for a vessel or motor vehicle; providing an exemption; amending s. 327.70, F.S.; authorizing municipal police officers and specified law enforcement officers to enforce the provisions of chs. 327 and 328; providing for enforcement of noncriminal violations by citation mailed to the owner of a vessel; specifying responsibility for citations issued to livery vessels; amending s. 327.73, F.S.; revising provisions for citation of a noncriminal infraction to provide for violations relating to boating-restricted areas and speed limits; revising provisions relating to establishment of such limits by

counties and municipalities; providing civil penalties for seagrass scarring; amending s. 327.731, F.S.; conforming a cross-reference; amending s. 328.03, F.S.; requiring vessels used or stored on the waters of this state to be titled by this state pursuant to specified provisions; providing exceptions; amending s. 328.07, F.S.; requiring certain vessels used or stored on the waters of this state to have affixed a hull identification number; amending ss. 328.46, 328.48, and 328.56, F.S.; requiring vessels operated, used, or stored on the waters of this state to be registered and display the registration number; providing exceptions; amending s. 328.58, F.S., relating to reciprocity of nonresident or alien vessels; requiring the owner of a vessel with a valid registration from another state, a vessel with a valid registration from the United States Coast Guard in another state, or a federally documented vessel from another state to record the registration number with the Department of Highway Safety and Motor Vehicles when using or storing the vessel on the waters of this state in excess of the 90-day reciprocity period; amending s. 328.60, F.S.; providing an exception to registration requirements for military personnel using or storing on the waters of this state a vessel with a valid registration from another state, a vessel with a valid registration from the United States Coast Guard in another state, or a federally documented vessel from another state; amending s. 328.65, F.S.; revising legislative intent with respect to registration and numbering of vessels; amending s. 328.66, F.S.; authorizing a county to impose an annual registration fee on vessels used on the waters of this state within its jurisdiction; amending s. 328.72, F.S.; providing non-criminal penalties for use or storage of a previously registered vessel after the expiration of the registration period; amending ss. 369.20, 369.22, and 369.25, F.S.; authorizing the commission to enforce specified provisions relating to aquatic weeds and plants; granting certain activities a mixing zone for turbidity; amending s. 379.304, F.S.; revising cross-references for permitting and violation provisions relating to the exhibition or sale of wildlife; amending s. 379.338, F.S.; providing for confiscation and disposition of illegally taken wildlife, freshwater fish, or saltwater fish; providing for disposition of the proceeds from sales; providing for an agency that assists in the enforcement action to receive a portion or all of any forfeited property; creating s. 379.3381, F.S.; providing for photographs of wildlife, freshwater fish, and saltwater fish to be used as evidence in a prosecution in lieu of the wildlife, freshwater fish, or saltwater fish; amending s. 379.353, F.S.; revising eligibility criteria for exemption from certain recreational license and permit requirements; amending s. 379.354, F.S.; providing for an annual resident shoreline fishing license and fee; authorizing the commission to use proceeds of specified hunting, fishing, and recreational licenses for certain purposes; increasing the fee amounts for waterfowl, wild turkey, snook, spiny lobster, management area, special use, and recreational user permits; providing for a management area permit and fee for outdoor recreational activities other than hunting and fishing; providing for a deer permit and fee; requiring the commission to prepare an annual report and submit the report to the Governor and the Legislature; providing report requirements; amending s. 379.3671, F.S.; revising provisions for abandonment and reversion of lobster trap certificates under specified conditions; amending s. 379.3751, F.S.; specifying activities relating to the taking and possession of alligators that require a license and payment of the applicable fee; deleting provisions relating to the issuance, form, and content of such licenses; amending s. 379.3761, F.S.; providing penalties for violations relating to the exhibition or sale of wildlife; amending s. 379.3762, F.S.; revising a cross-reference with respect to the penalties imposed for violations relating to the personal possession of wildlife; amending s. 379.401, F.S.; revising applicability of violation provisions relating to alligators and crocodiles; conforming references to wildlife; amending s. 379.4015, F.S.; specifying applicability of captive wildlife penalty provisions relating to the exhibition or sale of wildlife; creating s. 379.501, F.S.; providing penalties for violations relating to aquatic weeds and plants; providing legislative intent for civil penalties and criminal fines imposed by a court; creating s. 379.502, F.S.; providing judicial and administrative procedures and remedies to enforce penalty provisions for violations relating to aquatic weeds and plants; providing for mediation; providing for recovery of costs and attorney's fees; requiring proceeds from related penalties to be credited to the Invasive Plant Control Trust Fund; creating s. 379.503, F.S.; authorizing the commission to seek injunctive relief; providing that judicial and administrative remedies are alternative and mutually exclusive; creating s. 379.504, F.S.; providing civil penalties for violations relating

to aquatic weeds and plants; authorizing a court to impose a civil penalty for each offense not to exceed a specified amount; providing for joint and several liability; providing for a methodology for assessing certain damages; amending s. 403.088, F.S.; requiring the commission to approve an aquatic weeds and algae control program; directing the commission, in consultation with the Department of Environmental Protection, to establish a pilot program to explore options for regulating the anchoring or mooring of non-live-aboard vessels outside the marked boundaries of public mooring fields; providing geographic locations for the pilot program; providing goals and procedures; providing duties of the commission; requiring a report to the Governor and the Legislature; providing for expiration of the pilot program and any ordinance enacted thereunder; providing for construction; providing for a type two transfer of the Bureau of Invasive Plant Management within the Department of Environmental Protection to the Fish and Wildlife Conservation Commission; ratifying actions taken pursuant to ch. 2008-150, Laws of Florida, and an interagency agreement executed pursuant thereto; transferring the Invasive Plant Control Trust Fund within the Department of Environmental Protection to the Fish and Wildlife Conservation Commission; providing a continuing appropriation to the commission for the costs associated with the shoreline fishing license exemption; reenacting s. 379.209(2)(a), F.S., relating to funds credited to the Nongame Wildlife Trust Fund, to incorporate an amendment made to s. 319.32, F.S., in a reference thereto; reenacting s. 379.3581(7), F.S., relating to hunting safety, to incorporate the amendment made to s. 379.353, F.S., in a reference thereto; reenacting ss. 379.2213, 379.3501, and 379.3712, F.S., relating to management area permit revenues, expiration of licenses and permits, and commercial hunting preserve licenses, respectively, to incorporate the amendment made to s. 379.354, F.S., in references thereto; repealing s. 327.22, F.S., relating to regulation of vessels by municipalities or counties; repealing ss. 379.2211 and 379.2212, F.S., relating to Florida waterfowl permit revenues and Florida wild turkey permit revenues, respectively; repealing s. 379.366(7), F.S., to abrogate the expiration of provisions imposing blue crab effort management program fees and penalties; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 2536** as amended April 24 and read the second time by title.

Senator Constantine moved the following amendments which were adopted:

**Amendment 1 (608962) (with title amendment)**—Delete lines 1247-1273.

(Renumber subsequent sections.)

And the title is amended as follows:

Delete lines 130-132 and insert: or saltwater fish; amending s.

**Amendment 2 (164482) (with title amendment)**—Delete lines 1320-1325.

And the title is amended as follows:

Delete lines 133-134 and insert: 379.354, F.S.; authorizing the commission to use

**Amendment 3 (645562) (with title amendment)**—Between lines 2278 and 2279 insert:

Section 58. Section 403.9335, Florida Statutes, is created to read:

*403.9335 Coral reef protection.—*

(1) *This section may be cited as the “Florida Coral Reef Protection Act.”*

(2) *This act applies to the sovereign submerged lands that contain coral reefs as defined in this act off the coasts of Broward, Martin, Miami-Dade, Monroe, and Palm Beach counties.*

(3) *As used in this section, the term:*

(a) "Aggravating circumstances" means operating, anchoring, or mooring a vessel in a reckless or wanton manner; under the influence of drugs or alcohol; or otherwise with disregard for boating regulations concerning speed, navigation, or safe operation.

(b) "Coral" means species of the phylum Cnidaria found in state waters including:

1. Class Anthozoa, including the subclass Octocorallia, commonly known as gorgonians, soft corals, and telestaceans; and

2. Orders Scleractinia, commonly known as stony corals; Stolonifera, including, among others, the organisms commonly known as organ-pipe corals; Antipatharia, commonly known as black corals; and Hydrozoa, including the family Millaporidae and family Stylasteridae, commonly known as hydrocoral.

(c) "Coral reefs" mean:

1. Limestone structures composed wholly or partially of living corals, their skeletal remains, or both, and hosting other coral, associated benthic invertebrates, and plants; or

2. Hard-bottom communities, also known as live bottom habitat or colonized pavement, characterized by the presence of coral and associated reef organisms or worm reefs created by the *Phragmatopoma* species.

(d) "Damages" means moneys paid by any person or entity, whether voluntarily or as a result of administrative or judicial action, to the state as compensation, restitution, penalty, civil penalty, or mitigation for causing injury to or destruction of coral reefs.

(e) "Department" means the Department of Environmental Protection.

(f) "Fund" means the Ecosystem Management and Restoration Trust Fund.

(g) "Person" means any and all persons, natural or artificial, foreign or domestic, including any individual, firm, partnership, business, corporation, and company and the United States and all political subdivisions, regions, districts, municipalities, and public agencies thereof.

(h) "Responsible party" means the owner, operator, manager, or insurer of any vessel.

(4) The Legislature finds that coral reefs are valuable natural resources that contribute ecologically, aesthetically, and economically to the state. Therefore, the Legislature declares it is in the best interest of the state to clarify the department's powers and authority to protect coral reefs through timely and efficient recovery of monetary damages resulting from vessel groundings and anchoring-related injuries. It is the intent of the Legislature that the department be recognized as the state's lead trustee for coral reef resources located within waters of the state or on sovereignty submerged lands unless preempted by federal law. This section does not divest other state agencies and political subdivisions of the state of their interests in protecting coral reefs.

(5) The responsible party who knows or should know that their vessel has run aground, struck, or otherwise damaged coral reefs must notify the department of such an event within 24 hours after its occurrence. Unless otherwise prohibited or restricted by the United States Coast Guard, the responsible party must remove or cause the removal of the grounded or anchored vessel within 72 hours after the initial grounding or anchoring absent extenuating circumstances such as weather, or marine hazards that would prevent safe removal of the vessel. The responsible party must remove or cause the removal of the vessel or its anchor in a manner that avoids further damage to coral reefs and shall consult with the department in accomplishing this task. The responsible party must cooperate with the department to undertake damage assessment and primary restoration of the coral reef in a timely fashion.

(6) In any action or suit initiated pursuant to chapter 253 on the behalf of the Board of Trustees of the Internal Improvement Trust Fund, or under chapter 373 or this chapter for damage to coral reefs, the department may recover all damages from the responsible party, including, but not limited to:

(a) Compensation for the cost of replacing, restoring, or acquiring the equivalent of the coral reef injured and the value of the lost use and

services of the coral reef pending its restoration, replacement, or acquisition of the equivalent coral reef, or the value of the coral reef if the coral reef cannot be restored or replaced or if the equivalent cannot be acquired.

(b) The cost of damage assessments, including staff time.

(c) The cost of activities undertaken by or at the request of the department to minimize or prevent further injury to coral or coral reefs pending restoration, replacement, or acquisition of an equivalent.

(d) The reasonable cost of monitoring the injured, restored, or replaced coral reef for at least 10 years. Such monitoring is not required for a single occurrence of damage to a coral reef damage totaling less than or equal to 1 square meter.

(e) The cost of enforcement actions undertaken in response to the destruction or loss of or injury to a coral reef, including court costs, attorney's fees, and expert witness fees.

(7) The department may use habitat equivalency analysis as the method by which the compensation described in subsection (5) is calculated. The parameters for calculation by this method may be prescribed by rule adopted by the department.

(8) In addition to the compensation described in subsection (5), the department may assess, per occurrence, civil penalties according the following schedule:

(a) For any anchoring of a vessel on a coral reef or for any other damage to a coral reef totaling less than or equal to an area of 1 square meter, \$150, provided that a responsible party who has anchored a recreational vessel as defined in s. 327.02 which is lawfully registered or exempt from registration pursuant to chapter 328 is issued, at least once, a warning letter in lieu of penalty; with aggravating circumstances, an additional \$150; occurring within a state park or aquatic preserve, an additional \$150.

(b) For damage totaling more than an area of 1 square meter but less than or equal to an area of 10 square meters, \$300 per square meter; with aggravating circumstances, an additional \$300 per square meter; occurring within a state park or aquatic preserve, an additional \$300 per square meter.

(c) For damage exceeding an area of 10 square meters, \$1,000 per square meter; with aggravating circumstances, an additional \$1,000 per square meter; occurring within a state park or aquatic preserve, an additional \$1,000 per square meter.

(d) For a second violation, the total penalty may be doubled.

(e) For a third violation, the total penalty may be tripled.

(f) For any violation after a third violation, the total penalty may be quadrupled.

(g) The total of penalties levied may not exceed \$250,000 per occurrence.

(9) To carry out the intent of this section, the department may enter into delegation agreements with another state agency or any coastal county with coral reefs within its jurisdiction. In deciding to execute such agreements, the department must consider the ability of the potential delegee to adequately and competently perform the duties required to fulfill the intent of this section. When such agreements are executed by the parties and incorporated in department rule, the delegee shall have all rights accorded the department by this section. Nothing herein shall be construed to require the department, another state agency, or a coastal county to enter into such an agreement.

(10) Nothing in this section shall be construed to prevent the department or other state agencies from entering into agreements with federal authorities related to the administration of the Florida Keys National Marine Sanctuary.

(11) All damages recovered by or on behalf of this state for injury to, or destruction of, the coral reefs of the state that would otherwise be deposited in the general revenue accounts of the State Treasury or in the Internal Improvement Trust Fund shall be deposited in the Ecosystem Management and Restoration Trust Fund in the department and shall

remain in such account until expended by the department for the purposes of this section. Moneys in the fund received from damages recovered for injury to, or destruction of, coral reefs must be expended only for the following purposes:

(a) To provide funds to the department for reasonable costs incurred in obtaining payment of the damages for injury to, or destruction of, coral reefs, including administrative costs and costs of experts and consultants. Such funds may be provided in advance of recovery of damages.

(b) To pay for restoration or rehabilitation of the injured or destroyed coral reefs or other natural resources by a state agency or through a contract to any qualified person.

(c) To pay for alternative projects selected by the department. Any such project shall be selected on the basis of its anticipated benefits to the residents of this state who used the injured or destroyed coral reefs or other natural resources or will benefit from the alternative project.

(d) All claims for trust fund reimbursements under paragraph (a) must be made within 90 days after payment of damages is made to the state.

(e) Each private recipient of fund disbursements shall be required to agree in advance that its accounts and records of expenditures of such moneys are subject to audit at any time by appropriate state officials and to submit a final written report describing such expenditures within 90 days after the funds have been expended.

(f) When payments are made to a state agency from the fund for expenses compensable under this subsection, such expenditures shall be considered as being for extraordinary expenses, and no agency appropriation shall be reduced by any amount as a result of such reimbursement.

(12) The department may adopt rules pursuant to ss. 120.536 and 120.54 to administer this section.

Section 59. Paragraph (b) of subsection (2) of section 403.1651, Florida Statutes, is amended to read:

403.1651 Ecosystem Management and Restoration Trust Fund.—

(2) The trust fund shall be used for the deposit of all moneys recovered by the state:

(b) For injury to or destruction of coral reefs, which moneys would otherwise be deposited into the General Revenue Fund or the Internal Improvement Trust Fund. The department may enter into settlement agreements that require responsible parties to pay a third party to fund projects related to the restoration of a coral reef, to accomplish mitigation for injury to a coral reef, or to support the activities of law enforcement agencies related to coral reef injury response, investigation and assessment. Participation of a law enforcement agency in the receipt of funds through this mechanism shall be at the law enforcement agency's discretion.

Section 60. Subsection (3) of section 253.04, Florida Statutes, is repealed.

Section 61. Section 380.0558, Florida Statutes, is repealed.

(Renumber subsequent sections.)

And the title is amended as follows:

Delete line 213 and insert: references thereto; creating s. 403.9335, F.S.; creating the "Florida Coral Reef Protection Act"; providing definitions; providing legislative intent; requiring responsible parties to notify the Department of Environmental Protection if their vessel runs aground or damages a coral reef; requiring the responsible party to remove the vessel; requiring the responsible party to cooperate with the department to assess the damage and restore the coral reef; authorizing the department to recover damages from the responsible party; authorizing the department to use a certain method to calculate compensation for damage of coral reefs; authorizing the department to assess civil penalties; authorizing the department to enter into delegation agreements; providing that moneys collected from damages and civil

penalties for injury to coral reefs be deposited in the Ecosystem Management and Restoration Trust Fund within the Department of Environmental Protection; providing requirements; authorizing the department to adopt rules; amending s. 403.1651, F.S.; authorizing the department to enter into settlement agreements that require responsible parties to pay another government entity or nonprofit organization to fund projects consistent with the conservation or protection of coral reefs; repealing s. 253.04(3), F.S., relating to civil penalties for damage to coral reefs; repealing s. 380.0558, F.S., relating to coral reef restoration; repealing s. 327.22, F.S.; relating to

On motion by Senator Constantine, by two-thirds vote **CS for CS for HB 1423** as amended was read the third time by title. On motion by Senator Constantine, further consideration of **CS for CS for HB 1423** as amended was deferred.

**CS for CS for SB 148**—A bill to be entitled An act relating to mangrove protection; amending s. 403.121, F.S.; expanding the penalty previously applicable to violations involving mangrove trimming or alteration to apply to any violation under the Mangrove Trimming and Preservation Act; 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. 403.9325, F.S.; revising the definition of "riparian mangrove fringe"; 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 natural islands or lands that are publicly owned or set aside for conservation or mitigation except under specified circumstances; providing an effective date.

—was read the third time by title.

On motion by Senator Aronberg, **CS for CS for SB 148** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Villalobos

**SB 2058**—A bill to be entitled 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 third time by title.

On motion by Senator Alexander, **SB 2058** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Villalobos

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Consideration of **CS for CS for SB 2614** was deferred.

**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; providing an effective date.

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

On motion by Senator Wise, **CS for CS for CS for CS for SB 1540** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Villalobos

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**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.

—was read the third time by title.

On motion by Senator Dean, **CS for HB 7053** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Crist, Villalobos

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**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 read the third time by title.

On motion by Senator Baker, **CS for CS for HB 339** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Aronberg	Bullard
Alexander	Baker	Constantine
Altman	Bennett	Crist

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

Nays—None

Vote after roll call:

Yea—Lawson

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**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.

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

On motion by Senator Haridopolos, **CS for CS for HB 227** as amended was passed and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Dockery	Lynn
Alexander	Fasano	Oelrich
Altman	Gaetz	Peaden
Baker	Gardiner	Pruitt
Bullard	Haridopolos	Rich
Crist	Hill	Richter
Dean	Jones	Storms
Detert	Justice	Wise
Diaz de la Portilla	King	

Nays—11

Aronberg	Gelber	Smith
Constantine	Joyner	Sobel
Deutch	Ring	Wilson
Garcia	Siplin	

Vote after roll call:

Yea—Bennett, Villalobos

Nay—Lawson

Yea to Nay—Bullard, Dockery, Jones, Justice, Rich

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**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; 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 date.

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

On motion by Senator Pruitt, **CS for CS for SB 712** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Villalobos

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**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.

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

On motion by Senator Richter, **HB 701** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

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**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.

—was read the third time by title.

On motion by Senator Baker, **CS for CS for HB 333** was passed and certified to the House. The vote on passage was:

Yeas—38

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

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

Nays—None

Vote after roll call:

Yea—Justice, Villalobos

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**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; amending s. 316.1895, F.S.; revising the authorized locations for the placement of certain warning signs at school zones; providing an effective date.

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

On motion by Senator Baker, **CS for SB 210** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Villalobos

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**CS for CS for SB 810**—A bill to be entitled 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.; 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 important state interest; providing effective dates.

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

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

**Amendment 1 (885000) (with title amendment)**—In title, delete line 26 and insert: 443.1117, F.S.; amending s. 443.101, F.S.; providing additional provisions dealing with disqualification for benefits under certain conditions; providing that the act fulfills an

**Amendment 2 (483120)**—Delete line 459 and insert: *benefits pursuant to s. 443.091(1)(c)1. for failing to be available*

On motion by Senator Garcia, **CS for CS for SB 810** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Deutch, Villalobos

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**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.

—was read the third time by title.

On motion by Senator Altman, **CS for CS for HB 675** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Wise

**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.

—was read the third time by title.

On motion by Senator Gaetz, **CS for CS for HB 845** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Smith

**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.

—was read the third time by title.

On motion by Senator Richter, **HB 379** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

Consideration of **CS for CS for SB 2072** was deferred.

**CS for HB 7141**—A bill to be entitled An act relating to seaport security; creating s. 311.115, F.S.; establishing the Seaport Security Standards Advisory Council; providing for membership and terms of office; providing duties; providing for per diem and travel expenses; requiring reports to the Governor and Legislature; amending s. 311.12, F.S.; revising provisions relating to seaport security; authorizing the Department of Law Enforcement to exempt all or part of a port from certain security requirements; providing criteria for determining eligibility to enter secure or restricted areas; establishing a statewide access eligibility reporting system within the department; requiring all access eligibility to be submitted to the department and retained within the system; deleting the requirement that seaports promptly notify the department of any changes in access levels; requiring changes in access eligibility status to be reported within a certain time; providing for fees; providing a procedure for obtaining access to secure and restricted areas using federal credentialing; specifying the process for conducting criminal history checks and for the retention of fingerprint information; providing a criminal penalty for providing false information related to obtaining access to restricted seaport areas; providing additional criminal offenses that disqualify a person from employment by or access to a seaport; deleting the requirement that the department notify the port authority that denied employment of the final disposition of a waiver request from background screening requirements; allowing, rather than requiring, certain applications for a waiver from security requirements to be submitted to the Domestic Security Oversight Council for review; requiring a copy of the department's legislative report to be provided to each seaport governing body or authority; adding the department to those entities responsible for allocating funds for security projects; deleting provisions relating to the Seaport Security Standards Advisory Council; repealing s. 311.111, F.S., relating to unrestricted and restricted public access areas and secured restricted access areas; repealing s. 311.125, F.S., relating to the Uniform Port Access Credential System and the Uniform Port Access Credential Card; amending s. 311.121, F.S.; revising the membership of the Seaport Security Officer Qualification, Training, and Standards Coordinating Council; amending ss. 311.123, 311.124, 311.13, 943.0585, and 943.059, F.S.; conforming terms and cross-references; directing the Office of Drug Control to commission an update of the Florida Seaport Security Assessment 2000, which shall be presented to the Legislature by a certain date; authorizing the Department of Law Enforcement to create a pilot project to implement the seaport employee access system; transferring certain equipment from the Department of Highway Safety and Motor Vehicles to the Department of Law Enforcement for use in the project; providing an effective date.

—was read the third time by title.

On motion by Senator Aronberg, **CS for HB 7141** was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—2

Hill	Storms
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Vote after roll call:

Yea—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, 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. 201.23, 420.507, 520.52, 520.63, 607.0505, and 687.12, F.S.; conforming cross-references; providing for the termination 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.

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

On motion by Senator Richter, **CS for CS for SB 2226** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Bullard

**CS for HB 515**—A bill to be entitled An act relating to oil and gas production taxes; amending s. 211.02, F.S.; providing a tiered tax rate structure for the oil production tax on tertiary oil; revising definitions; providing an effective date.

—was read the third time by title.

On motion by Senator Pruitt, **CS for HB 515** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—1

Crist

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**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 third time by title.

On motion by Senator Joyner, **CS for CS for SB 168** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

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**CS for HB 135**—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for personal identifying information of certain insured dependents; providing a statement of retroactive application of the exemption; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Dockery, **CS for HB 135** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

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**CS for HB 1409**—A bill to be entitled An act relating to the placement of children; creating s. 409.408, F.S.; authorizing the Governor to execute a new Interstate Compact for the Placement of Children; specifying the provisions of the compact; creating s. 409.409, F.S.; providing for the present compact to remain in effect until the Governor enters into the new compact; creating s. 409.410, F.S.; providing rulemaking authority to the Department of Children and Family Services; providing an effective date.

—was read the third time by title.

On motion by Senator Rich, **CS for HB 1409** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Constantine, Oelrich

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**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.

—was read the third time by title.

On motion by Senator Haridopolos, **HB 7025** 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	Gelber	Richter
Bennett	Haridopolos	Siplin
Bullard	Hill	Smith
Constantine	Jones	Sobel
Crist	Joyner	Storms
Dean	Justice	Villalobos
Detert	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	

Nays—None

Votes Recorded:

May 6, 2009: Yea—Gardiner

**CS for SB 1580**—A bill to be entitled 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 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 for a provision exempting property owned by an educational institution from ad valorem taxation to apply retroactively to January 1, 2005; providing an effective date.

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

On motion by Senator Ring, **CS for SB 1580** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

**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.

—was read the third time by title.

On motion by Senator Hill, **CS for CS for HB 57** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

**CS for CS for SB 440**—A bill to be entitled 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.

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

On motion by Senator Fasano, **CS for CS for SB 440** as amended was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

**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.

—was read the third time by title.

On motion by Senator Constantine, **HB 7037** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

**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 the court; providing for use of the results by the clerk of the court; requiring the clerk of the 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.

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

On motion by Senator Wise, **CS for SB 258** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

**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.

—was read the third time by title.

On motion by Senator Aronberg, **HB 7017** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

On motion by Senator Smith, by two-thirds vote **CS for CS for CS for HB 569** was withdrawn from the Committees on Banking and Insurance; Governmental Oversight and Accountability; and General Government Appropriations; and the Policy and Steering Committee on Ways and Means.

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

**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.

—a companion measure, was substituted for **CS for CS for SB 732** as amended April 28 and read the second time by title.

On motion by Senator Smith, by two-thirds vote **CS for CS for CS for HB 569** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Aronberg	Bullard
Alexander	Baker	Constantine
Altman	Bennett	Crist

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

Nays—None

**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.

—was read the third time by title.

On motion by Senator Storms, **HB 7021** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

**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.

—was read the third time by title.

On motion by Senator Dean, **CS for CS for HB 375** was passed and certified to the House. The vote on passage was:

Yeas—40

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

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

Nays—None

**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.

—was read the third time by title.

On motion by Senator Baker, **HB 1003** 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	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Bullard	Hill	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 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.

—was read the third time by title.

On motion by Senator Bennett, **CS for HB 7019** 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	Gardiner	Peaden
Bullard	Gelber	Pruitt
Constantine	Haridopolos	Rich
Crist	Hill	Richter
Dean	Jones	Ring
Detert	Joyner	Siplin

Smith	Storms	Wilson
Sobel	Villalobos	Wise

Nays—None

**CS for HB 1517**—A bill to be entitled An act relating to corporate annual financial statements; amending s. 607.1620, F.S.; revising a requirement for corporations to provide annual financial statements to shareholders; specifying criteria for satisfaction of such requirement; providing application; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **CS for HB 1517** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

**CS for HB 281**—A bill to be entitled An act relating to prepaid college programs; amending s. 1009.98, F.S.; providing that a purchaser of an advance payment contract may receive a refund of the unused portion of the contract under certain circumstances; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **CS for HB 281** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**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; amend-

ing 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.

—was read the third time by title.

On motion by Senator Bennett, **HB 707** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

**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.

—was read the third time by title.

On motion by Senator Bennett, **HB 7013** 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	Hill	Smith
Crist	Jones	Sobel
Dean	Joyner	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Justice

**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.

—was read the third time by title.

On motion by Senator King, **HB 7093** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Sobel

Consideration of **CS for CS for SB 2626** and **CS for CS for SB 274** was deferred.

**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.

—was read the third time by title.

On motion by Senator Storms, **HB 7039** 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	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Bullard	Hill	Siplin
Constantine	Jones	Smith
Crist	Joyner	Sobel
Dean	Justice	Storms
Detert	King	Villalobos
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Garcia

**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.

—was read the third time by title.

On motion by Senator Fasano, **HB 509** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

**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.

—was read the third time by title.

On motion by Senator Gardiner, **CS for HB 7027** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

Consideration of **SB 1370** was deferred.

**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 third time by title.

On motion by Senator Rich, **CS for CS for SB 918** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

**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 provi-

sions; removing the scheduled repeal of the exemption; providing an effective date.

—was read the third time by title.

On motion by Senator Alexander, **HB 7015** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

On motion by Senator Fasano, by two-thirds vote **CS for CS for HB 215** was withdrawn from the Committees on Judiciary; Governmental Oversight and Accountability; and Criminal and Civil Justice Appropriations; and the Policy and Steering Committee on Ways and Means.

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

**CS for CS for HB 215**—A bill to be entitled An act relating to contingency fee agreements between the Department of Legal Affairs and private attorneys; creating s. 16.0155, F.S.; providing definitions; prohibiting the Department of Legal Affairs of the Office of the Attorney General from entering into a contingency fee contract with a private attorney unless the Attorney General makes a written determination prior to entering into such a contract that contingency fee representation is both cost-effective and in the public interest; requiring that such written determination include certain findings; requiring that the Attorney General, upon making his or her written determination, request proposals from private attorneys to represent the department on a contingency fee basis unless the Attorney General determines in writing that requesting such proposals is not feasible under the circumstances; providing that the written determination does not constitute a final agency action subject to review pursuant to state law; providing that the request for proposals and contract award are not subject to challenge under the Administrative Procedure Act; requiring that a private attorney maintain detailed contemporaneous time records with regard to work performed on the matter by any attorneys or paralegals assigned to the matter in specified increments; requiring that a private attorney provide such record to the department upon request; limiting the amount of a contingency fee that may be paid to a private attorney pursuant to a contract with the department; requiring that copies of any executed contingency fee contract and the Attorney General’s written determination to enter into such contract be posted on the department’s website within a specified period after the date on which the contract is executed; requiring that such information remain posted on the website for a specified duration; requiring that any payment of contingency fees be posted on the department’s website within a specified period after the date on which payment of such contingency fees is made to the private attorney; requiring that such information remain posted on the website for a specified duration; providing an effective date.

—a companion measure, was substituted for **SB 1370** and 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 was adopted:

**Amendment 1 (226328) (with title amendment)**—Delete line 107 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 29 and insert: contract with the department; providing exceptions; requiring that copies of any

On motion by Senator Fasano, by two-thirds vote **CS for CS for HB 215** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Altman	Gaetz	Pruitt
Aronberg	Gardiner	Rich
Baker	Gelber	Richter
Bennett	Haridopolos	Ring
Bullard	Hill	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 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; prohibiting a county from levying the surtax within certain multicounty independent special districts; providing an effective date.

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

On motion by Senator Fasano, **CS for CS for SB 1000** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

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

Nays—None

Vote after roll call:

Yea—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.

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

**RECONSIDERATION OF AMENDMENT**

On motion by Senator Constantine, the Senate reconsidered the votes by which **Amendment 1 (380932)** and **Amendment 2 (585062)** were adopted. **Amendments 1 and 2** were withdrawn.

On motion by Senator Richter, **CS for CS for HB 481** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

**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 third time by title.

On motion by Senator Sobel, **CS for SB 398** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

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**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.

—was read the third time by title.

On motion by Senator Haridopolos, **CS for HB 61** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

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**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” to include cerebral palsy and Down syndrome; 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.

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

On motion by Senator Ring, **CS for CS for SB 308** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

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**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 third time by title.

On motion by Senator Joyner, **CS for SB 264** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

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**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.

—was read the third time by title.

On motion by Senator Oelrich, **HB 7041** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

**HB 7123**—A bill to be entitled An act relating to military base closures; creating s. 288.984, F.S.; establishing the Florida Council on Military Base and Mission Support; providing for the mission of the council; providing for membership; providing for terms of appointment; providing for reappointment of members; providing for election of a council chair and vice chair; providing for reimbursement of members for expenses; requiring the Office of Tourism, Trade, and Economic Development to provide administrative support; providing for council workgroups and tasks thereof; requiring an annual report to the Legislature and Governor; providing an effective date.

—was read the third time by title.

On motion by Senator Gaetz, **HB 7123** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Fasano

**HB 7125**—A bill to be entitled An act relating to public records and public meetings; creating s. 288.985, F.S.; creating an exemption from public records requirements for specified records relating to military bases which are held by the Florida Council on Military Base and Mission Support; creating an exemption from public meetings requirements for council meetings at which exempt information is presented or discussed; creating an exemption from public records requirements for records generated during council meetings that are closed to the public; providing a penalty; providing for future legislative review and repeal of

the exemption; providing a statement of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Gaetz, **HB 7125** was passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

**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 read the third time by title.

On motion by Senator Villalobos, **SB 1574** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

**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; 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 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.; 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.; 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.

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

On motion by Senator Haridopolos, **CS for CS for SB 2626** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—3

Crist Dean Fasano

Vote after roll call:

Yea—Siplin

Yea to Nay—Justice, Storms

## RECESS

The President declared the Senate in recess at 11:35 a.m. to reconvene at 1:30 p.m.

## AFTERNOON SESSION

The Senate was called to order by President Atwater at 1:57 p.m. A quorum present—39:

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

## SPECIAL ORDER CALENDAR

Consideration of **CS for CS for SB 1978**, **CS for CS for SB 682** and **CS for CS for SB 880** was deferred.

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Villalobos, by two-thirds vote **CS for CS for SB 2276** and **CS for SB 1318** were withdrawn from the Committee on Criminal and Civil Justice Appropriations; **CS for SJR 532** was withdrawn from the Committee on Education Pre-K - 12 Appropriations; **SB 1940** was withdrawn from the Committee on General Government Appropriations; and **CS for SB 906** was withdrawn from Committee on Transportation and Economic Development Appropriations.

## SPECIAL ORDER CALENDAR, continued

On motion by Senator Alexander—

**CS for CS for SB 2088**—A bill to be entitled An act relating to the Florida Financial Management Information System; amending s. 215.90, F.S.; conforming a cross-reference; amending s. 215.91, F.S.; providing that the Financial Management Information Board is responsible for the system; deleting provisions relating to the Florida Financial Management Information System Coordinating Council; deleting references to functional owner subsystems; amending s. 215.92, F.S.; redefining terms and adding and deleting definitions; creating s. 215.922, F.S.; establishing the Agency for Enterprise Business Services within the Department of Financial Services; providing that the office is a separate budget entity not subject to the department; providing that the agency is headed by the Governor and Cabinet acting as the Financial Management Information Board; providing for an executive director; providing the duties of the agency; creating s. 215.923, F.S.; establishing the Enterprise Financial Business Operations Council to act in an advisory capacity to the agency; providing the members of the council; providing council duties; creating s. 215.924, F.S.; providing for

an Enterprise Financial Business Strategic Plan; requiring the plan to be annually reviewed, updated and submitted to the Legislature; providing for the contents of the plan; amending s. 215.93, F.S.; revising provisions relating to the Florida Financial Management Information System; renaming the Florida Accounting Information Resource Subsystem the Financial Management Subsystem; adding the Revenue and Tax Collection, Processing, and Distribution Subsystem; deleting references to functional owner subsystems and providing for enterprise business owners; revising the duties of the owners; deleting references to the design and coordination staff; providing for the ownership and functions of the Revenue and Tax Collection, Processing, and Distribution Subsystem by the Department of Revenue; amending s. 215.94, F.S.; deleting references to functional owner subsystems and providing for enterprise business owners; amending s. 215.95, F.S.; providing additional duties for the Financial Management Information Board; repealing s. 215.96, F.S., relating to the coordinating council and design and coordination staff; creating s. 215.961, F.S.; providing state agency requirements relating to the Florida Financial Management Information System and the use of functional information and enterprise agency business subsystems; repealing s. 570.07(41), F.S., relating to the Department of Agriculture and Consumer Services' exemption from using the state online procurement system; amending ss. 17.11, 216.102, 216.141, and 216.237, F.S.; conforming terms; providing for funding; providing an effective date.

—was read the second time by title.

#### SENATOR FASANO PRESIDING

Senator Alexander moved the following amendment which was adopted:

**Amendment 1 (399352)**—Delete line 988 and insert: *2451, 2452, and 2459 of chapter 2008-152, Laws of Florida, for*

Pursuant to Rule 4.19, **CS for CS for SB 2088** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

**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.

—which was previously considered and amended April 28 with pending **Amendment 1 (611714)** by Senator Altman as amended and **Amendment 1B (338640)** by Senator Altman.

On motion by Senator Villalobos, further consideration of **CS for CS for CS for HB 439** with pending **Amendment 1 (611714)** and **Amendment 1B (338640)** was deferred.

On motion by Senator Aronberg, by two-thirds vote **CS for HB 631** was withdrawn from the Committees on Judiciary; Governmental Oversight and Accountability; and Rules.

On motion by Senator Aronberg—

**CS for HB 631**—A bill to be entitled An act relating to public records; amending s. 733.604, F.S.; providing exemptions from public records requirements for certain estate inventories and accountings; requiring custodians to disclose certain inventories or accountings to certain persons or by court order; providing retroactive application; providing for review and repeal of the exemptions; providing a statement of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **CS for SB 1400** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 631** was placed on the calendar of Bills on Third Reading.

On motion by Senator Alexander—

**SB 2080**—A bill to be entitled An act relating to the West-Central Florida Water Restoration Action Plan; creating s. 373.0363, F.S.; providing definitions; providing legislative findings and intent; providing criteria for the Southwest Florida Water Management District to meet in implementing the West-Central Florida Water Restoration Action Plan; requiring that the district coordinate with regional water supply authorities and governmental entities to maximize opportunities concerning the efficient expenditure of public funds; specifying the plan's purpose; specifying the initiatives that are included in the plan; providing criteria for implementing the Central West Coast Surface Water Enhancement Initiative, the Facilitating Agricultural Resource Management Systems Initiative, the Ridge Lakes Restoration Initiative, the Upper Peace River Watershed Restoration Initiative, and the Central Florida Water Resource Development Initiative and certain components or projects included in such initiatives; requiring that the district implement certain initiatives in cooperation with the Peace River-Manasota Regional Water Supply Authority or Polk County; requiring that the Southwest Florida Water Management District prepare a report that meets specified criteria concerning implementation of the plan, regional conditions, and the use of funds; requiring that the district prepare the report in cooperation with coordinating agencies and affected local governments and submit the report and legislative proposals to the Governor and the Legislature by a specified date; amending s. 403.087, F.S.; prohibiting the permitting of landfills under certain conditions; providing an effective date.

—was read the second time by title.

Senator Alexander moved the following amendments which were adopted:

**Amendment 1 (926862) (with title amendment)**—Delete lines 119-274 and insert:

(4) *The West-Central Florida Water Restoration Action Plan includes:*

(a) *The Central West Coast Surface Water Enhancement Initiative. The purpose of this initiative is to make additional surface waters available for public supply through restoration of surface waters, natural water flows, and freshwater wetland communities. This initiative is designed to allow limits on groundwater withdrawals in order to slow the rate of saltwater intrusion. The initiative shall be an ongoing program in cooperation with the Peace River-Manasota Regional Water Supply Authority created under s. 373.1962.*

(b) *The Facilitating Agricultural Resource Management Systems Initiative. The purpose of this initiative is to expedite the implementation of production-scale, best management practices in the agricultural sector, which will result in reductions in groundwater withdrawals and improvements in water quality, water resources, and ecology. The initiative is a cost-share reimbursement program to provide funding incentives to agricultural landowners for the implementation of best management practices. The initiative shall be implemented by the district in cooperation with the Department of Agriculture and Consumer Services. Cooperative funding programs approved by the governing board shall not be subject to the rulemaking requirements of chapter 120. However, any portion of an approved program which affects the substantial interests of a party shall be subject to s. 120.569.*

(c) *The Ridge Lakes Restoration Initiative. The purpose of this initiative is to protect, restore, and enhance natural systems and flood protection by improving and protecting the water quality of approximately 130 lakes located along the Lake Wales Ridge in Polk and Highlands Counties, which quality is threatened by stormwater runoff, wastewater effluent, fertilizer applications, groundwater pollution, degradation of shoreline habitats, and hydrologic alterations. This initiative shall be accomplished through the construction of systems designed to treat the stormwater runoff that threatens the water quality of such lakes. Such systems include swales, retention basins, and long infiltration basins, if feasible.*

(d) *The Upper Peace River Watershed Restoration Initiative. The purpose of this initiative is to improve the quality of waters and ecosystems in the watershed of the Upper Peace River by recharging aquifers, restoring the flow of surface waters, and restoring the capacity of natural systems to store surface waters. The Legislature finds that such improvements are necessary because the quantity and quality of the fresh water that flows to the basin of the Peace River and Charlotte Harbor are adversely affected by the significant alteration and degradation of the watershed of the Upper Peace River and because restoration of the watershed of the Upper Peace River is a critical component of the Charlotte Harbor National Estuary Program's Comprehensive Conservation and Management Plan, the Southwest Florida Water Management District's Surface Water Improvement and Management Plan, and the Southern Water Use Caution Area Recovery Strategy. This initiative shall include an Upper Peace River Component. In addition to the initiative's other purposes, this component will provide a critical link to a major greenway that extends from the lower southwest coast of this state through the watershed of the Peace River and the Green Swamp and further north to the Ocala National Forest.*

(e) *The Central Florida Water Resource Development Initiative. The purpose of this initiative is to create and implement a long-term plan that takes a comprehensive approach to limit ground water withdrawals in the Southern Water Use Caution Area and to identify and develop alternative water supplies for Polk County. The project components developed pursuant to this initiative are eligible for state and regional funding under s. 373.196 as an alternative water supply, as defined in s. 373.019, or as a supplemental water supply under the rules of the Southwest Florida Water Management District or the South Florida Water Management District. The initiative shall be implemented by the district as an ongoing program in cooperation with Polk County and the South Florida Water Management District.*

(5) *As part of the consolidated annual report required pursuant s. 373.036(7), the district may include:*

(a) *A summary of the conditions of the Southern Water Use Caution Area, including the status of the components of the West-Central Florida Water Restoration Action Plan.*

(b) *An annual accounting of the expenditure of funds. The accounting must, at a minimum, provide details of expenditures separately by plan component and any subparts of a plan component, and include specific information about amount and use of funds from federal, state, and local government sources. In detailing the use of these funds, the district shall indicate those funds that are designated to meet requirements for matching funds.*

(6) *The district shall submit the West-Central Florida Water Restoration Action Plan developed pursuant to subsection (4) to the President of the Senate and the Speaker of the House of Representatives prior to the 2010 regular legislative session for review. If the Legislature takes no action on the plan during the 2010 regular legislative session, the plan shall be deemed approved.*

And the title is amended as follows:

Delete lines 21-34 and insert: initiatives; providing for the Southwest Florida Water Management District to include specified criteria concerning implementation of the plan, regional conditions, and the use of funds in specified annual reports; requiring that the Southwest Florida Water Management District develop and submit a plan to the Legislature; providing for approval of the plan; providing an effective date.

**Amendment 2 (443318) (with title amendment)**—Delete line 275 and insert:

Section 3. *Section 23 of chapter 2008-150, Laws of Florida, is repealed.*

Section 4. This act shall take effect July 1, 2009.

And the title is amended as follows:

Delete line 34 and insert: certain conditions; 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.

Pursuant to Rule 4.19, **SB 2080** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

**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.

—which was previously considered April 28. Pending **Amendment 1 (563234)** by Senator Constantine failed. The vote was:

Yeas—13

Altman	Garcia	King
Aronberg	Haridopolos	Pruitt
Constantine	Jones	Sobel
Detert	Joyner	
Dockery	Justice	

Nays—19

Alexander	Fasano	Oelrich
Baker	Gaetz	Siplin
Bennett	Gardiner	Storms
Bullard	Gelber	Wilson
Dean	Hill	Wise
Deutch	Lawson	
Diaz de la Portilla	Lynn	

Senator Justice moved the following amendment which was adopted:

**Amendment 2 (709114)**—Delete lines 690-876 and insert:

Section 12. Section 376.30702, Florida Statutes, is amended to read:

376.30702 Contamination notification.—

(1) **FINDINGS; INTENT; APPLICABILITY.**—The Legislature finds and declares that when contamination is discovered by any person as a result of site rehabilitation activities conducted pursuant to the risk-based corrective action provisions found in s. 376.3071(5), s. 376.3078(4), s. 376.81, or s. 376.30701, or pursuant to an administrative or court order, it is in the public's best interest that potentially affected persons be notified of the existence of such contamination. Therefore, persons discovering such contamination shall notify the department and those identified under this section of the such discovery in accordance with the requirements of this section, and the department shall be responsible for notifying the affected public. The Legislature intends for the provisions of this section to govern the notice requirements for early notification of the discovery of contamination.

(2)(a) **INITIAL NOTICE OF CONTAMINATION BEYOND PROPERTY BOUNDARIES.**—If at any time during site rehabilitation conducted pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81, or s. 376.30701, or an administrative or court order the person responsible for site rehabilitation, the person's authorized agent, or another representative of the person discovers from laboratory analytical results that comply with appropriate quality assurance protocols specified in department rules that contamination as defined in applicable department rules exists in any groundwater, surface water, or soil medium beyond the boundaries of the property at which site rehabilitation was initiated pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81, or s. 376.30701, or an administrative or court order the person responsible for site rehabilitation shall give actual notice as soon as possible, but no later than 10 days from such discovery, to the Division of Waste Management at the department's Tallahassee office. The actual notice shall be provided on a form adopted by department rule and mailed by certified mail, return receipt requested. The person responsible for site rehabilitation shall simultaneously provide mail a copy of the such notice to the appropriate department district office, and the appropriate county health department, and all known lessees and tenants of the source property.

(b) The notice shall include the following information:

1. (a) The location of the property at which site rehabilitation was initiated pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81, or s. 376.30701, or an administrative or court order and contact information for the person responsible for site rehabilitation, the person's authorized agent, or another representative of the person.

2. (b) A listing of all record owners of any real property, other than the property at which site rehabilitation was initiated pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81, or s. 376.30701, at which contamination has been discovered; the parcel identification number for any such real property; the owner's address listed in the current county property tax office records; and the owner's telephone number. The re-

requirements of this paragraph do not apply to the notice to known tenants and lessees of the source property.

3. ~~(c)~~ Separate tables for ~~by medium, such as~~ groundwater, soil, and surface water ~~which, or sediment, that~~ list sampling locations ~~identified on the vicinity map as provided in subparagraph 4;~~ sampling dates; names of contaminants detected above cleanup target levels; their corresponding cleanup target levels; the contaminant concentrations; and whether the cleanup target level is based on health, nuisance, organoleptic, or aesthetic concerns.

4. ~~(d)~~ A vicinity map that shows each sampling location with corresponding laboratory analytical results pursuant to subparagraph 3. ~~and the date on which the sample was collected~~ and that identifies the property boundaries of the property at which site rehabilitation was initiated pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81, ~~or~~ s. 376.30701, or an administrative or court order and any ~~the~~ other properties at which contamination has been discovered during such site rehabilitation. If available, a contaminant plume map signed and sealed by a Florida-licensed professional engineer or geologist may be included with the vicinity map.

### (3) DEPARTMENT'S NOTICE RESPONSIBILITIES.—

(a) After receiving the actual notice required under subsection (2), the department shall notify the following persons of such contamination:

1. The mayor, the chair of the county commission, or the comparable senior elected official representing the affected area.

2. The city manager, the county administrator, or the comparable senior administrative official representing the affected area.

3. The school district superintendent representing the affected area.

4. The state senator, state representative, and United States Representative representing the affected area and both United States Senators.

5.a. All real property owners, presidents of any condominium associations or sole owners of condominiums, lessees, and tenants of record of the property at which site rehabilitation is being conducted, if different from the person responsible for site rehabilitation;

b. All real property owners, presidents of any condominium associations or sole owners of condominiums, lessees, and tenants of record of any properties within a 500-foot radius of each sampling point at which contamination is discovered, if site rehabilitation was initiated pursuant to s. 376.30701 or an administrative or court order; and

c. All real property owners, presidents of any condominium associations or sole owners of condominiums, lessees, and tenants of record of any properties within a 250-foot radius of each sampling point at which contamination is discovered or any properties identified on a contaminant plume map provided pursuant to subparagraph (2)(b)4., if site rehabilitation was initiated pursuant to s. 376.3071(5), s. 376.3078(4), or s. 376.81 or at or in connection with a permitted solid waste management facility subject to a ground water monitoring plan.

(b)1. The notice provided to local government officials shall be mailed by certified mail, return receipt requested, and shall advise the local government of its responsibilities under subsection (4).

2. The notice provided to real property owners, presidents of any condominium associations or sole owners of condominiums, lessees, and tenants of record may be delivered by certified mail, return receipt requested, first-class mail, hand delivery, or door-hanger.

(c) Within 30 days after receiving the actual notice required under ~~pursuant to subsection (2), or within 30 days of the effective date of this act if the department already possesses information equivalent to that required by the notice,~~ the department shall verify that the person responsible for site rehabilitation has complied with the notice requirements of this section ~~send a copy of such notice, or an equivalent notification, to all record owners of any real property, other than the property at which site rehabilitation was initiated pursuant to s. 376.3071(5), s. 376.3078(4), s. 376.81, or s. 376.30701, at which contamination has been discovered. If the person responsible for site rehabilitation has not com-~~

plied with the notice requirements of this section, the department may pursue enforcement as provided under this chapter and chapter 403.

(d)1. If the property at which contamination has been discovered is the site of a school as defined in s. 1003.01, the department shall ~~mail~~ ~~also send~~ a copy of the notice to the ~~superintendent chair of the school board of the school district in which the property is located and direct the superintendent said school board~~ to provide actual notice annually to teachers and parents or guardians of students attending the school during the period of site rehabilitation.

2. If the property at which contamination has been discovered is the site of a private K-12 school or a child care facility as defined in s. 402.302, the department shall mail a copy of the notice to the governing board, principal, or owner of the school or child care facility and direct the governing board, principal, or owner to provide actual notice annually to teachers and parents or guardians of students or children attending the school or child care facility during the period of site rehabilitation.

3. After receiving the notice required under subsection (2), if any property within a 500-foot radius of the property at which contamination has been discovered during site rehabilitation pursuant to s. 376.30701 or an administrative or court order is the site of a school as defined in s. 1003.01, the department shall mail a copy of the notice to the superintendent of the school district in which the property is located and direct the superintendent to provide actual notice annually to the principal of the school.

4. After receiving the notice required under subsection (2), if any property within a 250-foot radius of the property at which contamination has been discovered during site rehabilitation pursuant to s. 376.3071(5), s. 376.3078(4), or s. 376.81 or at or in connection with a permitted solid waste management facility subject to a ground water monitoring plan is the site of a school as defined in s. 1003.01, the department shall mail a copy of the notice to the superintendent of the school district in which the property is located and direct the superintendent to provide actual notice annually to the principal of the school.

(e) Along with the copy of the notice ~~or its equivalent,~~ the department shall include a letter identifying sources of additional information about the contamination and a telephone number to which further inquiries should be directed. The department may collaborate with the Department of Health to develop such sources of information and to establish procedures for responding to public inquiries about health risks associated with contaminated sites.

(4) LOCAL GOVERNMENT'S NOTICE RESPONSIBILITIES.—Within 30 days after receiving the actual notice required under subsection (3), the local government shall mail a copy of the notice to the president or comparable executive officer of each homeowners' association or neighborhood association within the potentially affected area as described in subsection (3).

(5) ~~(4)~~ RULEMAKING AUTHORITY; RECOVERY OF COSTS OF NOTIFICATION.—The department shall adopt rules and forms pursuant to ss. 120.536(1) and 120.54 to implement the requirements of this section and shall recover the costs of postage, materials, and labor associated with notification from the responsible party, except when site rehabilitation is eligible for state-funded cleanup pursuant to the risk-based corrective action provisions found in s. 376.3071(5) or s. 376.3078(4).

Senator Constantine moved the following amendment:

**Amendment 3 (279976) (with title amendment)**—Between lines 1374 and 1375 insert:

Section 25. Subsection (14) of section 403.503, Florida Statutes, is amended to read:

403.503 Definitions relating to Florida Electrical Power Plant Siting Act.—As used in this act:

(14) "Electrical power plant" means, for the purpose of certification, any steam, wind or solar electrical generating facility using any process or fuel, including nuclear materials, except that this term does not include any steam, wind or solar electrical generating facility of less than 75 megawatts in capacity unless the applicant for such a facility elects to

apply for certification under this act. This term also includes the site; all associated facilities that will be owned by the applicant that are physically connected to the site; all associated facilities that are indirectly connected to the site by other proposed associated facilities that will be owned by the applicant; and associated transmission lines that will be owned by the applicant which connect the electrical power plant to an existing transmission network or rights-of-way to which the applicant intends to connect. At the applicant's option, this term may include any offsite associated facilities that will not be owned by the applicant; offsite associated facilities that are owned by the applicant but that are not directly connected to the site; any proposed terminal or intermediate substations or substation expansions connected to the associated transmission line; or new transmission lines, upgrades, or improvements of an existing transmission line on any portion of the applicant's electrical transmission system necessary to support the generation injected into the system from the proposed electrical power plant.

Section 26. Subsection (1) of section 403.506, Florida Statutes, is amended to read:

**403.506 Applicability, thresholds, and certification.—**

(1) The provisions of this act shall apply to any electrical power plant as defined herein, except that the provisions of this act shall not apply to any electrical power plant, *including its associated facilities*, of less than 75 megawatts in gross capacity, *or to any electrical power plant of any gross capacity which uses wind or solar energy including its associated facilities*, unless the applicant has elected to apply for certification of such electrical power plant under this act. The provisions of this act shall not apply to capacity expansions of 75 megawatts or less, in the aggregate, of an existing exothermic reaction cogeneration electrical generating facility that was exempt from this act when it was originally built; however, this exemption shall not apply if the unit uses oil or natural gas for purposes other than unit startup. No construction of any new electrical power plant or expansion in steam generating capacity as measured by an increase in the maximum electrical generator rating of any existing electrical power plant may be undertaken after October 1, 1973, without first obtaining certification in the manner as herein provided, except that this act shall not apply to any such electrical power plant which is presently operating or under construction or which has, upon the effective date of chapter 73-33, Laws of Florida, applied for a permit or certification under requirements in force prior to the effective date of such act.

Renumber subsequent sections

And the title is amended as follows:

Delete line 126 and insert: certain class I landfills; amending s. 403.503, F.S.; revising definitions; amending s. 403.506, F.S.; revising provisions of power plants using wind or solar energy; providing an effective

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

**Amendment 3A (300310)—**

Delete line 42 and insert: *any gross capacity which exclusively uses wind or solar energy as its sole fuel source including its*

**Amendment 3** as amended was adopted.

Senator Bullard moved the following amendment which was adopted:

**Amendment 4 (947338) (with title amendment)**—Between lines 1374 and 1375 insert:

Section 25. Subsection (7) of section 6 of chapter 99-395, Laws of Florida, is amended to read:

Section 6. Sewage requirements in Monroe County.—

(7) Class V injection wells, as defined by Department of Environmental Protection or Department of Health rule, shall meet the following requirements and shall otherwise comply with Department of Environmental Protection or Department of Health rules, as applicable:

(a) If the design capacity of the facility is less than 1,000,000 gallons per day, the injection well shall be at least 90 feet deep and cased to a minimum depth of 60 feet or to such greater cased depth and total well depth as may be required by Department of Environmental Protection rule.

(b) *Except as provided in paragraph (c) for backup wells*, if the design capacity of the facility is equal to or greater than 1,000,000 gallons per day, the injection well shall be cased to a minimum depth of 2,000 feet or to such greater depth as may be required by Department of Environmental Protection rule.

(c) *If the injection well is used as a backup to a primary injection well, the following conditions apply:*

1. *The backup well may be used only when the primary injection well is out of service because of equipment failure, power failure, or the need for mechanical integrity testing or repair;*

2. *The backup well may not be used for a total of more than 500 hours during any 5-year period, unless specifically authorized in writing by the Department of Environmental Protection;*

3. *The backup well shall be at least 90 feet deep and cased to a minimum depth of 60 feet, or to such greater cased depth and total well depth as may be required by rule of the Department of Environmental Protection; and*

4. *Fluid injected into the backup well shall meet the requirements of subsections (5) and (6).*

And the title is amended as follows:

Between lines 122 and 123 insert: amending s. 6, ch. 99-395, Laws of Florida; providing exceptions to requirements of the Department of Environmental Protection regarding minimum casing for injection wells used by facilities that have a specified design capacity; providing requirements for an injection well used as a backup to a primary injection well;

Senator Constantine moved the following amendment which was adopted:

**Amendment 5 (950462) (with title amendment)**—Between lines 1374 and 1375 insert:

Section 25. Section 403.9335, Florida Statutes, is created to read:

**403.9335 Coral reef protection.—**

(1) *This section may be cited as the “Florida Coral Reef Protection Act.”*

(2) *This act applies to the sovereign submerged lands that contain coral reefs as defined in this act off the coasts of Broward, Martin, Miami-Dade, Monroe, and Palm Beach counties.*

(3) *As used in this section, the term:*

(a) *“Aggravating circumstances” means operating, anchoring, or mooring a vessel in a reckless or wanton manner; under the influence of drugs or alcohol; or otherwise with disregard for boating regulations concerning speed, navigation, or safe operation.*

(b) *“Coral” means species of the phylum Cnidaria found in state waters including:*

1. *Class Anthozoa, including the subclass Octocorallia, commonly known as gorgonians, soft corals, and telestaceans; and*

2. *Orders Scleractinia, commonly known as stony corals; Stolonifera, including, among others, the organisms commonly known as organ-pipe corals; Antipatharia, commonly known as black corals; and Hydrozoa, including the family Millaporidae and family Stylasteridae, commonly known as hydrocoral.*

(c) *“Coral reefs” mean:*

1. Limestone structures composed wholly or partially of living corals, their skeletal remains, or both, and hosting other coral, associated benthic invertebrates, and plants; or

2. Hard-bottom communities, also known as live bottom habitat or colonized pavement, characterized by the presence of coral and associated reef organisms or worm reefs created by the *Phragmatopoma* species.

(d) "Damages" means moneys paid by any person or entity, whether voluntarily or as a result of administrative or judicial action, to the state as compensation, restitution, penalty, civil penalty, or mitigation for causing injury to or destruction of coral reefs.

(e) "Department" means the Department of Environmental Protection.

(f) "Fund" means the Ecosystem Management and Restoration Trust Fund.

(g) "Person" means any and all persons, natural or artificial, foreign or domestic, including any individual, firm, partnership, business, corporation, and company and the United States and all political subdivisions, regions, districts, municipalities, and public agencies thereof.

(h) "Responsible party" means the owner, operator, manager, or insurer of any vessel.

(4) The Legislature finds that coral reefs are valuable natural resources that contribute ecologically, aesthetically, and economically to the state. Therefore, the Legislature declares it is in the best interest of the state to clarify the department's powers and authority to protect coral reefs through timely and efficient recovery of monetary damages resulting from vessel groundings and anchoring-related injuries. It is the intent of the Legislature that the department be recognized as the state's lead trustee for coral reef resources located within waters of the state or on sovereignty submerged lands unless preempted by federal law. This section does not divest other state agencies and political subdivisions of the state of their interests in protecting coral reefs.

(5) The responsible party who knows or should know that their vessel has run aground, struck, or otherwise damaged coral reefs must notify the department of such an event within 24 hours after its occurrence. Unless otherwise prohibited or restricted by the United States Coast Guard, the responsible party must remove or cause the removal of the grounded or anchored vessel within 72 hours after the initial grounding or anchoring absent extenuating circumstances such as weather, or marine hazards that would prevent safe removal of the vessel. The responsible party must remove or cause the removal of the vessel or its anchor in a manner that avoids further damage to coral reefs and shall consult with the department in accomplishing this task. The responsible party must cooperate with the department to undertake damage assessment and primary restoration of the coral reef in a timely fashion.

(6) In any action or suit initiated pursuant to chapter 253 on the behalf of the Board of Trustees of the Internal Improvement Trust Fund, or under chapter 373 or this chapter for damage to coral reefs, the department may recover all damages from the responsible party, including, but not limited to:

(a) Compensation for the cost of replacing, restoring, or acquiring the equivalent of the coral reef injured and the value of the lost use and services of the coral reef pending its restoration, replacement, or acquisition of the equivalent coral reef, or the value of the coral reef if the coral reef cannot be restored or replaced or if the equivalent cannot be acquired.

(b) The cost of damage assessments, including staff time.

(c) The cost of activities undertaken by or at the request of the department to minimize or prevent further injury to coral or coral reefs pending restoration, replacement, or acquisition of an equivalent.

(d) The reasonable cost of monitoring the injured, restored, or replaced coral reef for at least 10 years. Such monitoring is not required for a single occurrence of damage to a coral reef damage totaling less than or equal to 1 square meter.

(e) The cost of enforcement actions undertaken in response to the destruction or loss of or injury to a coral reef, including court costs, attorney's fees, and expert witness fees.

(7) The department may use habitat equivalency analysis as the method by which the compensation described in subsection (5) is calculated. The parameters for calculation by this method may be prescribed by rule adopted by the department.

(8) In addition to the compensation described in subsection (5), the department may assess, per occurrence, civil penalties according the following schedule:

(a) For any anchoring of a vessel on a coral reef or for any other damage to a coral reef totaling less than or equal to an area of 1 square meter, \$150, provided that a responsible party who has anchored a recreational vessel as defined in s. 327.02 which is lawfully registered or exempt from registration pursuant to chapter 328 is issued, at least once, a warning letter in lieu of penalty; with aggravating circumstances, an additional \$150; occurring within a state park or aquatic preserve, an additional \$150.

(b) For damage totaling more than an area of 1 square meter but less than or equal to an area of 10 square meters, \$300 per square meter; with aggravating circumstances, an additional \$300 per square meter; occurring within a state park or aquatic preserve, an additional \$300 per square meter.

(c) For damage exceeding an area of 10 square meters, \$1,000 per square meter; with aggravating circumstances, an additional \$1,000 per square meter; occurring within a state park or aquatic preserve, an additional \$1,000 per square meter.

(d) For a second violation, the total penalty may be doubled.

(e) For a third violation, the total penalty may be tripled.

(f) For any violation after a third violation, the total penalty may be quadrupled.

(g) The total of penalties levied may not exceed \$250,000 per occurrence.

(9) To carry out the intent of this section, the department may enter into delegation agreements with another state agency or any coastal county with coral reefs within its jurisdiction. In deciding to execute such agreements, the department must consider the ability of the potential delegee to adequately and competently perform the duties required to fulfill the intent of this section. When such agreements are executed by the parties and incorporated in department rule, the delegee shall have all rights accorded the department by this section. Nothing herein shall be construed to require the department, another state agency, or a coastal county to enter into such an agreement.

(10) Nothing in this section shall be construed to prevent the department or other state agencies from entering into agreements with federal authorities related to the administration of the Florida Keys National Marine Sanctuary.

(11) All damages recovered by or on behalf of this state for injury to, or destruction of, the coral reefs of the state that would otherwise be deposited in the general revenue accounts of the State Treasury or in the Internal Improvement Trust Fund shall be deposited in the Ecosystem Management and Restoration Trust Fund in the department and shall remain in such account until expended by the department for the purposes of this section. Moneys in the fund received from damages recovered for injury to, or destruction of, coral reefs must be expended only for the following purposes:

(a) To provide funds to the department for reasonable costs incurred in obtaining payment of the damages for injury to, or destruction of, coral reefs, including administrative costs and costs of experts and consultants. Such funds may be provided in advance of recovery of damages.

(b) To pay for restoration or rehabilitation of the injured or destroyed coral reefs or other natural resources by a state agency or through a contract to any qualified person.

(c) To pay for alternative projects selected by the department. Any such project shall be selected on the basis of its anticipated benefits to the residents of this state who used the injured or destroyed coral reefs or other natural resources or will benefit from the alternative project.

(d) All claims for trust fund reimbursements under paragraph (a) must be made within 90 days after payment of damages is made to the state.

(e) Each private recipient of fund disbursements shall be required to agree in advance that its accounts and records of expenditures of such moneys are subject to audit at any time by appropriate state officials and to submit a final written report describing such expenditures within 90 days after the funds have been expended.

(f) When payments are made to a state agency from the fund for expenses compensable under this subsection, such expenditures shall be considered as being for extraordinary expenses, and no agency appropriation shall be reduced by any amount as a result of such reimbursement.

(12) The department may adopt rules pursuant to ss. 120.536 and 120.54 to administer this section.

Section 26. Paragraph (b) of subsection (2) of section 403.1651, Florida Statutes, is amended to read:

403.1651 Ecosystem Management and Restoration Trust Fund.—

(2) The trust fund shall be used for the deposit of all moneys recovered by the state:

(b) For injury to or destruction of coral reefs, which moneys would otherwise be deposited into the General Revenue Fund or the Internal Improvement Trust Fund. The department may enter into settlement agreements that require responsible parties to pay a third party to fund projects related to the restoration of a coral reef, to accomplish mitigation for injury to a coral reef, or to support the activities of law enforcement agencies related to coral reef injury response, investigation and assessment. Participation of a law enforcement agency in the receipt of funds through this mechanism shall be at the law enforcement agency's discretion.

Section 27. Subsection (3) of section 253.04, Florida Statutes, is repealed.

Section 28. Section 380.0558, Florida Statutes, is repealed.

(Renumber subsequent sections.)

And the title is amended as follows:

Delete line 126 and insert: certain Class I landfills; creating s. 403.9335, F.S.; creating the "Florida Coral Reef Protection Act"; providing definitions; providing legislative intent; requiring responsible parties to notify the Department of Environmental Protection if their vessel runs aground or damages a coral reef; requiring the responsible party to remove the vessel; requiring the responsible party to cooperate with the department to assess the damage and restore the coral reef; authorizing the department to recover damages from the responsible party; authorizing the department to use a certain method to calculate compensation for damage of coral reefs; authorizing the department to assess civil penalties; authorizing the department to enter into delegation agreements; providing that moneys collected from damages and civil penalties for injury to coral reefs be deposited in the Ecosystem Management and Restoration Trust Fund within the Department of Environmental Protection; providing requirements; authorizing the department to adopt rules; amending s. 403.1651, F.S.; authorizing the department to enter into settlement agreements that require responsible parties to pay another government entity or nonprofit organization to fund projects consistent with the conservation or protection of coral reefs; repealing s. 253.04(3), F.S., relating to civil penalties for damage to coral reefs; repealing s. 380.0558, F.S., relating to coral reef restoration; providing an effective

**MOTION**

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

Senator Dockery moved the following amendment which failed:

**Amendment 6 (731466) (with title amendment)**—Between lines 689 and 690 insert:

Section 12. Subsection (5) is added to section 373.584, Florida Statutes, to read:

373.584 Revenue bonds.—

(5)(a) The total annual debt service for bonds issued pursuant to this section and s. 373.563 may not exceed 15 percent of the annual ad valorem tax revenues of the water management district, unless approved by the Joint Legislative Budget Commission.

(b) The Joint Legislative Budget Commission is authorized to review the financial soundness of a water management district and determine whether bonds may be issued by a water management district in excess of the limitation of paragraph (a).

(c) A water management district may not take any action regarding the issuance of bonds in excess of the limitation in paragraph (a) without the prior approval of the Joint Legislative Budget Commission pursuant to joint rules of the Senate and the House of Representatives.

(d) Bonds issued and outstanding prior to January 1, 2009, in excess of the limitation in paragraph (a) are not a violation of these provisions and shall not be included in the calculation of the limitation.

(e) Notwithstanding any other provision of law, bonds issued pursuant to this section and s.373.563 may not be used for the acquisition of real property.

(f) Nothing contained in this subsection shall affect the validity or enforceability of outstanding revenue bonds.

And the title is amended as follows:

Delete line 54 and insert: owned submerged lands; amending s. 373.584, F.S.; providing for a cap on revenues pledged for debt service; providing for legislative approval to exceed the cap; prohibiting the use of bonds for the acquisition of real property; exempting certain outstanding revenue bonds; amending s. 376.30702, F.S.;

The vote was:

Yeas—16

Bennett	Jones	Storms
Crist	King	Villalobos
Dean	Lynn	Wilson
Detert	Peaden	Wise
Dockery	Smith	
Garcia	Sobel	

Nays—21

Alexander	Diaz de la Portilla	Joyner
Altman	Fasano	Justice
Aronberg	Gaetz	Lawson
Baker	Gardiner	Oelrich
Bullard	Gelber	Pruitt
Constantine	Haridopolos	Ring
Deutch	Hill	Siplin

Vote after roll call:

Yea to Nay—Crist, Smith, Wilson

**MOTION**

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

Senator Bennett moved the following amendment which was adopted:

**Amendment 7 (815600) (with title amendment)**—Delete lines 1330-1342 and insert:

Section 21. Subsection (7) of section 403.9325, Florida Statutes, is amended to read:

403.9325 Definitions.—For the purposes of ss. 403.9321-403.9333, the term:

(7) “Riparian mangrove fringe” means mangroves growing along the shoreline on private property, property owned by a governmental entity, or sovereign submerged land, the depth of which does not exceed 50 feet as measured waterward from the trunk of the most landward mangrove tree in a direction perpendicular to the shoreline to the trunk of the most waterward mangrove tree. Riparian mangrove fringe does not include mangroves on uninhabited *natural* islands, or public lands that have been set aside for conservation or preservation, or mangroves on lands that have been set aside as mitigation, if the permit, enforcement instrument, or conservation easement establishing the mitigation area did not include provisions for the trimming of mangroves.

Section 22. Subsection (5) of section 403.9329, Florida Statutes, is amended to read:

403.9329 Professional mangrove trimmers.—

(5) A professional mangrove trimmer status granted *under ss. 403.9321-403.9333* or by the department may be revoked by the department for any person who is responsible for any violations of ss. 403.9321-403.9333 or any adopted mangrove rules.

Section 23. Subsection (3) is added to section 403.9331, Florida Statutes, to read:

403.9331 Applicability; rules and policies.—

(3) *Pursuant to s. 403.9323(2), the provisions of ss. 403.9321-403.9333 do not allow the trimming of mangroves on uninhabited natural islands that are publicly owned or on lands that are*

And the title is amended as follows:

Delete line 113 and insert: 403.9325, F.S.; revising the definition of “riparian mangrove fringe”; amending s. 403.9329, F.S.; clarifying the department’s authority

Pursuant to Rule 4.19, **CS for CS for CS for SB 2104** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos—

**CS for SB 2158**—A bill to be entitled An act relating to public records; creating s. 631.582, F.S.; providing an exemption from public-records requirements for specified claims files, medical records that are part of a claims file, information relating to the medical condition or medical status of a claimant, and records pertaining to matters reasonably encompassed in privileged attorney-client communications of the Florida Insurance Guaranty Association; providing for limited duration of the exemption for claims files; providing for release of records under specified conditions; providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2158** was placed on the calendar of Bills on Third Reading.

**CS for CS for CS for SB 2244**—A bill to be entitled An act relating to land used for conservation purposes; creating s. 196.1962, F.S.; specifying conservation purposes for which land must be used in order to qualify for an ad valorem tax exemption; requiring that such land be perpetually encumbered by a conservation easement or conservation protection agreement; defining terms; providing for the assessment and ad valorem taxation of real property within an area perpetually encumbered by a conservation easement or other instrument and which contains improvements; requiring land that is exempt from ad valorem

taxation and used for agricultural purposes be managed pursuant to certain best-management practices; requiring an owner of land that is exempt from ad valorem taxation to take actions to preserve the perpetual effect of the conservation easement or other instrument; providing that land of less than a certain acreage does not qualify for the ad valorem tax exemption; providing exceptions; requiring the Department of Revenue to adopt rules; requiring the Department of Environmental Protection to adopt by rule a list of nonprofit entities that are qualified to enforce the provisions of a conservation easement or conservation protection agreement; amending s. 193.501, F.S.; defining terms; providing for the assessment of lands used for conservation purposes; requiring that such lands be used for conservation purposes for at least 10 years; requiring a covenant or conservation protection agreement to be recorded in the official records; providing for the assessment of such land based on character or use; requiring the owner of the land to annually apply to the property appraiser by a certain date for the assessment based on character or use; authorizing the value adjustment board to grant late applications for such assessments if extenuating circumstances are shown; providing for the assessment of land if a conservation management plan extends for a specified period and the landowner has provided certain documentation to the property appraiser; requiring the filing of such plans with the Fish and Wildlife Conservation Commission or a water management district under certain circumstances; requiring that the commission and the Department of Environmental Protection produce a guidance document establishing the form and content of a conservation management plan and establishing certain minimum standards for such plans; authorizing a property appraiser to require a signed application that includes certain statements by a landowner; requiring property appraisers to issue a report relating to the just value and classified use value of land used for conservation purposes; amending s. 195.073, F.S.; providing for the classification of lands used for conservation purposes for the purposes of ad valorem taxation; amending s. 196.011, F.S.; conforming a cross-reference; requiring an annual application for the exemption for land used for conservation purposes; requiring that a property owner notify the property appraiser when the use of the property no longer complies with the requirements for a conservation easement; providing penalties for failure to notify; creating s. 218.125, F.S.; requiring the Legislature to appropriate moneys to replace the reductions in ad valorem tax revenue experienced by fiscally constrained counties; requiring each fiscally constrained county to apply to the Department of Revenue to participate in the distribution of the appropriation; specifying the documentation that must be provided to the department; providing a formula for calculating the reduction in ad valorem tax revenue; amending s. 704.06, F.S.; revising requirements for conservation easements and conservation protection agreements; authorizing the Department of Revenue to adopt emergency rules; providing for application of the act; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for CS for SB 2244** to **HB 7157**.

Pending further consideration of **CS for CS for CS for SB 2244** as amended, on motion by Senator Altman, by two-thirds vote **HB 7157** was withdrawn from the Committees on Community Affairs; Agriculture; Environmental Preservation and Conservation; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

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

**HB 7157**—A bill to be entitled An act relating to real property used for conservation purposes; creating s. 196.26, F.S.; providing definitions; providing for a full or partial exemption for land dedicated in perpetuity for conservation purposes; exempting certain real property encumbered by a conservation easement purchased by the federal or state government or by a local government; providing circumstances under which land consisting of less than 40 acres qualifies for such exemption; providing for the assessment of buildings and structures on exempted lands; requiring best management practices to be used for certain agricultural lands; providing for third-party conservation easement enforcement rights to water management districts; creating the Board of Conservation for certain purposes; providing for appointment of members;

amending s. 193.501, F.S.; revising a cross-reference; amending s. 704.06, F.S.; requiring owners of property encumbered by a conservation easement to comply with marketable record title requirements to preserve the easement in perpetuity; amending s. 195.073, F.S.; specifying an additional real property assessment classification; amending s. 196.011, F.S.; providing requirements and procedures for renewal applications for exemptions for real property dedicated in perpetuity for conservation purposes; requiring owners of such property to notify the property appraiser when use of the property no longer qualifies for the exemption; providing penalties for failure to notify; providing for application of certain lien provisions; amending s. 192.0105, F.S.; conforming a cross-reference; creating s. 218.125, F.S.; requiring the Legislature to appropriate moneys to replace the reductions in ad valorem tax revenue experienced by fiscally constrained counties with a population not exceeding 25,000; requiring each fiscally constrained county to apply to the Department of Revenue to participate in the distribution of the appropriation; specifying the documentation that must be provided to the department; providing a formula for calculating the reduction in ad valorem tax revenue; authorizing the department to adopt emergency rules effective for a specified period; providing for renewal of such rules; providing applicability; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 2244** as amended and by two-thirds vote read the second time by title.

#### MOTION

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

Senator Altman moved the following amendment which was adopted:

**Amendment 1 (963784) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Section 196.1962, Florida Statutes, is created to read:

*196.1962 Exemption of real property dedicated in perpetuity for conservation purposes.—*

(1) *As used in this section, the term:*

(a) *“Allowed commercial uses” means commercial uses that are allowed by the conservation easement or other conservation protection agreement encumbering land that is exempt from taxation under this section.*

(b) *“Conservation easement” has the same meaning as in s. 704.06.*

(c) *“Conservation protection agreement” means a deed restriction, land use agreement, or covenant running with the land which dedicates the property for conservation purposes.*

(d) *“Conservation purposes” means:*

1. *Serving a conservation purpose, as defined in 26 U.S.C. s. 170(h)(4)(A)(i)-(iii), for land which serves as the basis of a qualified conservation contribution under 26 U.S.C. s. 170(h); or*

2.a. *Retention of the substantial natural value of land, including woodlands, wetlands, water courses, ponds, streams, and natural open spaces;*

b. *Retention of such lands as suitable habitat for fish, plants, or wildlife; or*

c. *Retention of such lands’ natural value for water quality enhancement or water recharge.*

(2) *Pursuant to s. 3(f), Art. VII of the State Constitution, land that is dedicated in perpetuity for the conservation purposes specified in this section is totally or partially exempt from ad valorem taxation.*

(a) *Land qualifying for the exemption must be perpetually encumbered by a valid and enforceable conservation easement or other conservation protection agreement that:*

1. *Includes baseline documentation as to the natural values to be protected on the land and may include a management plan that details the management of the land so as to effectuate the conservation of natural resources on the land;*

2. *Is enforceable by a federal or state agency, county, municipality, water management district, or nonprofit entity that is qualified to enforce the provisions of the easement or other conservation protection agreement;*

3. *Allows for periodic review by any enforcing entity of the provisions of the easement or conservation protection agreement;*

4. *Provides for the perpetual enforcement of the provisions of the easement or conservation protection agreement against any present or future owner of the land; and*

5. *Provides that the conservation easement or other conservation protection agreement is perpetual and nonrevocable.*

(b) *Land that is dedicated in perpetuity for conservation purposes and that is used exclusively for conservation purposes is exempt from ad valorem taxation. Such use of the land does not preclude the generation of income, if such income is generated incidental to the implementation of a management plan.*

(c) *Land that is dedicated in perpetuity for conservation purposes and that is used for allowed commercial uses is exempt from ad valorem taxation to the extent of 50 percent of the assessed value of the land.*

(3) *Land that comprises less than 40 contiguous acres does not qualify for the exemption provided in this section unless, in addition to meeting the other requirements of this section, the use of the land for conservation purposes is determined by the Acquisition and Restoration Council created in s. 259.035 to fulfill a clearly delineated state conservation policy and yield a public benefit. In making its determination of public benefit, the Acquisition and Restoration Council must give particular consideration to land that:*

(a) *Contains a natural sinkhole or natural spring that serves a water recharge or production function;*

(b) *Contains a unique geological feature;*

(c) *Provides habitat for endangered or threatened species;*

(d) *Provides nursery habitat for marine and estuarine species;*

(e) *Provides protection or restoration of vulnerable coastal resources;*

(f) *Preserves natural shoreline habitat; or*

(g) *Provides retention of natural open space in otherwise densely built-up areas.*

*Any land approved by the Acquisition and Restoration Council under this subsection must have a designated manager who will maintain or restore natural water features and courses, remove and prevent reestablishment of nonnative exotic species, remove diseased vegetation, and use prescribed fire if appropriate for the location and type of land.*

(4) *Land that qualifies for the exemption provided in this section, the allowed commercial uses of which include agriculture, must comply with the most recent best-management practices if adopted by rule of the Department of Agriculture and Consumer Services.*

(5) *As provided in s. 704.06(8) and (9), water management districts having jurisdiction over lands receiving the exemption provided in this section have a third-party right of enforcement to enforce the terms of the applicable conservation easement or other conservation protection agreement for any easement or agreement that is not enforceable by a federal or state agency, county, or municipality.*

(6) *Buildings, structures, and other improvements situated on land receiving the exemption provided in this section and the land area immediately surrounding the buildings, structures, and improvements must be assessed separately pursuant to chapter 193.*

(7) *An owner of land that is exempt from ad valorem taxation pursuant to this section shall abide by the requirements of the Florida*

Marketable Record Title Act, chapter 712, or any other similar law or rule to preserve the effect of the qualifying conservation easement or other conservation protection agreement in perpetuity.

(8) The Acquisition and Restoration Council, created in s. 259.035, shall maintain a list of nonprofit entities that are qualified under subparagraph (2)(a)2. to enforce the provisions of an easement or other conservation protection agreement.

Section 2. Section 193.501, Florida Statutes, is amended to read:

~~193.501 Assessment of lands used for conservation purposes subject to a conservation easement, environmentally endangered lands, or lands used for outdoor recreational or park purposes when land development rights have been conveyed or conservation restrictions have been covenanted.—~~

(1) As used in this section and pursuant to s. 4(b), Art. VII of the State Constitution, the term:

(a) “Lands used for conservation purposes” means:

1. Lands designated as environmentally endangered lands by a formal resolution of the governing body of the local government within whose jurisdictional boundaries the land is located;

2. Lands designated as conservation lands in a local comprehensive plan adopted by the appropriate local governing body pursuant to chapter 163;

3. Lands used for outdoor recreational or park purposes if land development rights have been conveyed;

4. Lands used for the conservation purpose specified in s. 196.1962 when a conservation easement or a conservation protection agreement has been executed pursuant to s. 704.06; or

5. Lands for which a conservation management plan has been filed with the Fish and Wildlife Conservation Commission or a water management district and for which the activities and actions are being carried out according to the conservation management plan.

(b) “Board” means the governing board of any municipality county, or other public agency of the state, or the Board of Trustees of the Internal Improvement Trust Fund.

(c) “Conservation easement” has the same meaning as provided in s. 704.06(1).

(d) “Conservation protection agreement” has the same meaning as provided in s. 196.1962.

(e) “Covenant” means a covenant running with the land.

(f) “Deferred tax liability” means an amount equal to the difference between the total amount of taxes that would have been due in March in each of the previous years in which the conveyance or covenant was in effect if the property had been assessed under the provisions of s. 193.011 and the total amount of taxes actually paid in those years if the property was assessed as provided in this section, plus interest on that difference. The interest accrues at the rate of 1 percent per month beginning on the 21st day of the month following the month in which the full amount of tax based on an assessment pursuant to s. 193.011 would have been due.

(g) “Development right” means the right of the owner of the fee interest in the land to change the use of the land.

(h) “Outdoor recreational or park purposes” includes, but is not limited to, boating, golfing, camping, swimming, horseback riding, and archaeological, scenic, or scientific sites. The term applies only to activities on land that is open to the general public.

(i) “Qualified as environmentally endangered” means:

1. Land that has unique ecological characteristics, rare or limited combinations of geological formations, or features of a rare or limited nature constituting habitat suitable for fish, plants, or wildlife, and which, if subject to a development moratorium or one or more conservation easements or development restrictions appropriate to retaining such

land or water areas predominantly in their natural state, would be consistent with the conservation, recreation, and open space and, if applicable, coastal protection elements of the comprehensive plan adopted by formal action of the local governing body pursuant to s. 163.3161, the Local Government Comprehensive Planning and Land Development Regulation Act; or

2. Surface waters and wetlands as determined by the methodology ratified by s. 373.4211.

(j) “Conservation management plan” means a document filed with the Fish and Wildlife Conservation Commission or a water management district which specifies actions and activities to be undertaken on an annual basis for a period of at least 10 years to manage land for the benefit of native wildlife and habitat, native plant and animal communities, and natural water features; precludes development; and limits other nonrecreational uses to those that are essential to the uses of the property for conservation purposes.

~~(2) (1) The owner or owners in fee of any land used for conservation subject to a conservation easement as described in s. 704.06(1); land qualified as environmentally endangered pursuant to paragraph (6)(i) and so designated by formal resolution of the governing board of the municipality or county within which such land is located; land designated as conservation land in a comprehensive plan adopted by the appropriate municipal or county governing body; or any land which is utilized for outdoor recreational or park purposes may, by appropriate instrument, for a term of at least not less than 10 years:~~

(a) Convey the development right of such land to the governing board of any public agency in this state within which the land is located, or to the Board of Trustees of the Internal Improvement Trust Fund, or to a charitable corporation or trust as described in s. 704.06(4) ~~s. 704.06(3)~~; or

(b) Covenant with the governing board of any public agency in this state within which the land is located, or with the Board of Trustees of the Internal Improvement Trust Fund, or with a charitable corporation or trust as described in s. 704.06(4) ~~s. 704.06(3)~~, that such land be subject to one or more of the prohibitions or limitations ~~conservation restrictions~~ provided in s. 704.06(1) or ~~that not be used by the owner may not use the land~~ for any purpose other than outdoor recreational or park purposes if ~~development rights are conveyed~~. If land is covenanted and used for an outdoor recreational purpose, the normal use and maintenance of the land for that purpose, consistent with the covenant, shall not be restricted.

~~(3) (2) The governing board of any public agency in this state, or the Board of Trustees of the Internal Improvement Trust Fund, or a charitable corporation or trust as described in s. 704.06(4) s. 704.06(3), is authorized and empowered in its discretion to accept any and all instruments that convey conveying the development right of any such land or establish establishing a covenant for a term of at least 10 years. pursuant to subsection (1), and If accepted by the board or charitable corporation or trust, the instrument shall be promptly recorded in the official public records of the county in which the land is located filed with the appropriate officer for recording in the same manner as any other instrument affecting the title to real property.~~

~~(4) (3) When, pursuant to subsections (1) and (2), the development right in real property has been conveyed to the governing board of any public agency of this state, to the Board of Trustees of the Internal Improvement Trust Fund, or to a charitable corporation or trust as described in s. 704.06(3) s. 704.06(2), or a covenant has been executed and accepted by the board or charitable corporation or trust, the lands which are the subject of such conveyance or covenant shall be thereafter assessed as provided herein:~~

~~(a) If the covenant or conveyance extends for a period of at least not less than 10 years following from January 1 in the year such assessment is made, the property appraiser, in valuing such land for tax purposes, shall assess the land solely on the basis of character or use consider no factors other than those relative to its value for the present use, as restricted by any conveyance or covenant under this section.~~

~~(b) If the covenant or conveyance extends for a period less than 10 years, the land shall be assessed under the provisions of s. 193.011, recognizing the nature and length thereof of any restriction placed on the use of the land under the provisions of subsection (1).~~

(5) *If a conservation management plan extends for a period of at least 10 years following January 1 in the year the plan is filed with the appropriate agency, if the plan limits other nonrecreational uses to those essential to uses of the land for conservation purposes, and if the landowner has provided a current copy of the conservation management plan to the property appraiser along with a signed statement of the landowner's good faith intention to use the land only for conservation purposes before March 1 of the same year, the property appraiser shall assess the land solely on the basis of character or use.*

(a) *Plans required by this subsection must be filed with the Fish and Wildlife Conservation Commission if the primary conservation use is restoration or protection of native wildlife habitat or native plant and animal communities.*

(b) *Plans required by this subsection must be filed with the water management district within the boundaries of which the land is located if the primary conservation use is restoration or protection of natural water features.*

(c) *The commission and the Department of Environmental Protection shall produce a guidance document establishing the form and content of a conservation management plan and establishing minimum standards for such plans regarding restoration and protection of wildlife habitats, plant and animal communities, and natural water features; control of exotic species; use of prescribed fire; removal of diseased and damaged vegetation; and other activities as may be necessary to manage conservation land for the benefit of wildlife, plant and animal communities, and water resources.*

(d) *The property appraiser may require a signed application that includes a statement of the landowner's good faith intention to use the land only for conservation purposes as described in this section, to keep such uses for a period of 10 years after the date of the application, and, upon failure to carry out the conservation management plan, to pay the difference between the total amount of taxes assessed and the total amount that would have been due in March of the current year and each of the previous 10 years if the land had not been assessed solely on the basis of character or use as provided in this section.*

(6) *A person or organization that, on January 1, has the legal title to land that is entitled by law to assessment under this section must, on or before March 1 of each year, file an application for assessment under this section with the county property appraiser. The application must identify the property for which assessment under this section is claimed. The initial application for assessment for any property must include a copy of the instrument by which the development right is conveyed or which establishes a covenant or the conservation protection agreement or conservation management plan that establishes the conservation purposes for which the land is used. The Department of Revenue shall prescribe the forms upon which the application is made. The failure to file an application on or before March 1 of any year constitutes a waiver of assessment under this section for that year. However, an applicant who is qualified to receive an assessment under this section, but fails to file an application by March 1, may file an application for the assessment and may file, pursuant to s. 194.011(3), a petition with the value adjustment board requesting that the assessment be granted. The petition must be filed at any time during the taxable year on or before the 25th day following the mailing of the notice by the property appraiser pursuant to s. 194.011(1). Notwithstanding s. 194.013, the applicant must pay a nonrefundable fee of \$15 upon filing the petition. Upon reviewing the petition, if the person is qualified to receive the assessment and demonstrates particular extenuating circumstances judged by the property appraiser or the value adjustment board to warrant granting the assessment, the property appraiser or the value adjustment board may grant the assessment. The owner of land that was assessed under this section in the previous year and whose ownership or use has not changed may reapply on a short form as provided by the department. A county may, at the request of the property appraiser and by a majority vote of its governing body, waive the requirement that an annual application or statement be made for assessment of property within the county. Such waiver may be revoked by a majority vote of the governing body of the county.*

(7) ~~(4)~~ *After conveying making a conveyance of the development right or executing a covenant or conservation protection agreement pursuant to this section, or conveying a conservation easement pursuant to this section and s. 704.06, the owner of the land shall not use the land in any manner not consistent with the development right voluntarily conveyed,*

*or with the restrictions voluntarily imposed, or with the terms of the conservation easement or conservation protection agreement, or shall not change the use of the land from outdoor recreational or park purposes during the term of such conveyance or covenant without first obtaining a written instrument from the board or charitable corporation or trust, which must reconvey to the owner instrument reconveys all or part of the development right to the owner or which must release releases the owner from the terms of the covenant. The written instrument must be recorded in the official records of the county in which the property subject to the reconveyance or release is located and which instrument must be promptly recorded in the same manner as any other instrument affecting the title to real property. Upon obtaining approval for reconveyance or release from the board or the charitable organization or trust, the reconveyance or release shall be made to the owner upon payment of the deferred tax liability. Any payment of the deferred tax liability shall be payable to the county tax collector within 90 days after of the date of approval for reconveyance or release by the board or charitable corporation or trust of the reconveyance or release. The collector shall distribute the payment to each governmental unit in the proportion that its millage bears to the total millage levied on the parcel for the years in which such conveyance or covenant was in effect.*

~~(8)~~ ~~(5)~~ *The governing board of any public agency in this state or the Board of Trustees of the Internal Improvement Trust Fund or a charitable corporation or trust which holds title to a development right pursuant to this section may not convey that development right to anyone other than the governing board of another public agency in this state or a charitable corporation or trust, as described in s. 704.06(4) s. 704.06(3), or the record owner of the fee interest in the land to which the development right attaches. The conveyance from the governing board of a public agency or the Board of Trustees of the Internal Improvement Trust Fund to the owner of the fee shall be made only after a determination by the board that such conveyance would not adversely affect the interest of the public. Section 125.35 does not apply to such sales, but any public agency accepting any instrument conveying a development right pursuant to this section shall forthwith adopt appropriate regulations and procedures governing the disposition of same. These regulations and procedures must provide in part that the board may not convey a development right to the owner of the fee without first holding a public hearing and unless notice of the proposed conveyance and the time and place at which the public hearing is to be held is published once a week for at least 2 weeks in some newspaper of general circulation in the county in which the property is located before involved prior to the hearing.*

~~(6)~~ *The following terms whenever used as referred to in this section have the following meanings unless a different meaning is clearly indicated by the context:*

(a) ~~"Board" is the governing board of any city, county, or other public agency of the state or the Board of Trustees of the Internal Improvement Trust Fund.~~

(b) ~~"Conservation restriction" means a limitation on a right to the use of land for purposes of conserving or preserving land or water areas predominantly in their natural, scenic, open, agricultural, or wooded condition. The limitation on rights to the use of land may involve or pertain to any of the activities enumerated in s. 704.06(1).~~

(c) ~~"Conservation easement" means that property right described in s. 704.06.~~

(d) ~~"Covenant" is a covenant running with the land.~~

(e) ~~"Deferred tax liability" means an amount equal to the difference between the total amount of taxes that would have been due in March in each of the previous years in which the conveyance or covenant was in effect if the property had been assessed under the provisions of s. 193.011 and the total amount of taxes actually paid in those years when the property was assessed under the provisions of this section, plus interest on that difference computed as provided in s. 212.12(3).~~

(f) ~~"Development right" is the right of the owner of the fee interest in the land to change the use of the land.~~

(g) ~~"Outdoor recreational or park purposes" includes, but is not necessarily limited to, boating, golfing, camping, swimming, horseback~~

riding, and archaeological, scenic, or scientific sites and applies only to land which is open to the general public.

(h) ~~“Present use” is the manner in which the land is utilized on January 1 of the year in which the assessment is made.~~

(i) ~~“Qualified as environmentally endangered” means land that has unique ecological characteristics, rare or limited combinations of geological formations, or features of a rare or limited nature constituting habitat suitable for fish, plants, or wildlife, and which, if subject to a development moratorium or one or more conservation easements or development restrictions appropriate to retaining such land or water areas predominantly in their natural state, would be consistent with the conservation, recreation and open space, and, if applicable, coastal protection elements of the comprehensive plan adopted by formal action of the local governing body pursuant to s. 163.3161, the Local Government Comprehensive Planning and Land Development Regulation Act, or surface waters and wetlands, as determined by the methodology ratified in s. 373.4211.~~

(9) *A person or entity that owns land assessed pursuant to this section must notify the property appraiser promptly if the land becomes ineligible for assessment under this section. If any property owner fails to so notify the property appraiser and the property appraiser determines that for any year within the preceding 10 years the land was not eligible for assessment under this section, the owner of the land is subject to taxes avoided as a result of such failure plus 15 percent interest per annum and a penalty of 50 percent of the taxes avoided. The property appraiser making such determination has a duty to record in the public records of the county a notice of tax lien against any property owned by that person or entity in the county, and such property must be identified in the notice of tax lien. The property is subject to a lien in the amount of the unpaid taxes and penalties. The lien when filed shall attach to any property identified in the notice of tax lien which is owned by the person or entity and which was improperly assessed. If such person or entity no longer owns property in that county, but owns property in some other county or counties of this state, the property appraiser has a duty to record a notice of tax lien in such other county or counties, identifying the property owned by such person or entity.*

(10) ~~(7)(a) The property appraiser shall report to the department showing the just value and the classified use value of lands used for property that is subject to a conservation purposes pursuant to this section easement under s. 704.06, property assessed as environmentally endangered land pursuant to this section, and property assessed as outdoor recreational or park land.~~

(b) The tax collector shall annually report to the department the amount of deferred tax liability collected pursuant to this section.

Section 3. Subsection (1) of section 195.073, Florida Statutes, is amended to read:

195.073 Classification of property.—All items required by law to be on the assessment rolls must receive a classification based upon the use of the property. The department shall promulgate uniform definitions for all classifications. The department may designate other subclassifications of property. No assessment roll may be approved by the department which does not show proper classifications.

(1) Real property must be classified according to the assessment basis of the land into the following classes:

(a) Residential, subclassified into categories, one category for homestead property and one for nonhomestead property:

1. Single family.
2. Mobile homes.
3. Multifamily.
4. Condominiums.
5. Cooperatives.
6. Retirement homes.

(b) Commercial and industrial.

(c) Agricultural.

(d) Nonagricultural acreage.

(e) High-water recharge.

(f) Historic property used for commercial or certain nonprofit purposes.

(g) Exempt, wholly or partially.

(h) Centrally assessed.

(i) Leasehold interests.

(j) Time-share property.

(k) *Land used for conservation purposes under s. 193.501.*

(l) ~~(k)~~ Other.

Section 4. Paragraph (b) of subsection (1) and subsections (6) and (9) of section 196.011, Florida Statutes, are amended to read:

196.011 Annual application required for exemption.—

(1)

(b) The form to apply for an exemption under s. 196.031, s. 196.081, s. 196.091, s. 196.101, 196.162, or s. 196.202 ~~s. 196.031, s. 196.081, s. 196.091, s. 196.101, or s. 196.202~~ must include a space for the applicant to list the social security number of the applicant and of the applicant's spouse, if any. If an applicant files a timely and otherwise complete application, and omits the required social security numbers, the application is incomplete. In that event, the property appraiser shall contact the applicant, who may refile a complete application by April 1. Failure to file a complete application by that date constitutes a waiver of the exemption privilege for that year, except as provided in subsection (7) or subsection (8).

(6)(a) Once an original application for tax exemption has been granted, in each succeeding year on or before February 1, the property appraiser shall mail a renewal application to the applicant, and the property appraiser shall accept from each such applicant a renewal application on a form to be prescribed by the Department of Revenue. Such renewal application shall be accepted as evidence of exemption by the property appraiser unless he or she denies the application. Upon denial, the property appraiser shall serve, on or before July 1 of each year, a notice setting forth the grounds for denial on the applicant by first-class mail. Any applicant objecting to such denial may file a petition as provided for in s. 194.011(3).

(b) *Once an original application for the tax exemption has been granted under s. 196.162, in each succeeding year on or before February 1, the property appraiser shall mail a renewal application to the applicant on a form prescribed by the Department of Revenue. The applicant must certify on the form that the use of the property complies with the restrictions and requirements of the conservation easement. The form shall include a statement that the exemption granted under s. 196.162 will not be renewed unless application is returned to the property appraiser.*

(9)(a) A county may, at the request of the property appraiser and by a majority vote of its governing body, waive the requirement that an annual application or statement be made for exemption of property within the county after an initial application is made and the exemption granted. The waiver under this subsection of the annual application or statement requirement applies to all exemptions under this chapter except the exemption under s. 196.1995. Notwithstanding such waiver, refile of an application or statement shall be required when any property granted an exemption is sold or otherwise disposed of, when the ownership changes in any manner, when the applicant for homestead exemption ceases to use the property as his or her homestead, or when the status of the owner changes so as to change the exempt status of the property. In its deliberations on whether to waive the annual application or statement requirement, the governing body shall consider the possibility of fraudulent exemption claims which may occur due to the waiver of the annual application requirement. ~~It is the duty of the~~ owner of any property granted an exemption who is not required to file an annual

application or statement *has a duty* to notify the property appraiser promptly whenever the use of the property or the status or condition of the owner changes so as to change the exempt status of the property. If any property owner fails to so notify the property appraiser and the property appraiser determines that for any year within the prior 10 years the owner was not entitled to receive such exemption, the owner of the property is subject to the taxes exempted as a result of such failure plus 15 percent interest per annum and a penalty of 50 percent of the taxes exempted. Except for homestead exemptions controlled by s. 196.161, ~~it is the duty of~~ the property appraiser making such determination *has a duty* to record in the public records of the county a notice of tax lien against any property owned by that person or entity in the county, and such property must be identified in the notice of tax lien. Such property is subject to the payment of all taxes and penalties. Such lien when filed shall attach to any property, identified in the notice of tax lien, owned by the person who illegally or improperly received the exemption. Should such person no longer own property in that county, but own property in some other county or counties in the state, ~~it shall be the duty of~~ the property appraiser *has a duty* to record a notice of tax lien in such other county or counties, identifying the property owned by such person or entity in such county or counties, and it shall become a lien against such property in such county or counties.

(b) *The owner of any land granted an exemption under s. 196.1962 has a duty to notify the property appraiser promptly whenever the use of the land no longer complies with the restrictions and requirements of the conservation easement. If the property owner fails to so notify the property appraiser and the property appraiser determines that for any year within the preceding 10 years the owner was not entitled to receive the exemption, the owner of the land is subject to taxes exempted as a result of the failure plus 18 percent interest per annum and a penalty of 100 percent of the taxes exempted. The provisions for tax liens in paragraph (a) apply to land granted an exemption under s. 196.1962.*

(c) ~~(b)~~ A county may, at the request of the property appraiser and by a majority vote of its governing body, waive the requirement that an annual application be made for the veteran's disability discount granted pursuant to s. 6(g), Art. VII of the State Constitution after an initial application is made and the discount granted. ~~It is the duty of~~ The disabled veteran receiving a discount for which annual application has been waived *has a duty* to notify the property appraiser promptly whenever the use of the property or the percentage of disability to which the veteran is entitled changes. If a disabled veteran fails to notify the property appraiser and the property appraiser determines that for any year within the prior 10 years the veteran was not entitled to receive all or a portion of such discount, the penalties and processes in paragraph (a) relating to the failure to notify the property appraiser of ineligibility for an exemption shall apply.

(d) ~~(c)~~ For any exemption under s. 196.101(2), the statement concerning gross income must be filed with the property appraiser not later than March 1 of every year.

(e) ~~(d)~~ If an exemption for which the annual application is waived pursuant to this subsection will be denied by the property appraiser in the absence of the refiling of the application, notification of an intent to deny the exemption shall be mailed to the owner of the property prior to February 1. If the property appraiser fails to timely mail such notice, the application deadline for such property owner pursuant to subsection (1) shall be extended to 28 days after the date on which the property appraiser mails such notice.

Section 5. Section 218.125, Florida Statutes, is created to read:

*218.125 Offset for tax loss associated with certain constitutional amendments affecting fiscally constrained counties.—*

(1) *Beginning in the 2010-2011 fiscal year, the Legislature shall appropriate moneys to offset the reductions in ad valorem tax revenue experienced by fiscally constrained counties, as defined in s. 218.67(1), which occur as a direct result of the implementation of revisions of ss. 3(f) and 4(b) of Art. VII of the State Constitution which were approved in the general election held in November 2008. The moneys appropriated for this purpose shall be distributed in January of each fiscal year among the fiscally constrained counties based on each county's proportion of the total reduction in ad valorem tax revenue resulting from the implementation of the revisions.*

(2) *On or before November 15 of each year, beginning in 2010, each fiscally constrained county shall apply to the Department of Revenue to participate in the distribution of the appropriation and provide documentation supporting the county's estimated reduction in ad valorem tax revenue in the form and manner prescribed by the Department of Revenue. The documentation must include an estimate of the reduction in taxable value directly attributable to revisions of Art. VII of the State Constitution for all county taxing jurisdictions within the county and shall be prepared by the property appraiser in each fiscally constrained county. The documentation must also include the county millage rates applicable in all such jurisdictions for the current year and the prior year, roll-back rates determined as provided in s. 200.065 for each county taxing jurisdiction, and maximum millage rates that could have been levied by majority vote pursuant to s. 200.185. For purposes of this section, each fiscally constrained county's reduction in ad valorem tax revenue shall be calculated as 95 percent of the estimated reduction in taxable value times the lesser of the 2009 applicable millage rate or the applicable millage rate for each county taxing jurisdiction in the prior year.*

Section 6. Section 704.06, Florida Statutes, is amended to read:

*704.06 Conservation easements and conservation protection agreements; creation; acquisition; enforcement.—*

(1) As used in this section, "conservation easement" means a *transferable* right or interest in real property which *may be perpetual or limited to a certain term, and which* is appropriate to retaining land or water areas predominantly in their natural, scenic, open, agricultural, or wooded condition; retaining such areas as suitable habitat for fish, plants, or wildlife; retaining the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance; or maintaining existing land uses and which prohibits or limits any or all of the following:

(a) Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground.

(b) Dumping or placing of soil or other substance or material as landfill or dumping or placing of trash, waste, or unsightly or offensive materials.

(c) Removal or destruction of trees, shrubs, or other vegetation.

(d) Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface.

(e) Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition.

(f) Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation.

(g) Acts or uses detrimental to such retention of land or water areas.

(h) Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance.

(2) *"Conservation protection agreement" has the same meaning as provided in s. 196.1962.*

(3) ~~(2)~~ *Conservation easements and conservation protection agreements are perpetual, undivided interests in property and may be created or stated in the form of an a restriction, easement, covenant, or condition in any deed, will, or other instrument executed by or on behalf of the owner of the property, or in any order of taking. Such easements or agreements may be acquired in the same manner as other interests in property are acquired, except by condemnation or by other exercise of the power of eminent domain, and shall not be unassignable to other governmental bodies or agencies, charitable organizations, or trusts authorized to acquire such easements, for lack of benefit to a dominant estate.*

(4) ~~(3)~~ *Conservation easements and conservation protection agreements may be acquired by any governmental body or agency or by a charitable corporation or trust whose purposes include protecting natural, scenic, or open space values of real property, assuring its avail-*

ability for agricultural, forest, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving sites or properties of historical, architectural, archaeological, or cultural significance.

(5) ~~(4)~~ Conservation easements and conservation protection agreements shall run with the land and be binding on all subsequent owners of the servient estate. Notwithstanding the provisions of s. 197.552, all provisions of a conservation easement or a conservation protection agreement shall survive and are enforceable after the issuance of a tax deed. No conservation easement shall be unenforceable on account of lack of privity of contract or lack of benefit to particular land or on account of the benefit being assignable. Conservation easements and conservation protection agreements may be enforced by injunction or proceeding in equity or at law, and shall entitle the holder to enter the land in a reasonable manner and at reasonable times to assure compliance. A conservation easement or a conservation protection agreement may be released by the holder of the easement or the agreement to the holder of the fee even though the holder of the fee may not be a governmental body or a charitable corporation or trust.

(6) ~~(5)~~ All conservation easements and conservation protection agreements shall be recorded in the official records of the county in which the property subject to the easement or agreement is located ~~and indexed in the same manner as any other instrument affecting the title to real property.~~

(7) ~~(6)~~ The provisions of this section shall not be construed to imply that any restriction, easement, agreement, covenant, or condition which does not have the benefit of this section shall, on account of any provision hereof, be unenforceable.

(8) ~~(7)~~ Recording of the conservation easement or conservation protection agreement shall be notice to the property appraiser and tax collector of the county of the conveyance of the conservation easement or conservation protection agreement.

(9) ~~(8)~~ Conservation easements and conservation protection agreements may provide for a third-party right of enforcement. As used in this section, third-party right of enforcement means a right provided in a conservation easement or conservation protection agreement to enforce any of its terms granted to a governmental body, or charitable corporation or trust as described in subsection (4) ~~(3)~~, which although eligible to be a holder, is not a holder.

(10) ~~(9)~~ An action affecting a conservation easement or a conservation protection agreement may be brought by:

- (a) An owner of an interest in the real property burdened by the easement or agreement;
- (b) A holder of the easement or agreement;
- (c) A person having a third-party right of enforcement; or
- (d) A person authorized by another law.

(11) ~~(10)~~ The ownership or attempted enforcement of rights held by the holder of an easement or agreement does not subject the holder to any liability for any damage or injury that may be suffered by any person on the property or as a result of the condition of the property encumbered by a conservation easement or a conservation protection agreement.

(12) ~~(11)~~ ~~Nothing in~~ This section or other provisions of law do not shall be construed to prohibit or limit the owner of land, or the owner of a conservation easement or conservation protection agreement over land, to voluntarily negotiate the sale or utilization of such lands or easement or agreement for the construction and operation of linear facilities, including electric transmission and distribution facilities, telecommunications transmission and distribution facilities, pipeline transmission and distribution facilities, public transportation corridors, and related appurtenances, nor shall this section prohibit the use of eminent domain for said purposes as established by law. In any legal proceeding to condemn land for the purpose of construction and operation of a linear facility as described above, the court shall consider the public benefit provided by the conservation easement or the conservation protection agreement and linear facilities in determining which lands may be taken and the compensation paid.

Section 7. *The Department of Revenue may adopt emergency rules to administer s. 196.1962, Florida Statutes. The emergency rules shall remain in effect for 6 months after adoption and may be renewed during the pendency of procedures to adopt rules addressing the subject of the emergency rules.*

Section 8. This act shall take effect July 1, 2009, and applies to property tax assessments made on or after January 1, 2010.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to land used for conservation purposes; creating s. 196.1962, F.S.; defining terms; providing a total or partial ad valorem tax exemption for land used for conservation purposes; requiring that such land be perpetually encumbered by a conservation easement or conservation protection agreement; providing a partial ad valorem tax exemption for conservation land that is used for commercial purposes; permitting land smaller than a certain size to qualify for the exemption upon approval by the Acquisition and Restoration Council; requiring the Acquisition and Restoration Council to consider whether the property will yield a significant public benefit; requiring land that qualifies for the exemption from ad valorem taxation and used for agricultural purposes be managed pursuant to certain best-management practices; providing that water management districts have a third-party right of enforcement to enforce certain conservation easements or conservation protection agreements; providing for the assessment of certain buildings, structures, improvements, and land; requiring an owner of land that is exempt from ad valorem taxation to take actions to preserve the perpetual effect of the conservation easement or other instrument; requiring the Acquisition and Restoration Council to maintain a list of nonprofit entities that are qualified to enforce the provisions of a conservation easement or conservation protection agreement; amending s. 193.501, F.S.; defining terms; providing for the assessment of lands used for conservation purposes; requiring that such lands be used for conservation purposes for at least 10 years; requiring a covenant or conservation protection agreement to be recorded in the official records; providing for the assessment of such land based on character or use; requiring the owner of the land to annually apply to the property appraiser by a certain date for the assessment based on character or use; authorizing the value adjustment board to grant late applications for such assessments if extenuating circumstances are shown; providing for the assessment of land if a conservation management plan extends for a specified period and the landowner has provided certain documentation to the property appraiser; requiring the filing of such plans with the Fish and Wildlife Conservation Commission or a water management district under certain circumstances; requiring that the commission and the Department of Environmental Protection produce a guidance document establishing the form and content of a conservation management plan and establishing certain minimum standards for such plans; authorizing a property appraiser to require a signed application that includes certain statements by a landowner; requiring a landowner to notify the property appraiser if the land becomes ineligible for the assessment benefit; imposing penalties for nonpayment of ad valorem taxes after a loss of eligibility for the assessment benefit; directing the property appraiser to record a notice of tax lien; requiring property appraisers to issue a report relating to the just value and classified use value of land used for conservation purposes; amending s. 195.073, F.S.; providing for the classification of lands used for conservation purposes for the purposes of ad valorem taxation; amending s. 196.011, F.S.; conforming a cross-reference; requiring an annual application for the exemption for land used for conservation purposes; requiring that a property owner notify the property appraiser when the use of the property no longer complies with the requirements for a conservation easement; providing penalties for failure to notify; creating s. 218.125, F.S.; requiring the Legislature to appropriate moneys to offset the reductions in ad valorem tax revenue experienced by fiscally constrained counties; requiring each fiscally constrained county to apply to the Department of Revenue to participate in the distribution of the appropriation; specifying the documentation that must be provided to the department; providing a formula for calculating the reduction in ad valorem tax revenue; amending s. 704.06, F.S.; revising requirements for conservation easements and conservation protection agreements; authorizing the Department of Revenue to adopt

emergency rules; providing for application of the act; providing an effective date.

Pursuant to Rule 4.19, **HB 7157** as amended was placed on the calendar of Bills on Third Reading.

**CS for CS for CS for SB 2034**—A bill to be entitled An act relating to economic development; amending s. 288.1089, F.S.; defining the terms “commission,” “industry wage,” “naming opportunities,” and “net royalty revenues”; expanding the definition of “project” to include alternative and renewable energy applicants; requiring that an application for an incentive award include certain information; authorizing the waiver or reduction of requirements relating to matching funds for alternative and renewable energy projects; requiring that Enterprise Florida, Inc., evaluate proposals for all categories of innovation incentive awards and solicit comments from the Florida Energy and Climate Commission before making its recommendations; providing requirements for such evaluations and recommendations; providing additional criteria for a research and development facility; deleting qualifying criteria for alternative and renewable energy projects; creating additional evaluation criteria for alternative and renewable energy projects; requiring that the Executive Office of the Governor release funds upon review and approval of an award by the Legislative Budget Commission; requiring the Office of Tourism, Trade, and Economic Development and the recipient of an award to enter into a contract setting forth conditions for the payment of incentive funds; requiring that such agreement include certain provisions; requiring that agreements signed after a specified date contain certain additional provisions; requiring that Enterprise Florida, Inc., submit a report containing certain information within a specified period after the conclusion of such agreement to the Governor, the President of the Senate, and the Speaker of the House of Representatives; requiring that each recipient of an award comply with certain business ethics standards developed by Enterprise Florida, Inc.; deleting provisions authorizing Enterprise Florida, Inc., to collaborate with the State University System in reviewing and evaluating business ethics standards; requiring that the office submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report containing certain information; specifying a date on which the office shall begin submitting such reports; requiring that the Office of Program Policy Analysis and Government Accountability and the Office of the Auditor General submit a report; requiring that such reports be submitted at specified intervals; requiring that such reports include certain information; authorizing the office to seek the assistance of certain government entities for certain purposes; amending s. 212.097, F.S.; specifying a review and certification requirement for the urban high crime area job tax credit applications; 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 rural areas of critical economic concern to designate certain catalyst projects for certain purposes; providing project requirements; 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 certain definitions; revising industry code designation requirements for certain activities under the tax refund program for qualified target industry businesses; 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 a definition; revising criteria 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 ss. 257.193, 288.019, and 627.6699, F.S.; conforming cross-references; amending s. 288.9015, F.S.; specifying that Enterprise Florida, Inc., is responsible for responding to inquiries related to the state’s business incentives and opportunities; amending s. 288.9622, F.S.; expanding the types of investments that may be made by the Florida Opportunity Fund; amending s. 288.9624, F.S.; providing a limitation on how the originally appropriated funds may be invested; allowing the Florida Opportunity Fund to form or create other entities for investment purposes; revising a reporting requirement; 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 2034** to **CS for CS for HB 7031**.

Pending further consideration of **CS for CS for CS for SB 2034** as amended, on motion by Senator Garcia, by two-thirds vote **CS for CS for HB 7031** was withdrawn from the Committees on Commerce; Governmental Oversight and Accountability; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

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

**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 cata-

lyst 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.

—a companion measure, was substituted for **CS for CS for CS for SB 2034** as amended and read the second time by title.

#### MOTION

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

Senator Garcia moved the following amendment which was adopted:

**Amendment 1 (837800) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Subsections (1), (2), and (3), paragraph (d) of subsection (4), and subsections (5), (7), (8), (9), and (10) of section 288.1089, Florida Statutes, are amended, and subsections (11) and (12) are added to that section, to read:

288.1089 Innovation Incentive Program.—

(1) The Innovation Incentive Program is created within the Office of Tourism, Trade, and Economic Development to ensure that sufficient resources are available to allow the state to respond expeditiously to extraordinary economic opportunities and to compete effectively for high-value research and development, ~~and~~ innovation business, *and alternative and renewal energy projects.*

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

(a) “Alternative and renewable energy” means electrical, mechanical, or thermal energy produced from a method that uses one or more of the following fuels or energy sources: ethanol, cellulosic ethanol, biobutanol, biodiesel, biomass, biogas, hydrogen fuel cells, ocean energy, hydrogen, solar, hydro, wind, or geothermal.

(b) “Average private sector wage” means the statewide average wage in the private sector or the average of all private sector wages in the county or in the standard metropolitan area in which the project is located as determined by the Agency for Workforce Innovation.

(c) “Brownfield area” means an area designated as a brownfield area pursuant to s. 376.80.

(d) “*Commission*” means the *Florida Energy and Climate Commission*.

(e) ~~(d)~~ “Cumulative investment” means cumulative capital investment and all eligible capital costs, as defined in s. 220.191.

(f) ~~(e)~~ “Director” means the director of the Office of Tourism, Trade, and Economic Development.

(g) ~~(f)~~ “Enterprise zone” means an area designated as an enterprise zone pursuant to s. 290.0065.

(h) ~~(g)~~ “Fiscal year” means the state fiscal year.

(i) “*Industry wage*” means the average annual wage paid to employees in a particular industry, as designated by the North American Industry Classification System (NAICS), and compiled by the Bureau of Labor Statistics of the United States Department of Labor.

(j) ~~(h)~~ “Innovation business” means a business expanding or locating in this state that is likely to serve as a catalyst for the growth of an existing or emerging technology cluster or will significantly impact the regional economy in which it is to expand or locate.

(k) ~~(i)~~ “Jobs” means full-time equivalent positions, as that term is consistent with terms used by the Agency for Workforce Innovation and the United States Department of Labor for purposes of unemployment compensation tax administration and employment estimation, resulting directly from a project in this state. The term does not include temporary construction jobs.

(l) “*Naming opportunities*” means charitable donations from any person or entity in consideration for the right to have all or a portion of the

facility named for or in the memory of any person, living or dead, or for any entity.

(m) ~~“Net royalty revenues” means all royalty revenues less the cost of obtaining, maintaining, and enforcing related patent and intellectual property rights, both foreign and domestic.~~

(n) ~~⊕~~ “Match” means funding from local sources, public or private, which will be paid to the applicant and which is equal to 100 percent of an award. Eligible match funding may include any tax abatement granted to the applicant under s. 196.1995 or the appraised market value of land, buildings, infrastructure, or equipment conveyed or provided at a discount to the applicant. Complete documentation of a match payment or other conveyance must be presented to and verified by the office prior to transfer of state funds to an applicant. An applicant may not provide, directly or indirectly, more than 5 percent of match funding in any fiscal year. The sources of such funding may not include, directly or indirectly, state funds appropriated from the General Revenue Fund or any state trust fund, excluding tax revenues shared with local governments pursuant to law.

(o) ~~⊕~~ “Office” means the Office of Tourism, Trade, and Economic Development.

(p) ~~⊕~~ “Project” means the location to or expansion in this state by an innovation business, a ~~or~~ research and development applicant, or an alternative and renewable energy applicant approved for an award pursuant to this section.

(q) ~~⊕~~ “Research and development” means basic and applied research in the sciences or engineering, as well as the design, development, and testing of prototypes or processes of new or improved products. Research and development does not include market research, routine consumer product testing, sales research, research in the social sciences or psychology, nontechnological activities, or technical services.

(r) ~~⊕~~ “Research and development facility” means a facility that is predominately engaged in research and development activities. For purposes of this paragraph, the term “predominantly” means at least 51 percent of the time.

(s) ~~⊕~~ “Rural area” means a rural city, rural community, or rural county as defined in s. 288.106.

(3) To be eligible for consideration for an innovation incentive award, an innovation business, a ~~or~~ research and development entity, or an alternative and renewable energy company project must submit a written application to Enterprise Florida, Inc., before making a decision to locate new operations in this state or expand an existing operation in this state. The application must include, but not be limited to:

(a) The applicant’s federal employer identification number, unemployment account number, and state sales tax registration number. If such numbers are not available at the time of application, they must be submitted to the office in writing prior to the disbursement of any payments under this section.

(b) The location in this state at which the project is located or is to be located.

(c) A description of the type of business activity, product, or research and development undertaken by the applicant, including six-digit North American Industry Classification System codes for all activities included in the project.

(d) The applicant’s projected investment in the project.

(e) The total investment, from all sources, in the project.

(f) The number of net new full-time equivalent jobs in this state the applicant anticipates having created as of December 31 of each year in the project and the average annual wage of such jobs.

(g) The total number of full-time equivalent employees currently employed by the applicant in this state, if applicable.

(h) The anticipated commencement date of the project.

(i) A detailed explanation of why the innovation incentive is needed to induce the applicant to expand or locate in the state and whether an award would cause the applicant to locate or expand in this state.

(j) If applicable, an estimate of the proportion of the revenues resulting from the project that will be generated outside this state.

(4) To qualify for review by the office, the applicant must, at a minimum, establish the following to the satisfaction of Enterprise Florida, Inc., and the office:

(d) For an alternative and renewable energy project in this state, the project must:

1. Demonstrate a plan for significant collaboration with an institution of higher education;

2. Provide the state, at a minimum, a break-even return on investment within a 20-year period;

3. Include matching funds provided by the applicant or other available sources. *The match requirement may be reduced or waived in rural areas of critical economic concern or reduced in rural areas, brownfield areas, and enterprise zones. This requirement may be waived if the office and the department determine that the merits of the individual project or the specific circumstances warrant such action;*

4. Be located in this state; *and*

5. Provide *at least 35 direct, new jobs* that pay an estimated annual average wage that equals at least 130 percent of the average private sector wage. *The average wage requirement may be waived if the office and the commission determine that the merits of the individual project or the specific circumstances warrant such action; and*

~~6. Meet one of the following criteria:~~

~~a. Result in the creation of at least 35 direct, new jobs at the business.~~

~~b. Have an activity or product that uses feedstock or other raw materials grown or produced in this state.~~

~~c. Have a cumulative investment of at least \$50 million within a 5-year period.~~

~~d. Address the technical feasibility of the technology, and the extent to which the proposed project has been demonstrated to be technically feasible based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.~~

~~e. Include innovative technology and the degree to which the project or business incorporates an innovative new technology or an innovative application of an existing technology.~~

~~f. Include production potential and the degree to which a project or business generates thermal, mechanical, or electrical energy by means of a renewable energy resource that has substantial long-term production potential. The project must, to the extent possible, quantify annual production potential in megawatts or kilowatts.~~

~~g. Include and address energy efficiency and the degree to which a project demonstrates efficient use of energy, water, and material resources.~~

~~h. Include project management and the ability of management to administer and complete the business project.~~

(5) Enterprise Florida, Inc., shall evaluate proposals for *all three categories of innovation incentive awards* and transmit recommendations for awards to the office. *Before making its recommendations on alternative and renewable energy projects*, Enterprise Florida, Inc., shall solicit comments and recommendations from the Florida Energy and Climate Commission ~~for alternative and renewable energy project proposals. For each project, the~~ Such evaluation and recommendation to the office must include, but need not be limited to:

(a) A description of the project, its required facilities, and the associated product, service, or research and development associated with the project.

(b) The percentage of match provided for the project.

(c) The number of full-time equivalent jobs that will be created by the project, the total estimated average annual wages of such jobs, and the types of business activities and jobs likely to be stimulated by the project.

(d) The cumulative investment to be dedicated to the project within 5 years and the total investment expected in the project if more than 5 years.

(e) The projected economic and fiscal impacts on the local and state economies relative to investment.

(f) A statement of any special impacts the project is expected to stimulate in a particular business sector in the state or regional economy or in the state's universities and community colleges.

(g) A statement of any anticipated or proposed relationships with state universities.

(h) A statement of the role the incentive is expected to play in the decision of the applicant to locate or expand in this state.

(i) A recommendation and explanation of the amount of the award needed to cause the applicant to expand or locate in this state.

(j) A discussion of the efforts and commitments made by the local community in which the project is to be located to induce the applicant's location or expansion, taking into consideration local resources and abilities.

(k) A recommendation for specific performance criteria the applicant would be expected to achieve in order to receive payments from the fund and penalties or sanctions for failure to meet or maintain performance conditions.

(l) *Additional evaluative criteria* for a research and development facility project, *including*:

1. A description of the extent to which the project has the potential to serve as catalyst for an emerging or evolving cluster.

2. A description of the extent to which the project has or could have a long-term collaborative research and development relationship with one or more universities or community colleges in this state.

3. A description of the existing or projected impact of the project on established clusters or targeted industry sectors.

4. A description of the project's contribution to the diversity and resiliency of the innovation economy of this state.

5. A description of the project's impact on special needs communities, including, but not limited to, rural areas, distressed urban areas, and enterprise zones.

(m) *Additional evaluative criteria for alternative and renewable energy proposals, including*:

1. *The availability of matching funds or other in-kind contributions applied to the total project from an applicant. The commission shall give greater preference to projects that provide such matching funds or other in-kind contributions.*

2. *The degree to which the project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for renewable energy technologies.*

3. *The extent to which the proposed project has been demonstrated to be technically feasible based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.*

4. *The degree to which the project incorporates an innovative new technology or an innovative application of an existing technology.*

5. *The degree to which a project generates thermal, mechanical, or electrical energy by means of a renewable energy resource that has substantial long-term production potential.*

6. *The degree to which a project demonstrates efficient use of energy and material resources.*

7. *The degree to which the project fosters overall understanding and appreciation of renewable energy technologies.*

8. *The ability to administer a complete project.*

9. *Project duration and timeline for expenditures.*

10. *The geographic area in which the project is to be conducted in relation to other projects.*

11. *The degree of public visibility and interaction.*

(7) Upon receipt of the evaluation and recommendation from Enterprise Florida, Inc., ~~and from the Florida Energy and Climate Commission for alternative and renewable energy project proposals~~, the director shall recommend to the Governor the approval or disapproval of an award. In recommending approval of an award, the director shall include proposed performance conditions that the applicant must meet in order to obtain incentive funds and any other conditions that must be met before the receipt of any incentive funds. The Governor shall consult with the President of the Senate and the Speaker of the House of Representatives before giving approval for an award. Upon review and approval of an award by the *Legislative Budget Commission*, the Executive Office of the Governor shall release the funds ~~pursuant to the legislative consultation and review requirements set forth in s. 216.177.~~

(8)(a) ~~After the conditions set forth in subsection (7) have been met, the director shall issue a letter certifying the applicant as qualified for an award. The office and the award recipient applicant shall enter into an agreement that sets forth the conditions for payment of the incentive funds incentives. The agreement must include, at a minimum:~~

1. The total amount of funds awarded. ;

2. The performance conditions that must be met *in order* to obtain the award or portions of the award, including, but not limited to, net new employment in the state, average wage, and total cumulative investment. ;

3. Demonstration of a baseline of current service and a measure of enhanced capability. ;

4. The methodology for validating performance. ;

5. The schedule of payments. ; ~~and~~

6. Sanctions for failure to meet performance conditions, including any clawback provisions.

(b) *Additionally, agreements signed on or after July 1, 2009, must include the following provisions:*

1. *Notwithstanding subsection (4), a requirement that the jobs created by the recipient of the incentive funds pay an annual average wage at least equal to the relevant industry's annual average wage or at least 130 percent of the average private-sector wage, whichever is greater.*

2. *A reinvestment requirement. Each recipient of an award shall reinvest up to 15 percent of net royalty revenues, including revenues from spin-off companies and the revenues from the sale of stock it receives from the licensing or transfer of inventions, methods, processes, and other patentable discoveries conceived or reduced to practice using its facilities in Florida or its Florida-based employees, in whole or in part, and to which the recipient of the grant becomes entitled during the 20 years following the effective date of its agreement with the office. Each recipient of an award also shall reinvest up to 15 percent of the gross revenues it receives from naming opportunities associated with any facility it builds in this state. Reinvestment payments shall commence no later than 6 months*

after the recipient of the grant has received the final disbursement under the contract and shall continue until the maximum reinvestment, as specified in the contract, has been paid. Reinvestment payments shall be remitted to the office for deposit in the Biomedical Research Trust Fund for companies specializing in biomedicine or life sciences, or in the Economic Development Trust Fund for companies specializing in fields other than biomedicine or the life sciences. If these trust funds no longer exist at the time of the reinvestment, the state's share of reinvestment shall be deposited in their successor trust funds as determined by law. Each recipient of an award shall annually submit a schedule of the shares of stock held by it as payment of the royalty required by this paragraph and report on any trades or activity concerning such stock. Each recipient's reinvestment obligations survive the expiration or termination of its agreement with the state.

3. Requirements for the establishment of internship programs or other learning opportunities for educators and secondary, postsecondary, graduate, and doctoral students.

4. A requirement that the recipient submit quarterly reports and annual reports related to activities and performance to the office, according to standardized reporting periods.

5. A requirement for an annual accounting to the office of the expenditure of funds disbursed under this section.

6. A process for amending the agreement.

(9) Enterprise Florida, Inc., shall assist the office in validating the performance of an innovation business, a ~~or~~ research and development facility, or an alternative and renewable energy business that has received an award. At the conclusion of the innovation incentive award agreement, or its earlier termination, Enterprise Florida, Inc., shall, within 90 days, submit a report ~~the results of the innovation incentive award~~ to the Governor, the President of the Senate, and the Speaker of the House of Representatives detailing whether the recipient of the innovation incentive grant achieved its specified outcomes.

(10) ~~Each recipient of an award shall comply with Enterprise Florida, Inc., shall develop business ethics standards developed by Enterprise Florida, Inc., which are based on appropriate best industry practices which shall be applicable to all award recipients. The standards shall address ethical duties of business enterprises, fiduciary responsibilities of management, and compliance with the laws of this state. Enterprise Florida, Inc., may collaborate with the State University System in reviewing and evaluating appropriate business ethics standards. Such standards shall be provided to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2006. An award agreement entered into on or after December 31, 2006, shall require a recipient to comply with the business ethics standards developed pursuant to this section.~~

(11)(a) Beginning January 5, 2010, and every year thereafter, the office shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report summarizing the activities and accomplishments of the recipients of grants from the Innovation Incentive Program during the previous 12 months and an evaluation by the office of whether the recipients are catalysts for additional direct and indirect economic development in Florida.

(b) Beginning March 1, 2010, and every third year thereafter, the Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General's Office, shall release a report evaluating the Innovation Incentive Program's progress toward creating clusters of high-wage, high-skilled, complementary industries that serve as catalysts for economic growth specifically in the regions in which they are located, and generally for the state as a whole. Such report should include critical analyses of quarterly and annual reports, annual audits, and other documents prepared by the Innovation Incentive program awardees; relevant economic development reports prepared by the office, Enterprise Florida, Inc., and local or regional economic development organizations; interviews with the parties involved; and any other relevant data. Such report should also include legislative recommendations, if necessary, on how to improve the Innovation Incentive Program so that the program reaches its anticipated potential as a catalyst for direct and indirect economic development in this state.

(12) The office may seek the assistance of the Office of Program Policy Analysis and Government Accountability, the Legislature's Office of Economic and Demographic Research, and other entities for the purpose of developing performance measures or techniques to quantify the synergistic economic development impacts that awardees of grants are having within their communities.

Section 2. Subsection (6) of section 166.231, Florida Statutes, is amended to read:

166.231 Municipalities; public service tax.—

(6) A municipality may exempt from the tax imposed by this section any amount up to, and including, the total amount of electricity, metered natural gas, liquefied petroleum gas either metered or bottled, or manufactured gas either metered or bottled purchased per month, or reduce the rate of taxation on the purchase of such electricity or gas when purchased by an industrial consumer which uses the electricity or gas directly in industrial manufacturing, processing, compounding, or a production process, at a fixed location in the municipality, of items of tangible personal property for sale. The municipality shall establish the requirements for qualification for this exemption in the manner prescribed by ordinance. Possession by a seller of a written certification by the purchaser, certifying the purchaser's entitlement to an exemption permitted by this subsection, relieves the seller from the responsibility of collecting the tax on the nontaxable amounts, and the municipality shall look solely to the purchaser for recovery of such tax if it determines that the purchaser was not entitled to the exemption. Any municipality granting an exemption pursuant to this subsection shall grant the exemption to all companies classified in the same *five-digit NAICS SIC Industry Major Group Number*. As used in this subsection, "NAICS" means those classifications contained in the North American Industry Classification System, as published in 2007 by the Office of Management and Budget, Executive Office of the President.

Section 3. Paragraphs (a) and (i) of subsection (1) of section 212.05, Florida Statutes, are amended to read:

212.05 Sales, storage, use tax. —It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making mail order sales, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(a)1.a. At the rate of 6 percent of the sales price of each item or article of tangible personal property when sold at retail in this state, computed on each taxable sale for the purpose of remitting the amount of tax due the state, and including each and every retail sale.

b. Each occasional or isolated sale of an aircraft, boat, mobile home, or motor vehicle of a class or type which is required to be registered, licensed, titled, or documented in this state or by the United States Government shall be subject to tax at the rate provided in this paragraph. The department shall by rule adopt any nationally recognized publication for valuation of used motor vehicles as the reference price list for any used motor vehicle which is required to be licensed pursuant to s. 320.08(1), (2), (3)(a), (b), (c), or (e), or (9). If any party to an occasional or isolated sale of such a vehicle reports to the tax collector a sales price which is less than 80 percent of the average loan price for the specified model and year of such vehicle as listed in the most recent reference price list, the tax levied under this paragraph shall be computed by the department on such average loan price unless the parties to the sale have provided to the tax collector an affidavit signed by each party, or other substantial proof, stating the actual sales price. Any party to such sale who reports a sales price less than the actual sales price is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. The department shall collect or attempt to collect from such party any delinquent sales taxes. In addition, such party shall pay any tax due and any penalty and interest assessed plus a penalty equal to twice the amount of the additional tax owed. Notwithstanding any other provision of law, the Department of Revenue may waive or compromise any penalty imposed pursuant to this subparagraph.

2. This paragraph does not apply to the sale of a boat or aircraft by or through a registered dealer under this chapter to a purchaser who, at the time of taking delivery, is a nonresident of this state, does not make his or her permanent place of abode in this state, and is not engaged in carrying on in this state any employment, trade, business, or profession in which the boat or aircraft will be used in this state, or is a corporation none of the officers or directors of which is a resident of, or makes his or her permanent place of abode in, this state, or is a noncorporate entity that has no individual vested with authority to participate in the management, direction, or control of the entity's affairs who is a resident of, or makes his or her permanent abode in, this state. For purposes of this exemption, either a registered dealer acting on his or her own behalf as seller, a registered dealer acting as broker on behalf of a seller, or a registered dealer acting as broker on behalf of the purchaser may be deemed to be the selling dealer. This exemption shall not be allowed unless:

a. The purchaser removes a qualifying boat, as described in subparagraph f., from the state within 90 days after the date of purchase or extension, or the purchaser removes a nonqualifying boat or an aircraft from this state within 10 days after the date of purchase or, when the boat or aircraft is repaired or altered, within 20 days after completion of the repairs or alterations;

b. The purchaser, within 30 days from the date of departure, shall provide the department with written proof that the purchaser licensed, registered, titled, or documented the boat or aircraft outside the state. If such written proof is unavailable, within 30 days the purchaser shall provide proof that the purchaser applied for such license, title, registration, or documentation. The purchaser shall forward to the department proof of title, license, registration, or documentation upon receipt.

c. The purchaser, within 10 days of removing the boat or aircraft from Florida, shall furnish the department with proof of removal in the form of receipts for fuel, dockage, slippage, tie-down, or hangaring from outside of Florida. The information so provided must clearly and specifically identify the boat or aircraft;

d. The selling dealer, within 5 days of the date of sale, shall provide to the department a copy of the sales invoice, closing statement, bills of sale, and the original affidavit signed by the purchaser attesting that he or she has read the provisions of this section;

e. The seller makes a copy of the affidavit a part of his or her record for as long as required by s. 213.35; and

f. Unless the nonresident purchaser of a boat of 5 net tons of admeasurement or larger intends to remove the boat from this state within 10 days after the date of purchase or when the boat is repaired or altered, within 20 days after completion of the repairs or alterations, the nonresident purchaser shall apply to the selling dealer for a decal which authorizes 90 days after the date of purchase for removal of the boat. *The nonresident purchaser of a qualifying boat may apply to the selling dealer within 60 days after the date of purchase for an extension decal that authorizes the boat to remain in this state for an additional 90 days, but not more than a total of 180 days, before the nonresident purchaser is required to pay the tax imposed by this chapter.* The department is authorized to issue decals in advance to dealers. The number of decals issued in advance to a dealer shall be consistent with the volume of the dealer's past sales of boats which qualify under this sub-subparagraph. The selling dealer or his or her agent shall mark and affix the decals to qualifying boats in the manner prescribed by the department, prior to delivery of the boat.

(I) The department is hereby authorized to charge dealers a fee sufficient to recover the costs of decals issued, *except the extension decal shall cost \$425.*

(II) The proceeds from the sale of decals will be deposited into the administrative trust fund.

(III) Decals shall display information to identify the boat as a qualifying boat under this sub-subparagraph, including, but not limited to, the decal's date of expiration.

(IV) The department is authorized to require dealers who purchase decals to file reports with the department and may prescribe all neces-

sary records by rule. All such records are subject to inspection by the department.

(V) Any dealer or his or her agent who issues a decal falsely, fails to affix a decal, mismarks the expiration date of a decal, or fails to properly account for decals will be considered prima facie to have committed a fraudulent act to evade the tax and will be liable for payment of the tax plus a mandatory penalty of 200 percent of the tax, and shall be liable for fine and punishment as provided by law for a conviction of a misdemeanor of the first degree, as provided in s. 775.082 or s. 775.083.

(VI) Any nonresident purchaser of a boat who removes a decal prior to permanently removing the boat from the state, or defaces, changes, modifies, or alters a decal in a manner affecting its expiration date prior to its expiration, or who causes or allows the same to be done by another, will be considered prima facie to have committed a fraudulent act to evade the tax and will be liable for payment of the tax plus a mandatory penalty of 200 percent of the tax, and shall be liable for fine and punishment as provided by law for a conviction of a misdemeanor of the first degree, as provided in s. 775.082 or s. 775.083.

(VII) The department is authorized to adopt rules necessary to administer and enforce this subparagraph and to publish the necessary forms and instructions.

(VIII) The department is hereby authorized to adopt emergency rules pursuant to s. 120.54(4) to administer and enforce the provisions of this subparagraph.

If the purchaser fails to remove the qualifying boat from this state within *the maximum 180 90* days after purchase or a nonqualifying boat or an aircraft from this state within 10 days after purchase or, when the boat or aircraft is repaired or altered, within 20 days after completion of such repairs or alterations, or permits the boat or aircraft to return to this state within 6 months from the date of departure, or if the purchaser fails to furnish the department with any of the documentation required by this subparagraph within the prescribed time period, the purchaser shall be liable for use tax on the cost price of the boat or aircraft and, in addition thereto, payment of a penalty to the Department of Revenue equal to the tax payable. This penalty shall be in lieu of the penalty imposed by s. 212.12(2) and is mandatory and shall not be waived by the department. *The maximum 180-day 90-day* period following the sale of a qualifying boat tax-exempt to a nonresident may not be tolled for any reason. Notwithstanding other provisions of this paragraph to the contrary, an aircraft purchased in this state under the provisions of this paragraph may be returned to this state for repairs within 6 months after the date of its departure without being in violation of the law and without incurring liability for the payment of tax or penalty on the purchase price of the aircraft if the aircraft is removed from this state within 20 days after the completion of the repairs and if such removal can be demonstrated by invoices for fuel, tie-down, hangar charges issued by out-of-state vendors or suppliers, or similar documentation.

(i)1. At the rate of 6 percent on charges for all:

a. Detective, burglar protection, and other protection services (*NAICS National SIC Industry Numbers 561611, 561612, 561613, 7381 and 561621 7382*). Any law enforcement officer, as defined in s. 943.10, who is performing approved duties as determined by his or her local law enforcement agency in his or her capacity as a law enforcement officer, and who is subject to the direct and immediate command of his or her law enforcement agency, and in the law enforcement officer's uniform as authorized by his or her law enforcement agency, is performing law enforcement and public safety services and is not performing detective, burglar protection, or other protective services, if the law enforcement officer is performing his or her approved duties in a geographical area in which the law enforcement officer has arrest jurisdiction. Such law enforcement and public safety services are not subject to tax irrespective of whether the duty is characterized as "extra duty," "off-duty," or "secondary employment," and irrespective of whether the officer is paid directly or through the officer's agency by an outside source. The term "law enforcement officer" includes full-time or part-time law enforcement officers, and any auxiliary law enforcement officer, when such auxiliary law enforcement officer is working under the direct supervision of a full-time or part-time law enforcement officer.

b. Nonresidential cleaning and nonresidential pest control services (*NAICS National Numbers 561710 and 561720 SIC Industry Group Number 734*).

2. As used in this paragraph, “*NAICS SIC*” means those classifications contained in the *North American Industry Standard Industrial Classification System Manual, 1987*, as published in 2007 by the Office of Management and Budget, Executive Office of the President.

3. Charges for detective, burglar protection, and other protection security services performed in this state but used outside this state are exempt from taxation. Charges for detective, burglar protection, and other protection security services performed outside this state and used in this state are subject to tax.

4. If a transaction involves both the sale or use of a service taxable under this paragraph and the sale or use of a service or any other item not taxable under this chapter, the consideration paid must be separately identified and stated with respect to the taxable and exempt portions of the transaction or the entire transaction shall be presumed taxable. The burden shall be on the seller of the service or the purchaser of the service, whichever applicable, to overcome this presumption by providing documentary evidence as to which portion of the transaction is exempt from tax. The department is authorized to adjust the amount of consideration identified as the taxable and exempt portions of the transaction; however, a determination that the taxable and exempt portions are inaccurately stated and that the adjustment is applicable must be supported by substantial competent evidence.

5. Each seller of services subject to sales tax pursuant to this paragraph shall maintain a monthly log showing each transaction for which sales tax was not collected because the services meet the requirements of subparagraph 3. for out-of-state use. The log must identify the purchaser’s name, location and mailing address, and federal employer identification number, if a business, or the social security number, if an individual, the service sold, the price of the service, the date of sale, the reason for the exemption, and the sales invoice number. The monthly log shall be maintained pursuant to the same requirements and subject to the same penalties imposed for the keeping of similar records pursuant to this chapter.

Section 4. Paragraph (b) of subsection (10) of section 212.097, Florida Statutes, are amended to read:

212.097 Urban High-Crime Area Job Tax Credit Program.—

(10)

~~(b) Applications shall be reviewed and certified pursuant to s. 288.061. Within 30 working days after receipt of an application for credit, the Office of Tourism, Trade, and Economic Development shall review the application to determine whether it contains all the information required by this subsection and meets the criteria set out in this section. Subject to the provisions of paragraph (c), the Office of Tourism, Trade, and Economic Development shall approve all applications that contain the information required by this subsection and meet the criteria set out in this section as eligible to receive a credit.~~

Section 5. Paragraph (c) of subsection (1) of section 212.098, Florida Statutes, is amended to read:

212.098 Rural Job Tax Credit Program.—

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

(c) “Qualified area” means any area that is contained within a rural area of critical economic concern designated under s. 288.0656, a county that has a population of fewer than 75,000 persons, ~~a or any~~ county that has a population of 125,000 ~~100,000~~ or less and is contiguous to a county that has a population of less than 75,000, selected in the following manner: every third year, the Office of Tourism, Trade, and Economic Development shall rank and tier the state’s counties according to the following four factors:

1. Highest unemployment rate for the most recent 36-month period.
2. Lowest per capita income for the most recent 36-month period.

3. Highest percentage of residents whose incomes are below the poverty level, based upon the most recent data available.

4. Average weekly manufacturing wage, based upon the most recent data available.

Section 6. Subparagraph 3. of paragraph (k) of subsection (8) of section 213.053, Florida Statutes, is created to read:

213.053 Confidentiality and information sharing.—

(8) Notwithstanding any other provision of this section, the department may provide:

(k)1. Payment information relative to chapters 199, 201, 202, 212, 220, 221, and 624 to the Office of Tourism, Trade, and Economic Development, or its employees or agents that are identified in writing by the office to the department, in the administration of the tax refund program for qualified defense contractors and space flight business contractors authorized by s. 288.1045 and the tax refund program for qualified target industry businesses authorized by s. 288.106.

2. Information relative to tax credits taken by a business under s. 220.191 and exemptions or tax refunds received by a business under s. 212.08(5)(j) to the Office of Tourism, Trade, and Economic Development, or its employees or agents that are identified in writing by the office to the department, in the administration and evaluation of the capital investment tax credit program authorized in s. 220.191 and the semiconductor, defense, and space tax exemption program authorized in s. 212.08(5)(j).

3. *Information relative to tax credits taken by a taxpayer pursuant to the tax credit programs created in ss. 193.017; 212.08(5)(g),(h),(n),(o) and (p); 212.08(15); 212.096; 212.097; 212.098; 220.181; 220.182; 220.183; 220.184; 220.1845; 220.185; 220.1895; 220.19; 220.191; 220.192; 220.193; 288.0656; 288.99; 290.007; 376.30781; 420.5093; 420.5099; 550.0951; 550.26352; 550.2704; 601.155; 624.509; 624.510; 624.5105; and 624.5107 to the Office of Tourism, Trade, and Economic Development, or its employees or agents that are identified in writing by the office to the department, for use in the administration or evaluation of such programs.*

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 7. Subsection (5) of section 220.191, Florida Statutes, is amended to read:

220.191 Capital investment tax credit.—

(5) *Applications shall be reviewed and certified pursuant to s. 288.061. The office, upon a recommendation by Enterprise Florida, Inc., shall first certify a business as eligible to receive tax credits pursuant to this section prior to the commencement of operations of a qualifying project, and such certification shall be transmitted to the Department of Revenue. Upon receipt of the certification, the Department of Revenue shall enter into a written agreement with the qualifying business specifying, at a minimum, the method by which income generated by or arising out of the qualifying project will be determined.*

Section 8. Section 288.061, Florida Statutes, is created to read:

288.061 *Economic development incentive application process.—*

*(1) Within 10 business days after receiving a submitted economic development incentive application, Enterprise Florida, Inc., shall review the application and inform the applicant business whether or not its application is complete. Within 10 business days after the application is deemed complete, Enterprise Florida, Inc., shall evaluate the application and recommend approval or disapproval of the application to the director of the Office of Tourism, Trade, and Economic Development. In recommending an applicant business for approval, Enterprise Florida, Inc., shall include in its evaluation a recommended grant award amount and a review of the applicant’s ability to meet specific program criteria.*

(2) *Within 10 calendar days after the Office of Tourism, Trade, and Economic Development receives the evaluation and recommendation from Enterprise Florida, Inc., the office shall notify Enterprise Florida, Inc., whether or not the application is reviewable. Within 22 calendar days after the office receives the recommendation from Enterprise Florida, Inc., the director of the office shall review the application and issue a letter of certification to the applicant that approves or disapproves an applicant business and includes a justification of that decision, unless the business requests an extension of that time. The final order shall specify the total amount of the award, the performance conditions that must be met to obtain the award, and the schedule for payment.*

Section 9. Subsection (4) of section 288.063, Florida Statutes, is amended to read:

288.063 Contracts for transportation projects.—

(4) The Office of Tourism, Trade, and Economic Development may adopt criteria by which transportation projects are to be reviewed and certified in accordance with s. 288.061 ~~specified and identified~~. In approving transportation projects for funding, the Office of Tourism, Trade, and Economic Development shall consider factors including, but not limited to, the cost per job created or retained considering the amount of transportation funds requested; the average hourly rate of wages for jobs created; the reliance on the program as an inducement for the project's location decision; the amount of capital investment to be made by the business; the demonstrated local commitment; the location of the project in an enterprise zone designated pursuant to s. 290.0055; the location of the project in a spaceport territory as defined in s. 331.304; the unemployment rate of the surrounding area; the poverty rate of the community; and the adoption of an economic element as part of its local comprehensive plan in accordance with s. 163.3177(7)(j). The Office of Tourism, Trade, and Economic Development may contact any agency it deems appropriate for additional input regarding the approval of projects.

Section 10. Subsection (2) of section 288.065, Florida Statutes, is amended to read:

288.065 Rural Community Development Revolving Loan Fund.—

(2) The program shall provide for long-term loans, loan guarantees, and loan loss reserves to units of local governments, or economic development organizations substantially underwritten by a unit of local government, within counties with populations of 75,000 or fewer ~~less~~, or within any county with ~~that has~~ a population of 125,000 ~~100,000~~ or fewer which ~~less~~ and is contiguous to a county with a population of 75,000 or fewer ~~less~~, based on ~~as determined by~~ the most recent official population estimate as determined under ~~pursuant to~~ s. 186.901, including those residing in incorporated areas and those residing in unincorporated areas of the county, or to units of local government, or economic development organizations substantially underwritten by a unit of local government, within a rural area of critical economic concern. Requests for loans shall be made by application to the Office of Tourism, Trade, and Economic Development. Loans shall be made pursuant to agreements specifying the terms and conditions agreed to between the applicant and the Office of Tourism, Trade, and Economic Development. The loans shall be the legal obligations of the applicant. All repayments of principal and interest shall be returned to the loan fund and made available for loans to other applicants. However, in a rural area of critical economic concern designated by the Governor, and upon approval by the Office of Tourism, Trade, and Economic Development, repayments of principal and interest may be retained by the applicant if such repayments are dedicated and matched to fund regionally based economic development organizations representing the rural area of critical economic concern.

Section 11. Paragraphs (b) and (e) of subsection (2) and subsection (3) of section 288.0655, Florida Statutes, are amended to read:

288.0655 Rural Infrastructure Fund.—

(2)

(b) To facilitate access of rural communities and rural areas of critical economic concern as defined by the Rural Economic Development Initiative to infrastructure funding programs of the Federal Government, such as those offered by the United States Department of Agri-

culture and the United States Department of Commerce, and state programs, including those offered by Rural Economic Development Initiative agencies, and to facilitate local government or private infrastructure funding efforts, the office may award grants for up to 30 percent of the total infrastructure project cost. *If an application for funding is for a catalyst site, as defined in s. 288.0656, the office may award grants for up to 40 percent of the total infrastructure project cost.* Eligible projects must be related to specific job-creation or job-retention opportunities. Eligible projects may also include improving any inadequate infrastructure that has resulted in regulatory action that prohibits economic or community growth or reducing the costs to community users of proposed infrastructure improvements that exceed such costs in comparable communities. Eligible uses of funds shall include improvements to public infrastructure for industrial or commercial sites and upgrades to or development of public tourism infrastructure. Authorized infrastructure may include the following public or public-private partnership facilities: storm water systems; telecommunications facilities; *broadband facilities*; roads or other remedies to transportation impediments; nature-based tourism facilities; or other physical requirements necessary to facilitate tourism, trade, and economic development activities in the community. Authorized infrastructure may also include publicly or privately owned self-powered nature-based tourism facilities, *publicly owned telecommunications facilities, and broadband facilities*, and additions to the distribution facilities of the existing natural gas utility as defined in s. 366.04(3)(c), the existing electric utility as defined in s. 366.02, or the existing water or wastewater utility as defined in s. 367.021(12), or any other existing water or wastewater facility, which owns a gas or electric distribution system or a water or wastewater system in this state where:

1. A contribution-in-aid of construction is required to serve public or public-private partnership facilities under the tariffs of any natural gas, electric, water, or wastewater utility as defined herein; and

2. Such utilities as defined herein are willing and able to provide such service.

(e) To enable local governments to access the resources available pursuant to s. 403.973(18), the office may award grants for surveys, feasibility studies, and other activities related to the identification and preclearance review of land which is suitable for preclearance review. Authorized grants under this paragraph shall not exceed \$75,000 each, except in the case of a project in a rural area of critical economic concern, in which case the grant shall not exceed \$300,000. Any funds awarded under this paragraph must be matched at a level of 50 percent with local funds, except that any funds awarded for a project in a rural area of critical economic concern must be matched at a level of 33 percent with local funds. *If an application for funding is for a catalyst site, as defined in s. 288.0656, the requirement for local match may be waived pursuant to the process in s. 288.06561.* In evaluating applications under this paragraph, the office shall consider the extent to which the application seeks to minimize administrative and consultant expenses.

(3) The office, in consultation with Enterprise Florida, Inc., VISIT Florida, the Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission, as appropriate, shall review and certify applications pursuant to s. 288.061. *The review shall include an evaluation of and evaluate the economic benefit of the projects and their long-term viability. The office shall have final approval for any grant under this section and must make a grant decision within 30 days of receiving a completed application.*

Section 12. Section 288.0656, Florida Statutes, is amended to read:

288.0656 Rural Economic Development Initiative.—

(1)(a) *Recognizing that rural communities and regions continue to face extraordinary challenges in their efforts to significantly improve their economies, specifically in terms of personal income, job creation, average wages, and strong tax bases, it is the intent of the Legislature to encourage and facilitate the location and expansion of major economic development projects of significant scale in such rural communities.*

(b) The Rural Economic Development Initiative, known as "REDI," is created within the Office of Tourism, Trade, and Economic Development, and the participation of state and regional agencies in this initiative is authorized.

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

(a) *“Catalyst project” means a business locating or expanding in a rural area of critical economic concern to serve as an economic generator of regional significance for the growth of a regional target industry cluster. The project must provide capital investment on a scale significant enough to affect the entire region and result in the development of high-wage and high-skill jobs.*

(b) *“Catalyst site” means a parcel or parcels of land within a rural area of critical economic concern that has been prioritized as a geographic site for economic development through partnerships with state, regional, and local organizations. The site must be reviewed by REDI and approved by the Office of Tourism, Trade, and Economic Development for the purposes of locating a catalyst project.*

(c) ~~(a)~~ *“Economic distress” means conditions affecting the fiscal and economic viability of a rural community, including such factors as low per capita income, low per capita taxable values, high unemployment, high underemployment, low weekly earned wages compared to the state average, low housing values compared to the state average, high percentages of the population receiving public assistance, high poverty levels compared to the state average, and a lack of year-round stable employment opportunities.*

(d) *“Rural area of critical economic concern” means a rural community, or a region composed of rural communities, designated by the Governor, that has been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster or that presents a unique economic development opportunity of regional impact.*

(e) ~~(b)~~ *“Rural community” means:*

1. A county with a population of 75,000 or less.
2. A county with a population of 125,000 ~~100,000~~ or fewer which ~~less~~ ~~that~~ is contiguous to a county with a population of 75,000 or fewer ~~less~~.
3. A municipality within a county described in subparagraph 1. or subparagraph 2.
4. An unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or less and an employment base focused on traditional agricultural or resource-based industries, located in a county not defined as rural, which has at least three or more of the economic distress factors identified in paragraph (c) ~~(a)~~ and verified by the Office of Tourism, Trade, and Economic Development.

For purposes of this paragraph, population shall be determined in accordance with the most recent official estimate pursuant to s. 186.901.

(3) REDI shall be responsible for coordinating and focusing the efforts and resources of state and regional agencies on the problems which affect the fiscal, economic, and community viability of Florida’s economically distressed rural communities, working with local governments, community-based organizations, and private organizations that have an interest in the growth and development of these communities to find ways to balance environmental and growth management issues with local needs.

(4) REDI shall review and evaluate the impact of statutes and rules on rural communities and shall work to minimize any adverse impact and undertake outreach and capacity building efforts.

(5) REDI shall facilitate better access to state resources by promoting direct access and referrals to appropriate state and regional agencies and statewide organizations. REDI may undertake outreach, capacity-building, and other advocacy efforts to improve conditions in rural communities. These activities may include sponsorship of conferences and achievement awards.

(6)(a) By August 1 of each year, the head of each of the following agencies and organizations shall designate a *deputy secretary or higher-level* ~~high-level~~ staff person from within the agency or organization to serve as the REDI representative for the agency or organization:

1. The Department of Community Affairs.
2. The Department of Transportation.

3. The Department of Environmental Protection.
4. The Department of Agriculture and Consumer Services.
5. The Department of State.
6. The Department of Health.
7. The Department of Children and Family Services.
8. The Department of Corrections.
9. The Agency for Workforce Innovation.
10. The Department of Education.
11. The Department of Juvenile Justice.
12. The Fish and Wildlife Conservation Commission.
13. Each water management district.
14. Enterprise Florida, Inc.
15. Workforce Florida, Inc.
16. The Florida Commission on Tourism or VISIT Florida.
17. The Florida Regional Planning Council Association.
18. ~~The Agency for Health Care Administration~~ ~~Florida State Rural Development Council.~~
19. The Institute of Food and Agricultural Sciences (IFAS).

An alternate for each designee shall also be chosen, and the names of the designees and alternates shall be sent to the director of the Office of Tourism, Trade, and Economic Development.

(b) Each REDI representative must have comprehensive knowledge of his or her agency’s functions, both regulatory and service in nature, and of the state’s economic goals, policies, and programs. This person shall be the primary point of contact for his or her agency with REDI on issues and projects relating to economically distressed rural communities and with regard to expediting project review, shall ensure a prompt effective response to problems arising with regard to rural issues, and shall work closely with the other REDI representatives in the identification of opportunities for preferential awards of program funds and allowances and waiver of program requirements when necessary to encourage and facilitate long-term private capital investment and job creation.

(c) The REDI representatives shall work with REDI in the review and evaluation of statutes and rules for adverse impact on rural communities and the development of alternative proposals to mitigate that impact.

(d) Each REDI representative shall be responsible for ensuring that each district office or facility of his or her agency is informed about the Rural Economic Development Initiative and for providing assistance throughout the agency in the implementation of REDI activities.

(7)(a) REDI may recommend to the Governor up to three rural areas of critical economic concern. ~~A rural area of critical economic concern must be a rural community, or a region composed of such, that has been adversely affected by an extraordinary economic event or a natural disaster or that presents a unique economic development opportunity of regional impact that will create more than 1,000 jobs over a 5 year period.~~ The Governor may by executive order designate up to three rural areas of critical economic concern which will establish these areas as priority assignments for REDI as well as to allow the Governor, acting through REDI, to waive criteria, requirements, or similar provisions of any economic development incentive. Such incentives shall include, but not be limited to: the Qualified Target Industry Tax Refund Program under s. 288.106, the Quick Response Training Program under s. 288.047, the Quick Response Training Program for participants in the welfare transition program under s. 288.047(8), transportation projects under s. 288.063, the brownfield redevelopment bonus refund under s. 288.107, and the rural job tax credit program under ss. 212.098 and 220.1895.

(b) Designation as a rural area of critical economic concern under this subsection shall be contingent upon the execution of a memorandum of agreement among the Office of Tourism, Trade, and Economic Development; the governing body of the county; and the governing bodies of any municipalities to be included within a rural area of critical economic concern. Such agreement shall specify the terms and conditions of the designation, including, but not limited to, the duties and responsibilities of the county and any participating municipalities to take actions designed to facilitate the retention and expansion of existing businesses in the area, as well as the recruitment of new businesses to the area.

(c) *Each rural area of critical economic concern may designate catalyst projects, provided that each catalyst project is specifically recommended by REDI, identified as a catalyst project by Enterprise Florida, Inc., and confirmed as a catalyst project by the Office of Tourism, Trade, and Economic Development. All state agencies and departments shall use all available tools and resources to the extent permissible by law to promote the creation and development of each catalyst project and the development of catalyst sites.*

(8) REDI shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives each year on or before ~~September~~ ~~February~~ 1 on all REDI activities *for the prior fiscal year*. This report shall include a status report on all projects currently being coordinated through REDI, the number of preferential awards and allowances made pursuant to this section, the dollar amount of such awards, and the names of the recipients. The report shall also include a description of all waivers of program requirements granted. The report shall also include information as to the economic impact of the projects coordinated by REDI, *and recommendations based on the review and evaluation of statutes and rules having an adverse impact on rural communities, and proposals to mitigate such adverse impacts*.

Section 13. Section 288.06561, Florida Statutes, is amended to read:

288.06561 Reduction or waiver of financial match requirements.—Notwithstanding any other law, the member agencies and organizations of the Rural Economic Development Initiative (REDI), as defined in s. 288.0656(6)(a), shall review the financial match requirements for projects in rural areas as defined in s. 288.0656(2)(~~b~~).

(1) Each agency and organization shall develop a proposal to waive or reduce the match requirement for rural areas.

(2) Agencies and organizations shall ensure that all proposals are submitted to the Office of Tourism, Trade, and Economic Development for review by the REDI agencies.

(3) These proposals shall be delivered to the Office of Tourism, Trade, and Economic Development for distribution to the REDI agencies and organizations. A meeting of REDI agencies and organizations must be called within 30 days after receipt of such proposals for REDI comment and recommendations on each proposal.

(4) Waivers and reductions must be requested by the county or community, and such county or community must have three or more of the factors identified in s. 288.0656(2)(~~c~~)(~~a~~).

(5) Any other funds available to the project may be used for financial match of federal programs when there is fiscal hardship, and the match requirements may not be waived or reduced.

(6) When match requirements are not reduced or eliminated, donations of land, though usually not recognized as an in-kind match, may be permitted.

(7) To the fullest extent possible, agencies and organizations shall expedite the rule adoption and amendment process if necessary to incorporate the reduction in match by rural areas in fiscal distress.

(8) REDI shall include in its annual report an evaluation on the status of changes to rules, number of awards made with waivers, and recommendations for future changes.

Section 14. Subsection (1) of section 288.0657, Florida Statutes, is amended to read:

288.0657 Florida rural economic development strategy grants.—

(1) As used in this section, the term “rural community” means:

(a) A county with a population of 75,000 or fewer less.

(b) A county with a population of 125,000 ~~100,000~~ or fewer which less ~~that~~ is contiguous to a county with a population of 75,000 or fewer less.

(c) A municipality within a county described in paragraph (a) or paragraph (b).

For purposes of this subsection, population shall be determined in accordance with the most recent official estimate pursuant to s. 186.901.

Section 15. Paragraph (c) of subsection (2), paragraphs (a), (e), (f), (g), (h), (i), (j), and (k) of subsection (3), and paragraph (c) of subsection (5) of section 288.1045, Florida Statutes, are amended to read:

288.1045 Qualified defense contractor and space flight business tax refund program.—

(2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

(c) A qualified applicant may not receive more than \$5 ~~\$7.5~~ million in tax refunds pursuant to this section in all fiscal years.

(3) APPLICATION PROCESS; REQUIREMENTS; AGENCY DE-TERMINATION.—

(a) To apply for certification as a qualified applicant pursuant to this section, an applicant must file an application with the office which satisfies the requirements of paragraphs (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or paragraphs (e) and (j) ~~(k)~~. An applicant may not apply for certification pursuant to this section after a proposal has been submitted for a new Department of Defense contract, after the applicant has made the decision to consolidate an existing Department of Defense contract in this state for which such applicant is seeking certification, after a proposal has been submitted for a new space flight business contract in this state, after the applicant has made the decision to consolidate an existing space flight business contract in this state for which such applicant is seeking certification, or after the applicant has made the decision to convert defense production jobs to nondefense production jobs for which such applicant is seeking certification.

(e) To qualify for review by the office, the application of an applicant must, at a minimum, establish the following to the satisfaction of the office:

1. The jobs proposed to be provided under the application, pursuant to subparagraph (b)6., subparagraph (c)6., or subparagraph (j) ~~(k)~~6., must pay an estimated annual average wage equaling at least 115 percent of the average wage in the area where the project is to be located.

2. The consolidation of a Department of Defense contract must result in a net increase of at least 25 percent in the number of jobs at the applicant’s facilities in this state or the addition of at least 80 jobs at the applicant’s facilities in this state.

3. The conversion of defense production jobs to nondefense production jobs must result in net increases in nondefense employment at the applicant’s facilities in this state.

4. The Department of Defense contract or the space flight business contract cannot allow the business to include the costs of relocation or retooling in its base as allowable costs under a cost-plus, or similar, contract.

5. A business unit of the applicant must have derived not less than 60 percent of its gross receipts in this state from Department of Defense contracts or space flight business contracts over the applicant’s last fiscal year, and must have derived not less than an average of 60 percent of its gross receipts in this state from Department of Defense contracts or space flight business contracts over the 5 years preceding the date an application is submitted pursuant to this section. This subparagraph does not apply to any application for certification based on a contract for reuse of a defense-related facility.

6. The reuse of a defense-related facility must result in the creation of at least 100 jobs at such facility.

7. A new space flight business contract or the consolidation of a space flight business contract must result in net increases in space flight business employment at the applicant's facilities in this state.

(f) Each application meeting the requirements of paragraphs (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or paragraphs (e) and (j) ~~(k)~~ must be submitted to the office for a determination of eligibility. The office shall review and evaluate each application based on, but not limited to, the following criteria:

1. Expected contributions to the state strategic economic development plan adopted by Enterprise Florida, Inc., taking into account the extent to which the project contributes to the state's high-technology base, and the long-term impact of the project and the applicant on the state's economy.

2. The economic benefit of the jobs created or retained by the project in this state, taking into account the cost and average wage of each job created or retained, and the potential risk to existing jobs.

3. The amount of capital investment to be made by the applicant in this state.

4. The local commitment and support for the project and applicant.

5. The impact of the project on the local community, taking into account the unemployment rate for the county where the project will be located.

6. The dependence of the local community on the defense industry or space flight business.

7. The impact of any tax refunds granted pursuant to this section on the viability of the project and the probability that the project will occur in this state if such tax refunds are granted to the applicant, taking into account the expected long-term commitment of the applicant to economic growth and employment in this state.

8. The length of the project, or the expected long-term commitment to this state resulting from the project.

~~(g) Applications shall be reviewed and certified pursuant to s. 288.061. The office shall forward its written findings and evaluation on each application meeting the requirements of paragraphs (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or paragraphs (e) and (k) to the director within 60 calendar days after receipt of a complete application. The office shall notify each applicant when its application is complete, and when the 60 day period begins. In its written report to the director, the office shall specifically address each of the factors specified in paragraph (f), and shall make a specific assessment with respect to the minimum requirements established in paragraph (e). The office shall include in its report projections of the tax refunds the applicant would be eligible to receive in each fiscal year based on the creation and maintenance of the net new Florida jobs specified in subparagraph (b)6., subparagraph (e)6., subparagraph (d)7., or subparagraph (k)6. as of December 31 of the preceding state fiscal year.~~

~~(h) Within 30 days after receipt of the office's findings and evaluation, the director shall issue a letter of certification which either approves or disapproves an application. The decision must be in writing and provide the justifications for either approval or disapproval. If appropriate, the director shall enter into a written agreement with the qualified applicant pursuant to subsection (4).~~

~~(h) (i)~~ The director may not certify any applicant as a qualified applicant when the value of tax refunds to be included in that letter of certification exceeds the available amount of authority to certify new businesses as determined in s. 288.095(3). A letter of certification that approves an application must specify the maximum amount of a tax refund that is to be available to the contractor for each fiscal year and the total amount of tax refunds for all fiscal years.

~~(i) (j)~~ This section does not create a presumption that an applicant should receive any tax refunds under this section.

~~(j) (k)~~ Applications for certification based upon a new space flight business contract or the consolidation of a space flight business contract must be submitted to the office as prescribed by the office and must include, but are not limited to, the following information:

1. The applicant's federal employer identification number, the applicant's Florida sales tax registration number, and a signature of an officer of the applicant.

2. The permanent location of the space flight business facility in this state where the project is or will be located.

3. The new space flight business contract number, the space flight business contract numbers of the contract to be consolidated, or the request-for-proposal number of a proposed space flight business contract.

4. The date the contract was executed and the date the contract is due to expire, is expected to expire, or was canceled.

5. The commencement date for project operations under the contract in this state.

6. The number of net new full-time equivalent Florida jobs included in the project as of December 31 of each year and the average wage of such jobs.

7. The total number of full-time equivalent employees employed by the applicant in this state.

8. The percentage of the applicant's gross receipts derived from space flight business contracts during the 5 taxable years immediately preceding the date the application is submitted.

9. The number of full-time equivalent jobs in this state to be retained by the project.

10. A brief statement concerning the applicant's need for tax refunds and the proposed uses of such refunds by the applicant.

11. A resolution adopted by the governing board of the county or municipality in which the project will be located which recommends the applicant be approved as a qualified applicant and indicates that the necessary commitments of local financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

12. Any additional information requested by the office.

(5) ANNUAL CLAIM FOR REFUND.—

(c) A tax refund may not be approved for any qualified applicant unless local financial support has been paid to the Economic Development Trust Fund for that refund. If the local financial support is less than 20 percent of the approved tax refund, the tax refund shall be reduced. The tax refund paid may not exceed 5 times the local financial support received. Funding from local sources includes tax abatement under s. 196.1995 or the appraised market value of municipal or county land, including any improvements or structures, conveyed or provided at a discount through a sale or lease to that applicant. The amount of any tax refund for an applicant approved under this section shall be reduced by the amount of any such tax abatement granted or the value of the land granted, including the value of any improvements or structures; and the limitations in subsection (2) ~~and paragraph (3)(h)~~ shall be reduced by the amount of any such tax abatement or the value of the land granted, including any improvements or structures. A report listing all sources of the local financial support shall be provided to the office when such support is paid to the Economic Development Trust Fund.

Section 16. Paragraphs (k) and (t) of subsection (1), subsection (3), paragraph (b) of subsection (4), paragraph (c) of subsection (5), and subsection (8) of section 288.106, Florida Statutes, are amended to read:

288.106 Tax refund program for qualified target industry businesses.—

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

(k) “Local financial support exemption option” means the option to exercise an exemption from the local financial support requirement available to any applicant whose project is located in a brownfield area or a county with a population of 75,000 or fewer or a county with a population of ~~125,000~~ ~~100,000~~ or fewer which is contiguous to a county with a population of 75,000 or fewer. Any applicant that exercises this option shall not be eligible for more than 80 percent of the total tax refunds allowed such applicant under this section.

(t) “Rural community” means:

1. A county with a population of 75,000 or fewer ~~less~~.
2. A county with a population of ~~125,000~~ ~~100,000~~ or fewer which ~~less~~ ~~that~~ is contiguous to a county with a population of 75,000 or fewer ~~less~~.
3. A municipality within a county described in subparagraph 1. or subparagraph 2.

For purposes of this paragraph, population shall be determined in accordance with the most recent official estimate pursuant to s. 186.901.

### (3) APPLICATION AND APPROVAL PROCESS.—

(a) To apply for certification as a qualified target industry business under this section, the business must file an application with the office before the business has made the decision to locate a new business in this state or before the business had made the decision to expand an existing business in this state. The application shall include, but is not limited to, the following information:

1. The applicant’s federal employer identification number and the applicant’s state sales tax registration number.
2. The permanent location of the applicant’s facility in this state at which the project is or is to be located.
3. A description of the type of business activity or product covered by the project, including *a minimum of a five-digit NAICS code* ~~four-digit SIC codes~~ for all activities included in the project. *As used in this paragraph, “NAICS” means those classifications contained in the North American Industry Classification System, as published in 2007 by the Office of Management and Budget, Executive Office of the President.*
4. The number of net new full-time equivalent Florida jobs at the qualified target industry business as of December 31 of each year included in the project and the average wage of those jobs. If more than one type of business activity or product is included in the project, the number of jobs and average wage for those jobs must be separately stated for each type of business activity or product.
5. The total number of full-time equivalent employees employed by the applicant in this state.
6. The anticipated commencement date of the project.
7. A brief statement concerning the role that the tax refunds requested will play in the decision of the applicant to locate or expand in this state.
8. An estimate of the proportion of the sales resulting from the project that will be made outside this state.
9. A resolution adopted by the governing board of the county or municipality in which the project will be located, which resolution recommends that certain types of businesses be approved as a qualified target industry business and states that the commitments of local financial support necessary for the target industry business exist. In advance of the passage of such resolution, the office may also accept an official letter from an authorized local economic development agency that endorses the proposed target industry project and pledges that sources of local financial support for such project exist. For the purposes of making pledges of local financial support under this subsection, the authorized local economic development agency shall be officially designated by the passage of a one-time resolution by the local governing authority.
10. Any additional information requested by the office.

(b) To qualify for review by the office, the application of a target industry business must, at a minimum, establish the following to the satisfaction of the office:

1. The jobs proposed to be provided under the application, pursuant to subparagraph (a)4., must pay an estimated annual average wage equaling at least 115 percent of the average private sector wage in the area where the business is to be located or the statewide private sector average wage. *In determining the average annual wage, the office shall include only new proposed jobs, and wages for existing jobs shall be excluded from this calculation.* The office may waive ~~the~~ ~~this~~ average wage requirement at the request of the local governing body recommending the project and Enterprise Florida, Inc. The wage requirement may only be waived for a project located in a brownfield area designated under s. 376.80 or in a rural city or county or in an enterprise zone and only when the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. If the local governing body and Enterprise Florida, Inc., make such a recommendation, it must be transmitted in writing and the specific justification for the waiver recommendation must be explained. If the director elects to waive the wage requirement, the waiver must be stated in writing and the reasons for granting the waiver must be explained.

2. The target industry business’s project must result in the creation of at least 10 jobs at such project and, if an expansion of an existing business, must result in a net increase in employment of ~~at least not less than~~ 10 percent at ~~the~~ ~~such~~ business. Notwithstanding the definition of the term “expansion of an existing business” in paragraph (1)(g), at the request of the local governing body recommending the project and Enterprise Florida, Inc., the office may define an “expansion of an existing business” in a rural community or an enterprise zone as the expansion of a business resulting in a net increase in employment of less than 10 percent at such business if the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. If the local governing body and Enterprise Florida, Inc., make such a request, ~~the request~~ ~~it~~ must be transmitted in writing and the specific justification for the request must be explained. If the director elects to grant ~~the~~ ~~such~~ request, ~~the grant~~ ~~such~~ ~~election~~ must be stated in writing and the reason for granting the request must be explained.

3. The business activity or product for the applicant’s project is within an industry or industries that have been identified by the office to be high-value-added industries that contribute to the area and to the economic growth of the state and that produce a higher standard of living for ~~residents~~ ~~citizens~~ of this state in the new global economy or that can be shown to make an equivalent contribution to the area and state’s economic progress. The director must approve requests to waive the wage requirement for brownfield areas designated under s. 376.80 unless it is demonstrated that such action is not in the public interest.

(c) Each application meeting the requirements of paragraph (b) must be submitted to the office for determination of eligibility. The office shall review and evaluate each application based on, but not limited to, the following criteria:

1. Expected contributions to the state strategic economic development plan adopted by Enterprise Florida, Inc., taking into account the long-term effects of the project and of the applicant on the state economy.
2. The economic benefit of the jobs created by the project in this state, taking into account the cost and average wage of each job created.
3. The amount of capital investment to be made by the applicant in this state.
4. The local commitment and support for the project.
5. The effect of the project on the local community, taking into account the unemployment rate for the county where the project will be located.
6. The effect of any tax refunds granted pursuant to this section on the viability of the project and the probability that the project will be undertaken in this state if such tax refunds are granted to the applicant, taking into account the expected long-term commitment of the applicant to economic growth and employment in this state.

7. The expected long-term commitment to this state resulting from the project.

8. A review of the business's past activities in this state or other states, including whether such business has been subjected to criminal or civil fines and penalties. ~~Nothing in~~ This subparagraph ~~does not shall~~ require the disclosure of confidential information.

~~(d) Applications shall be reviewed and certified pursuant to s. 288.061. The office shall forward its written findings and evaluation concerning each application meeting the requirements of paragraph (b) to the director within 45 calendar days after receipt of a complete application. The office shall notify each target industry business when its application is complete, and of the time when the 45-day period begins. In its written report to the director, the office shall specifically address each of the factors specified in paragraph (c) and shall make a specific assessment with respect to the minimum requirements established in paragraph (b). The office shall include in its review report projections of the tax refunds the business would be eligible to receive in each fiscal year based on the creation and maintenance of the net new Florida jobs specified in subparagraph (a)4. as of December 31 of the preceding state fiscal year.~~

~~(e)1. Within 30 days after receipt of the office's findings and evaluation, the director shall issue a letter of certification that either approves or disapproves the application of the target industry business. The decision must be in writing and must provide the justifications for approval or disapproval.~~

~~2.~~ If appropriate, the director shall enter into a written agreement with the qualified target industry business pursuant to subsection (4).

~~(e) (f)~~ The director may not certify any target industry business as a qualified target industry business if the value of tax refunds to be included in that letter of certification exceeds the available amount of authority to certify new businesses as determined in s. 288.095(3). However, if the commitments of local financial support represent less than 20 percent of the eligible tax refund payments, or to otherwise preserve the viability and fiscal integrity of the program, the director may certify a qualified target industry business to receive tax refund payments of less than the allowable amounts specified in paragraph (2)(b). A letter of certification that approves an application must specify the maximum amount of tax refund that will be available to the qualified industry business in each fiscal year and the total amount of tax refunds that will be available to the business for all fiscal years.

~~(f) (g)~~ ~~Nothing in~~ This section ~~does not shall~~ create a presumption that an applicant ~~shall will~~ receive any tax refunds under this section. However, the office may issue nonbinding opinion letters, upon the request of prospective applicants, as to the applicants' eligibility and the potential amount of refunds.

(4) TAX REFUND AGREEMENT.—

(b) Compliance with the terms and conditions of the agreement is a condition precedent for the receipt of a tax refund each year. The failure to comply with the terms and conditions of the tax refund agreement results in the loss of eligibility for receipt of all tax refunds previously authorized under this section and the revocation by the director of the certification of the business entity as a qualified target industry business, unless the business is eligible to receive and elects to accept a prorated refund under paragraph (5)(d) or the office grants the business an economic-stimulus exemption.

1. A qualified target industry business may submit, in writing, a request to the office for an economic-stimulus exemption. The request must provide quantitative evidence demonstrating how negative economic conditions in the business's industry, the effects of the impact of a named hurricane or tropical storm, or specific acts of terrorism affecting the qualified target industry business have prevented the business from complying with the terms and conditions of its tax refund agreement.

2. Upon receipt of a request under subparagraph 1., the director shall have 45 days to notify the requesting business, in writing, if its exemption has been granted or denied. In determining if an exemption should be granted, the director shall consider the extent to which negative economic conditions in the requesting business's industry *have occurred in the state or* ; the effects of the impact of a named hurricane or

tropical storm; or specific acts of terrorism affecting the qualified target industry business have prevented the business from complying with the terms and conditions of its tax refund agreement. *The office shall consider current employment statistics for this state by industry, including whether the business's industry had substantial job loss during the prior year, when determining whether an exemption shall be granted.*

3. As a condition for receiving a prorated refund under paragraph (5)(d) or an economic-stimulus exemption under this paragraph, a qualified target industry business must agree to renegotiate its tax refund agreement with the office to, at a minimum, ensure that the terms of the agreement comply with current law and office procedures governing application for and award of tax refunds. Upon approving the award of a prorated refund or granting an economic-stimulus exemption, the office shall renegotiate the tax refund agreement with the business as required by this subparagraph. When amending the agreement of a business receiving an economic-stimulus exemption, the office may extend the duration of the agreement for a period not to exceed 2 years.

4. A qualified target industry business may submit a request for an economic-stimulus exemption to the office in lieu of any tax refund claim scheduled to be submitted after January 1, 2009 ~~2005~~, but before July 1, 2011 ~~2006~~.

5. A qualified target industry business that receives an economic-stimulus exemption may not receive a tax refund for the period covered by the exemption.

(5) ANNUAL CLAIM FOR REFUND.—

(c) A tax refund may not be approved for a qualified target industry business unless the required local financial support has been paid into the account for that refund. If the local financial support provided is less than 20 percent of the approved tax refund, the tax refund must be reduced. In no event may the tax refund exceed an amount that is equal to 5 times the amount of the local financial support received. Further, funding from local sources includes any tax abatement granted to that business under s. 196.1995 or the appraised market value of municipal or county land conveyed or provided at a discount to that business. The amount of any tax refund for such business approved under this section must be reduced by the amount of any such tax abatement granted or the value of the land granted; and the limitations in subsection (2) and paragraph (3)(e) ~~(f)~~ must be reduced by the amount of any such tax abatement or the value of the land granted. A report listing all sources of the local financial support shall be provided to the office when such support is paid to the account.

(8) EXPIRATION.—An applicant may not be certified as qualified under this section after June 30, 2010. A tax refund agreement existing on that date shall continue in effect in accordance with its terms.

Section 17. Paragraph (e) of subsection (1), paragraph (b) of subsection (3), and paragraph (f) of subsection (4) of section 288.107, Florida Statutes, are amended, and paragraph (e) is added to subsection (3) of that section, to read:

288.107 Brownfield redevelopment bonus refunds.—

(1) Definitions.— As used in this section:

(e) "Eligible business" means:

1. A qualified target industry business as defined in s. 288.106(1)(o); or

2. A business that can demonstrate a fixed capital investment of at least \$2 million in mixed-use business activities, including multiunit housing, commercial, retail, and industrial in brownfield areas, *or at least \$500,000 in brownfield areas that do not require site cleanup*, and which provides benefits to its employees.

(3) CRITERIA.—The minimum criteria for participation in the brownfield redevelopment bonus refund are:

(b) The completion of a fixed capital investment of at least \$2 million in mixed-use business activities, including multiunit housing, commercial, retail, and industrial in brownfield areas, *or at least \$500,000 in brownfield areas that do not require site cleanup*, by an eligible business

applying for a refund under paragraph (2)(b) which provides benefits to its employees.

(e) *A resolution adopted by the governing board of the county or municipality in which the project will be located that recommends that certain types of businesses be approved.*

(4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

(f) *Applications shall be reviewed and certified pursuant to s. 288.061. The office shall review all applications submitted under s. 288.106 or other similar application forms for other eligible businesses as defined in paragraph (1)(e) which indicate that the proposed project will be located in a brownfield and determine, with the assistance of the Department of Environmental Protection, that the project location is within a brownfield as provided in this act.*

Section 18. Paragraphs (b), (c), and (d) of subsection (5) and subsections (7) and (8) of section 288.108, Florida Statutes, are amended to read:

288.108 High-impact business.—

(5) APPLICATIONS; CERTIFICATION PROCESS; GRANT AGREEMENT.—

(b) *Applications shall be reviewed and certified pursuant to s. 288.061. Enterprise Florida, Inc., shall review each submitted application and inform the applicant business whether or not its application is complete within 10 working days. Once the application is deemed complete, Enterprise Florida, Inc., has 10 working days within which to evaluate the application and recommend approval or disapproval of the application to the director. In recommending an applicant business for approval, Enterprise Florida, Inc., shall include a recommended grant award amount in its evaluation forwarded to the office.*

~~(c) Upon receipt of the evaluation and recommendation of Enterprise Florida, Inc., the director has 5 working days to enter a final order that either approves or disapproves an applicant business as a qualified high-impact business facility, unless the business requests an extension of the time. The final order shall specify the total amount of the qualified high-impact business facility performance grant award, the performance conditions that must be met to obtain the award, and the schedule for payment of the performance grant.~~

~~(c) (d)~~ The director and the qualified high-impact business shall enter into a performance grant agreement setting forth the conditions for payment of the qualified high-impact business performance grant. The agreement shall include the total amount of the qualified high-impact business facility performance grant award, the performance conditions that must be met to obtain the award, including the employment, average salary, investment, the methodology for determining if the conditions have been met, and the schedule of performance grant payments.

~~(7) REPORTING.—The office shall by December 1 of each year issue a complete and detailed report of all designated high impact sectors, all applications received and their disposition, all final orders issued, and all payments made, including analyses of benefits and costs, types of projects supported, and employment and investments created. The report shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives.~~

~~(7) (8)~~ RULEMAKING.—The office may adopt rules necessary to carry out the provisions of this section.

Section 19. Paragraphs (a), (b), and (c) of subsection (3) of section 288.1088, Florida Statutes, are amended to read:

288.1088 Quick Action Closing Fund.—

(3)(a) Enterprise Florida, Inc., shall review applications pursuant to s. 288.061 and determine eligibility of each project consistent with the criteria in subsection (2). Enterprise Florida, Inc., in consultation with the Office of Tourism, Trade, and Economic Development, may waive these criteria based on extraordinary circumstances or in rural areas of critical economic concern if the project would significantly benefit the local or regional economy. Enterprise Florida, Inc., shall evaluate in-

dividual proposals for high-impact business facilities and forward recommendations regarding the use of moneys in the fund for such facilities to the director of the Office of Tourism, Trade, and Economic Development. Such evaluation and recommendation must include, but need not be limited to:

1. A description of the type of facility or infrastructure, its operations, and the associated product or service associated with the facility.

2. The number of full-time-equivalent jobs that will be created by the facility and the total estimated average annual wages of those jobs or, in the case of privately developed rural infrastructure, the types of business activities and jobs stimulated by the investment.

3. The cumulative amount of investment to be dedicated to the facility within a specified period.

4. A statement of any special impacts the facility is expected to stimulate in a particular business sector in the state or regional economy or in the state's universities and community colleges.

5. A statement of the role the incentive is expected to play in the decision of the applicant business to locate or expand in this state or for the private investor to provide critical rural infrastructure.

6. A report evaluating the quality and value of the company submitting a proposal. The report must include:

a. A financial analysis of the company, including an evaluation of the company's short-term liquidity ratio as measured by its assets to liability, the company's profitability ratio, and the company's long-term solvency as measured by its debt-to-equity ratio;

b. The historical market performance of the company;

c. A review of any independent evaluations of the company;

d. A review of the latest audit of the company's financial statement and the related auditor's management letter; and

e. A review of any other types of audits that are related to the internal and management controls of the company.

~~(b) Within 22 calendar days after receiving~~ Upon receipt of the evaluation and recommendation from Enterprise Florida, Inc., the director shall recommend to the Governor approval or disapproval of a project for receipt of funds from the Quick Action Closing Fund to the Governor. In recommending a project, the director shall include proposed performance conditions that the project must meet to obtain incentive funds. The Governor shall provide the evaluation of projects recommended for approval to the President of the Senate and the Speaker of the House of Representatives and consult with the President of the Senate and the Speaker of the House of Representatives before giving final approval for a project. The Executive Office of the Governor shall recommend approval of a project and the release of funds pursuant to the legislative consultation and review requirements set forth in s. 216.177. The recommendation must include proposed performance conditions that the project must meet in order to obtain funds.

(c) Upon the approval of the Governor, the director of the Office of Tourism, Trade, and Economic Development and the business shall enter into a contract that sets forth the conditions for payment of moneys from the fund. The contract must include the total amount of funds awarded; the performance conditions that must be met to obtain the award, including, but not limited to, net new employment in the state, average salary, and total capital investment; demonstrate a baseline of current service and a measure of enhanced capability; the methodology for validating performance; the schedule of payments from the fund; and sanctions for failure to meet performance conditions. The contract must provide that payment of moneys from the fund is contingent upon sufficient appropriation of funds by the Legislature and upon sufficient release of appropriated funds by the Legislative Budget Commission.

Section 20. Subsection (2) of section 257.193, Florida Statutes, is amended to read:

257.193 Community Libraries in Caring Program.—

(2) The purpose of the Community Libraries in Caring Program is to assist libraries in rural communities, as defined in s. 288.0656(2)(b) and subject to the provisions of s. 288.06561, to strengthen their collections and services, improve literacy in their communities, and improve the economic viability of their communities.

Section 21. Section 288.019, Florida Statutes, is amended to read:

288.019 Rural considerations in grant review and evaluation processes.—Notwithstanding any other law, and to the fullest extent possible, the member agencies and organizations of the Rural Economic Development Initiative (REDI) as defined in s. 288.0656(6)(a) shall review all grant and loan application evaluation criteria to ensure the fullest access for rural counties as defined in s. 288.0656(2)(b) to resources available throughout the state.

(1) Each REDI agency and organization shall review all evaluation and scoring procedures and develop modifications to those procedures which minimize the impact of a project within a rural area.

(2) Evaluation criteria and scoring procedures must provide for an appropriate ranking based on the proportionate impact that projects have on a rural area when compared with similar project impacts on an urban area.

(3) Evaluation criteria and scoring procedures must recognize the disparity of available fiscal resources for an equal level of financial support from an urban county and a rural county.

(a) The evaluation criteria should weight contribution in proportion to the amount of funding available at the local level.

(b) In-kind match should be allowed and applied as financial match when a county is experiencing financial distress through elevated unemployment at a rate in excess of the state's average by 5 percentage points or because of the loss of its ad valorem base.

(4) For existing programs, the modified evaluation criteria and scoring procedure must be delivered to the Office of Tourism, Trade, and Economic Development for distribution to the REDI agencies and organizations. The REDI agencies and organizations shall review and make comments. Future rules, programs, evaluation criteria, and scoring processes must be brought before a REDI meeting for review, discussion, and recommendation to allow rural counties fuller access to the state's resources.

Section 22. Paragraph (d) of subsection (15) of section 627.6699, Florida Statutes, is amended to read:

627.6699 Employee Health Care Access Act.—

(15) SMALL EMPLOYERS ACCESS PROGRAM.—

(d) Eligibility.—

1. Any small employer that is actively engaged in business, has its principal place of business in this state, employs up to 25 eligible employees on business days during the preceding calendar year, employs at least 2 employees on the first day of the plan year, and has had no prior coverage for the last 6 months may participate.

2. Any municipality, county, school district, or hospital employer located in a rural community as defined in s. 288.0656(2)(b) may participate.

3. Nursing home employers may participate.

4. Each dependent of a person eligible for coverage is also eligible to participate.

Any employer participating in the program must do so until the end of the term for which the carrier providing the coverage is obligated to provide such coverage to the program. Coverage for a small employer group that ceases to meet the eligibility requirements of this section may be terminated at the end of the policy period for which the necessary premiums have been paid.

Section 23. Subsection (8) is added to section 288.9015, Florida Statutes, to read:

288.9015 Enterprise Florida, Inc.; purpose; duties.—

(8) *Enterprise Florida, Inc., shall be responsible for responding to all inquiries related to Florida's business requirements, economic incentives, and business development opportunities.*

Section 24. Subsection (2) of section 288.9622, Florida Statutes, is amended to read:

288.9622 Findings and intent.—

(2) It is the intent of the Legislature that ss. 288.9621-288.9625 serve to mobilize private investment in a broad variety of venture capital partnerships in diversified industries and geographies; retain private sector investment criteria focused on rate of return; use the services of highly qualified managers in the venture capital industry regardless of location; facilitate the organization of the Florida Opportunity Fund as ~~an a fund of funds~~ investor in seed and early stage *businesses, infrastructure projects*, venture capital *funds*, and angel funds; and precipitate capital investment and extensions of credit to and in the Florida Opportunity Fund.

Section 25. Subsection (4) and paragraph (a) of subsection (5) of section 288.9624, Florida Statutes, are amended to read

288.9624 Florida Opportunity Fund; creation; duties.—

(4) For the purpose of mobilizing investment in a broad variety of Florida-based, new technology companies and generating a return sufficient to continue reinvestment, the fund shall:

(a) Invest ~~directly only~~ in seed and early stage venture capital funds that have experienced managers or management teams with demonstrated experience, expertise, and a successful history in the investment of venture capital funds, focusing on opportunities in this state. The fund ~~also may not~~ make direct investments, *including loans*, in individual businesses and *infrastructure projects*. While not precluded from investing in venture capital funds that have investments outside this state, the fund must require a venture capital fund to show a record of successful investment in this state, to be based in this state, or to have an office in this state staffed with a full-time, professional venture investment executive in order to be eligible for investment.

(b) Negotiate for investment capital or loan proceeds from private, institutional, or banking sources.

(c) Negotiate any and all terms and conditions for its investments.

(d) Invest only in funds, *businesses, and infrastructure projects* that have raised capital from other sources so that the amount invested in *such funds, businesses, or infrastructure projects* ~~an entity in this state~~ is at least twice the amount invested by the fund. *Direct investments must be made in Florida infrastructure projects or businesses that are Florida-based or have significant business activities in Florida and operate in technology sectors that are strategic to Florida* ~~companies~~, including, but not limited to, enterprises in life sciences, information technology, advanced manufacturing processes, aviation and aerospace, and homeland security and defense, as well as other strategic technologies.

(e) *Form or operate other entities and accept additional funds from other public and private sources to further its purpose.*

*The Opportunity Fund may not use its original legislative appropriation of \$29.5 million for direct investments, including loans, in businesses or infrastructure projects, or for any purpose not specified in chapter 2007-189, Laws of Florida.*

(5) By December 1 of each year, the board shall issue an annual report concerning the activities conducted by the fund to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The annual report, at a minimum, must include:

(a) An accounting of the amount of investments disbursed by the fund and the progress of the fund, *including the progress of business and infrastructure projects that have been provided direct investment by the fund.*

Section 26. Paragraph (a) of subsection (2) of section 443.1715, Florida Statutes, is amended to read:

443.1715 Disclosure of information; confidentiality.—

(2) DISCLOSURE OF INFORMATION.—

(a) Subject to restrictions the Agency for Workforce Innovation or the state agency providing unemployment tax collection services adopts by rule, information declared confidential under this section is available to any agency of this or any other state, or any federal agency, charged with the administration of any unemployment compensation law or the maintenance of the one-stop delivery system, or the Bureau of Internal Revenue of the United States Department of the Treasury, *the Governor's Office of Tourism, Trade, and Economic Development*, or the Florida Department of Revenue. Information obtained in connection with the administration of the one-stop delivery system may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a job-preparatory or career education or training program. The Agency for Workforce Innovation shall, on a quarterly basis, furnish the National Directory of New Hires with information concerning the wages and unemployment benefits paid to individuals, by the dates, in the format, and containing the information specified in the regulations of the United States Secretary of Health and Human Services. Upon request, the Agency for Workforce Innovation shall furnish any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation, and employment status of each recipient of benefits and the recipient's rights to further benefits under this chapter. Except as otherwise provided by law, the receiving agency must retain the confidentiality of this information as provided in this section. The tax collection service provider may request the Comptroller of the Currency of the United States to examine the correctness of any return or report of any national banking association rendered under this chapter and may in connection with that request transmit any report or return for examination to the Comptroller of the Currency of the United States as provided in s. 3305(c) of the federal Internal Revenue Code.

Section 27. This act shall take effect July 1, 2009.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to economic development; amending s. 288.1089, F.S.; defining the terms "commission," "industry wage," "naming opportunities," and "net royalty revenues"; expanding the definition of "project" to include alternative and renewable energy applicants; requiring that an application for an incentive award include certain information; authorizing the waiver or reduction of requirements relating to matching funds for alternative and renewable energy projects; requiring that Enterprise Florida, Inc., evaluate proposals for all categories of innovation incentive awards and solicit comments from the Florida Energy and Climate Commission before making its recommendations; providing requirements for such evaluations and recommendations; providing additional criteria for a research and development facility; deleting qualifying criteria for alternative and renewable energy projects; creating additional evaluation criteria for alternative and renewable energy projects; requiring that the Executive Office of the Governor release funds upon review and approval of an award by the Legislative Budget Commission; requiring the Office of Tourism, Trade, and Economic Development and the recipient of an award to enter into a contract setting forth conditions for the payment of incentive funds; requiring that such agreement include certain provisions; requiring that agreements signed after a specified date contain certain additional provisions; requiring that Enterprise Florida, Inc., submit a report containing certain information within a specified period after the conclusion of such agreement to the Governor, the President of the Senate, and the Speaker of the House of Representatives; requiring that each recipient of an award comply with certain business ethics standards developed by Enterprise Florida, Inc.; deleting provisions authorizing Enterprise Florida, Inc., to collaborate with the State University System in reviewing and evaluating business ethics standards; requiring that the office submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report containing certain information; specifying a date on which the office shall begin submitting such reports; requiring that the Office of Program Policy Analysis and Government Accountability and the Office of the Auditor General submit a report; requiring that such reports be sub-

mitted at specified intervals; requiring that such reports include certain information; authorizing the office to seek the assistance of certain government entities for certain purposes; amending s. 166.231, 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.; specifying a review and certification requirement for the urban high crime area job tax credit applications; amending s. 212.098, F.S.; revising the definition for "qualified area"; amending s. 213.053, F.S.; granting the Office of Tourism, Trade, and Economic Development access to certain confidential and exempt records held by the Department of Revenue and related to certain tax incentive and tax refund programs; amending s. 220.15, F.S.; revising industry code designations; providing a definition; 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 rural areas of critical economic concern to designate certain catalyst projects for certain purposes; providing project requirements; 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 certain definitions; revising industry code designation requirements for certain activities under the tax refund program for qualified target industry businesses; 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 a definition; revising criteria 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 ss. 257.193, 288.019, and 627.6699, F.S.; conforming cross-references; amending s. 288.9015, F.S.; specifying that Enterprise Florida, Inc., is responsible for responding to inquiries related to the state's business incentives and opportunities; amending s. 288.9622, F.S.; expanding the types of investments that may be made by the Florida Opportunity Fund; amending s. 288.9624, F.S.; providing a limitation on how the originally appropriated funds may be invested; allowing the Florida Opportunity Fund to form or create other entities for investment purposes; revising a reporting requirement; amending s.

443.1715, F.S.; allowing disclosure of certain confidential unemployment compensation data to the Office of Tourism, Trade, and Economic Development; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for HB 7031** as amended was placed on the calendar of Bills on Third Reading.

**SB 2246**—A bill to be entitled An act relating to the Jacksonville Transportation Authority; amending s. 349.02, F.S.; revising definitions; defining the term “transportation facilities”; amending s. 349.03, F.S.; revising a requirement for membership on the governing body of the authority to provide that an appointed member must be a resident and elector of Duval County; amending s. 349.04, F.S.; revising scope of the authority to include certain services throughout Duval County; revising authority, powers, rights, and responsibilities of the authority to provide for planning, coordinating, developing, financing, refinancing, constructing, owning, leasing, purchasing, operating, maintaining, relocating, equipping, repairing, and managing described transportation projects intended to address needs or concerns in the Jacksonville, Duval County, metropolitan area; revising bonding provisions; providing for the authority to fix, alter, charge, establish, and collect rates, fees, rentals, and other charges for any transportation facilities of the authority; revising eminent domain provisions to include specified procedural powers; authorizing use of local option taxes or county gasoline tax funds to secure the payment of bonds; authorizing the authority to establish and fund reserve accounts, adopt an annual budget, use purchasing schedules and master purchasing contracts, retain legal counsel and other consultants, construct and own and maintain transportation facilities outside the jurisdictional boundaries of Duval County, form public benefit corporations, require bid bonds and protest bonds, prequalify bidders or proposers, suspend or debar consultants and contractors, and create and operate an employees’ benefit fund; providing for the authority to expand its service area and enter into a partnership with a contiguous county; providing that the powers and obligations of the authority shall not be subject to supervision, approval, or consent of any municipality or county except as agreed upon in an interlocal agreement; providing for certain contractual limitations and recovery of liquidated damages; providing for relocation of utility facilities interfering with transportation projects; authorizing the authority to enter lands, waters, and premises of another in the performance of its duties; amending s. 349.041, F.S.; revising provisions for funds appropriated by the City of Jacksonville to the authority; repealing s. 349.042, F.S., relating to the Jacksonville area planning board review of construction and operation of the expressway and transit functions of the authority; creating s. 349.043, F.S.; requiring a public hearing prior to designation or relocation of transportation facilities or substantive changes thereto; providing procedures; requiring compliance with federal and state requirements related to new or altered transportation facilities or services; amending s. 349.05, F.S.; authorizing bonds to be issued on behalf of the authority; revising provisions for issuance and sale of bonds; authorizing certain refunding bonds; revising provisions for resolutions authorizing bonds; revising provisions for fiscal agents; providing that bonds are not obligations of the state; repealing s. 349.06, F.S., relating to remedies of the bondholders; creating s. 349.061, F.S.; providing approval for bond financing by the authority; amending s. 349.07, F.S.; revising provisions authorizing the Department of Transportation to expend certain funds and use its resources for certain items related to the Jacksonville Expressway System; amending s. 349.10, F.S.; revising provisions for the authority to acquire lands and rights therein; limiting liability of the authority with respect to certain contamination of lands acquired; authorizing the authority and the Department of Environmental Protection to enter into agreements for the performance and funding of investigative and remedial acts; amending s. 349.12, F.S.; revising covenant of the state related to bonds of the authority; amending s. 349.13, F.S.; specifying conditions under which property leased by the authority is exempt from ad valorem taxes; amending s. 349.15, F.S.; revising provisions for enforcement of rights by bondholders; amending s. 349.17, F.S.; revising provisions for application of and exemption from other laws relating to issuance of bonds; amending s. 349.21, F.S.; revising provisions for use of charter county transit system surtax funds to secure payment of bonds of the authority; restricting use of surtax moneys collected within Duval County; creating s. 349.22, F.S.; provid-

ing conditions for the authority to receive or solicit proposals and enter into agreements with private entities for the building, operation, ownership, or financing of highways, bridges, multimodal transportation systems, transit-oriented development nodes, transit stations, or related transportation facilities; requiring certain costs to be paid by the private entity; authorizing the department to use state funds for projects on or that increase mobility on the State Highway System; requiring notice of proposals and providing procedures; providing for agreements to authorize the imposition of tolls; requiring public-private transportation facilities to comply with laws, comprehensive plans, and the authority’s rules, policies, procedures, standards, and conditions; authorizing the authority to exercise its powers to facilitate public-private projects; providing for application; amending s. 20.23, F.S.; revising the functions of the Florida Transportation Commission; adding the authority to the transportation agencies monitored by the commission; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 2246** to **CS for HB 1213**.

Pending further consideration of **SB 2246** as amended, on motion by Senator King, by two-thirds vote **CS for HB 1213** was withdrawn from the Committees on Transportation; Judiciary; Finance and Tax; and Transportation and Economic Development Appropriations.

On motion by Senator King—

**CS for HB 1213**—A bill to be entitled An act relating to the Jacksonville Transportation Authority; amending s. 349.02, F.S.; revising definitions; defining the term “transportation facilities”; amending s. 349.03, F.S.; revising a requirement for membership on the governing body of the authority to provide that an appointed member must be a resident and elector of Duval County; amending s. 349.04, F.S.; revising scope of the authority to include certain services throughout Duval County; revising authority, powers, rights, and responsibilities of the authority to provide for planning, coordinating, developing, financing, refinancing, constructing, owning, leasing, purchasing, operating, maintaining, relocating, equipping, repairing, and managing described transportation projects intended to address needs or concerns in the Jacksonville, Duval County, metropolitan area; revising bonding provisions; providing for the authority to fix, alter, charge, establish, and collect rates, fees, rentals, and other charges for any transportation facilities of the authority; revising eminent domain provisions to include specified procedural powers; authorizing use of local option taxes or county gasoline tax funds to secure the payment of bonds; authorizing the authority to establish and fund reserve accounts, adopt an annual budget, use purchasing schedules and master purchasing contracts, retain legal counsel and other consultants, construct and own and maintain transportation facilities outside the jurisdictional boundaries of Duval County, form public benefit corporations, require bid bonds and protest bonds, prequalify bidders or proposers, suspend or debar consultants and contractors, and create and operate an employees’ benefit fund; providing for the authority to expand its service area and enter into a partnership with a contiguous county; providing that the powers and obligations of the authority shall not be subject to supervision, approval, or consent of any municipality or county except as agreed upon in an interlocal agreement; providing for certain contractual limitations and recovery of liquidated damages; providing for relocation of utility facilities interfering with transportation projects; authorizing the authority to enter lands, waters, and premises of another in the performance of its duties; amending s. 349.041, F.S.; revising provisions for funds appropriated by the City of Jacksonville to the authority; repealing s. 349.042, F.S., relating to the Jacksonville area planning board review of construction and operation of the expressway and transit functions of the authority; creating s. 349.043, F.S.; requiring a public hearing prior to designation or relocation of transportation facilities or substantive changes thereto; providing procedures; requiring compliance with federal and state requirements related to new or altered transportation facilities or services; amending s. 349.05, F.S.; authorizing bonds to be issued on behalf of the authority; revising provisions for issuance and sale of bonds; authorizing certain refunding bonds; revising provisions for resolutions authorizing bonds; revising provisions for fis-

cal agents; providing that bonds are not obligations of the state; repealing s. 349.06, F.S., relating to remedies of the bondholders; creating s. 349.061, F.S.; providing approval for bond financing by the authority; amending s. 349.07, F.S.; revising provisions authorizing the Department of Transportation to expend certain funds and use its resources for certain items related to the Jacksonville Expressway System; amending s. 349.10, F.S.; revising provisions for the authority to acquire lands and rights therein; limiting liability of the authority with respect to certain contamination of lands acquired; authorizing the authority and the Department of Environmental Protection to enter into agreements for the performance and funding of investigative and remedial acts; amending s. 349.12, F.S.; revising covenant of the state related to bonds of the authority; amending s. 349.13, F.S.; specifying conditions under which property leased by the authority is exempt from ad valorem taxes; amending s. 349.15, F.S.; revising provisions for enforcement of rights by bondholders; amending s. 349.17, F.S.; revising provisions for application of and exemption from other laws relating to issuance of bonds; amending s. 349.21, F.S.; revising provisions for use of charter county transit system surtax funds to secure payment of bonds of the authority; restricting use of surtax moneys collected within Duval County; creating s. 349.22, F.S.; providing conditions for the authority to receive or solicit proposals and enter into agreements with private entities for the building, operation, ownership, or financing of highways, bridges, multimodal transportation systems, transit-oriented development nodes, transit stations, or related transportation facilities; requiring certain costs to be paid by the private entity; authorizing the department to use state funds for projects on or that increase mobility on the State Highway System; requiring notice of proposals and providing procedures; providing for agreements to authorize the imposition of tolls; requiring public-private transportation facilities to comply with laws, comprehensive plans, and the authority's rules, policies, procedures, standards, and conditions; authorizing the authority to exercise its powers to facilitate public-private projects; providing for application; amending s. 20.23, F.S.; revising the functions of the Florida Transportation Commission; adding the authority to the transportation agencies monitored by the commission; providing an effective date.

—a companion measure, was substituted for **SB 2246** as amended and read the second time by title.

Senator King moved the following amendment which was adopted:

**Amendment 1 (549070) (with title amendment)**—Between lines 1006 and 1007 insert:

Section 19. Subsection (1) of section 334.30, Florida Statutes, is amended to read:

334.30 Public-private transportation facilities.—The Legislature finds and declares that there is a public need for the rapid construction of safe and efficient transportation facilities for the purpose of traveling within the state, and that it is in the public's interest to provide for the construction of additional safe, convenient, and economical transportation facilities.

(1) The department may receive or solicit proposals and, with legislative approval as evidenced by approval of the project in the department's work program, enter into agreements with private entities, or consortia thereof, for the building, operation, ownership, or financing of transportation facilities. The department may advance projects programmed in the adopted 5-year work program or projects increasing transportation capacity and greater than \$500 million in the 10-year Strategic Intermodal Plan using funds provided by public-private partnerships or private entities to be reimbursed from department funds for the project as programmed in the adopted work program. The department shall by rule establish an application fee for the submission of unsolicited proposals under this section. The fee must be sufficient to pay the costs of evaluating the proposals. The department may engage the services of private consultants to assist in the evaluation. Before approval, the department must determine that the proposed project:

- (a) Is in the public's best interest;
- (b) Would not require state funds to be used unless the project is on the State Highway System;

(c) Would have adequate safeguards in place to ensure that no additional costs or service disruptions would be realized by the traveling public and residents of the state in the event of default or cancellation of the agreement by the department;

(d) Would have adequate safeguards in place to ensure that the department or the private entity has the opportunity to add capacity to the proposed project and other transportation facilities serving similar origins and destinations; and

(e) Would be owned by the department upon completion or termination of the agreement.

The department shall ensure that all reasonable costs to the state, related to transportation facilities that are not part of the State Highway System, are borne by the private entity. The department shall also ensure that all reasonable costs to the state and substantially affected local governments and utilities, related to the private transportation facility, are borne by the private entity for transportation facilities that are owned by private entities. For projects on the State Highway System, the department may use state resources to participate in funding and financing the project as provided for under the department's enabling legislation. *Because the Legislature recognizes that private entities or consortia thereof would perform a governmental or public purpose or function when they enter into agreements with the department to design, build, operate, own, or finance transportation facilities, the transportation facilities, including leasehold interests thereof, are exempt from ad valorem taxes as provided in chapter 196 to the extent property is owned by the state or other government entity, and from intangible taxes as provided in chapter 199 and special assessments of the state, any city, town, county, special district, political subdivision of the state, or any other governmental entity. The private entities or consortia thereof are exempt from tax imposed by chapter 201 on all documents or obligations to pay money which arise out of the agreements to design, build, operate, own, lease, or finance transportation facilities. Any private entities or consortia thereof must pay any applicable corporate taxes as provided in chapters 220 and 221, and unemployment compensation taxes as provided in chapter 443, and sales and use tax as provided in chapter 212 shall be applicable. The private entities or consortia thereof must also register and collect the tax imposed by chapter 212 on all their direct sales and leases that are subject to tax under chapter 212. The agreement between the private entity or consortia thereof and the department establishing a transportation facility under this chapter constitute documentation sufficient to claim any exemption under this section.*

And the title is amended as follows:

Delete line 104 and insert: the commission; amending s. 334.30, F.S.; exempting certain public-private transportation facilities from certain specified taxes and special assessments; excluding certain taxes from such exemption; providing an effective date.

#### MOTION

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

Senator King moved the following amendment which was adopted:

**Amendment 2 (966632) (with title amendment)**—Between lines 1006 and 1007 insert:

Section 19. *The Department of Transportation shall direct a study to be conducted and funded by the authority created in chapter 349, Florida Statutes, for the purpose of recommending to the Legislature the framework for a regional transportation authority for the northeast region of Florida, composed of the following counties and each of the municipalities located therein: Baker, Clay, Duval, Flagler, Nassau, Putnam, and St. Johns. The study shall include, at a minimum, the existing powers and duties of the authority, as well as the additional powers and duties necessary for the agency to plan, design, finance, construct, operate, and maintain transportation facilities providing a safe, adequate, and efficient surface transportation network for the region, consistent with the statewide transportation network. In addition, the study shall address agency revenue sources, governance, coordination of work plans, and coordination with local comprehensive plans for all transportation facilities of the agency. Recommendations shall be delivered to the President of the*

*Senate and Speaker of the House of Representatives no later than February 1, 2010.*

And the title is amended as follows:

Delete line 104 and insert: the commission; requiring that the Department of Transportation direct a study for certain purposes; requiring that such study include and address certain elements; requiring that recommendations be delivered to the Legislature by a specified date; providing an effective date.

Pursuant to Rule 4.19, **CS for HB 1213** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia, by two-thirds vote **CS for HB 7043** was withdrawn from the Committees on Commerce; Governmental Oversight and Accountability; and Rules.

On motion by Senator Garcia—

**CS for HB 7043**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding Scripps Florida Funding Corporation; amending s. 288.955, F.S.; clarifying the definition of “grantee”; amending s. 288.9551, F.S.; narrowing the public records exemption for specified information held by the Scripps Florida Funding Corporation and the public meetings exemption for portions of meetings of the board of directors of the corporation at which confidential and exempt information is discussed; removing the Office of Tourism, Trade, and Economic Development from the public records and public meetings exemptions; reorganizing and conforming provisions; making editorial changes; removing superfluous language; providing a penalty; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing an effective date.

—a companion measure, was substituted for **CS for SB 2032** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 7043** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker, by two-thirds vote **CS for CS for HB 821** was withdrawn from the Committees on Community Affairs; and Judiciary.

On motion by Senator Baker—

**CS for CS for HB 821**—A bill to be entitled An act relating to community development districts; amending s. 190.003, F.S.; defining the term “compact, urban, mixed-use district”; amending s. 190.006, F.S.; providing for application of certain board of supervisors election time periods to compact, urban, mixed-use districts; providing for retroactive application; amending ss. 190.005, 190.011, 190.016, 190.021, and 348.968, F.S.; conforming cross-references; amending s. 190.012, F.S.; revising deed restriction enforcement rulemaking authority of boards of directors of community development districts; authorizing certain property owners to elect a district board advisor; providing advisor responsibilities; providing requirements for district board advisor review and recommendations relating to enforcement of the district rules outside the boundaries of the district; requiring creation of a district board advisor seat after an interlocal agreement is entered into; providing for election of the advisor and the term of office; providing election procedures and requirements; amending s. 190.046, F.S.; revising procedures and requirements to amend the boundaries of a community development district; revising procedures and requirements to merge community development districts; providing limitations; providing for petition filing fees; preserving rights of creditors, liens upon property, and claims and pending actions or proceedings; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1602** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 821** was placed on the calendar of Bills on Third Reading.

On motion by Senator Haridopolos, by two-thirds vote **CS for HB 7051** was withdrawn from the Committees on Governmental Oversight and Accountability; and Rules.

On motion by Senator Haridopolos—

**CS for HB 7051**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act for social security numbers; amending s. 119.071, F.S.; providing that social security numbers of current and former agency employees held by the employing agency are confidential and exempt from public records requirements; providing for future review and repeal of the exemption; requiring that an agency identify in writing the specific federal or state laws governing the collection, use, and release of social security numbers and ensure compliance therewith; requiring notice as to whether collection of a social security number is authorized or mandatory under federal or state law; clarifying that the public records exemption for social security numbers held by an agency does not supersede any federal law prohibiting the release of social security numbers or any other applicable public records exemptions for social security numbers; delineating conditions under which social security numbers held by an agency may be disclosed; redefining the term “commercial activity” for purposes of provisions authorizing the disclosure of a social security number under limited circumstances; eliminating agency reports of requests for social security numbers by commercial entities; reenacting ss. 119.0714(1)(i), (2)(e), and (3)(b) and 1007.35(8)(b), F.S., relating to social security numbers contained in records that are made part of a court file, a future requirement of court clerks to keep social security numbers confidential and exempt without a request for redaction and specified nonapplicability to court clerks with respect to court records, the availability of social security numbers as part of official records, a future requirement of county recorders to keep social security numbers confidential and exempt without a request for redaction and specified nonapplicability to county recorders with respect to official records, and access to specified information under the Florida Partnership for Minority and Underrepresented Student Achievement, respectively, for the purpose of incorporating the amendment to s. 119.071, F.S., in references thereto; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 1838** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 7051** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

**CS for CS for SB 1372**—A bill to be entitled An act relating to insurance; providing a short title; amending s. 624.310, F.S.; expanding the definition of “affiliated party” to include certain third-party marketers; amending s. 626.025, F.S.; including family members of insurance agents in a prohibition related to the transaction of life insurance; amending s. 626.621, F.S.; expanding grounds for discretionary refusal, suspension, or revocation of certain licenses; amending s. 626.641, F.S.; prohibiting the Department of Financial Services from issuing certain licenses in certain circumstances; amending s. 626.798, F.S.; prohibiting a family member of a life insurance agent from being a beneficiary of certain policies; amending s. 626.9521, F.S.; providing that the failure to ascertain a customer’s age at the time of an insurance application does not constitute a defense to certain violations of state law; authorizing the use of video depositions in certain circumstances; amending s. 626.99, F.S.; extending the unconditional refund period for fixed annuity contracts and variable or market value annuity contracts for customers 65 years of age or older; requiring that the unconditional refund amount for a variable or market value annuity contract be equal to the cash surrender value provided in the contract, plus any fees or charges deducted from the premiums or imposed under the contract; providing for applicability of certain provisions; requiring that an insurer provide a prospective purchaser of an annuity policy with a buyer’s

guide to annuities; requiring that such buyer's guide contain certain information; requiring that an insurer attach a cover page to an annuity policy informing the purchaser of the unconditional refund period; requiring that the cover page provide other specified information; amending s. 627.4554, F.S.; defining the term "accredited investor"; authorizing the Department of Financial Services to order an insurance agent to pay monetary restitution to a senior consumer under certain circumstances; limiting the amount of such restitution; prohibiting an annuity contract issued to a senior consumer from containing a surrender or deferred sales charge for withdrawal of funds from an annuity in excess of a specified maximum amount; providing for the periodic reduction of such charge; creating s. 817.2351, F.S.; providing that it is unlawful for a natural person to perform certain acts in connection with the rendering of any advice or the offer, sale, or purchase of any financial services product to a person who is 65 years of age or older; providing that performance of such a prohibited act constitutes a felony of the third degree; providing for applicability; providing that criminal prosecution for certain offenses is subject to specified time limitations as prescribed by state law; providing an effective date.

—was read the second time by title.

Senator Bennett moved the following amendments which were adopted:

**Amendment 1 (529988)**—Delete line 325 and insert: *purchased by an accredited investor or to those annuities specified in paragraph (7)(b).*

**Amendment 2 (404968)**—Delete lines 326-353 and insert:

Section 10. Section 817.2351, Florida Statutes, is created to read:

*817.2351 Fraudulent financial services transactions when victim is 65 years of age or older; penalty.—*

*(1) It is unlawful and a violation of the provisions of this chapter for a natural person, in connection with the rendering of any advice or the offer, sale, or purchase of any annuity product to a person who is 65 years of age or older, including, but not limited to, "twisting" as defined in s. 626.9541(1) or "churning" as defined in s. 626.9541(1)(aa) of insurance products, to directly or indirectly:*

*(a) Employ any device, scheme, or artifice to defraud a person;*

*(b) Engage in any transaction, practice, or course of business that operates or would operate as a fraud or deceit upon a person; or*

*(c) Knowingly and willfully falsify, conceal, or cover up, by any trick, scheme, or device, a material fact, make any false, fictitious, or fraudulent statement or representation, or make or use any false writing or document while knowing such writing or document to contain any false, fictitious, or fraudulent statement or entry.*

*(2) Any natural person who violates this section commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.*

*(3) This section does not apply to transactions governed by chapter 494, chapter 496, chapter 501, chapter 516, chapter 517, chapter 560, or chapters 655-667.*

Pursuant to Rule 4.19, **CS for CS for SB 1372** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 836** and **CS for SB 746** was deferred.

On motion by Senator Baker—

**CS for SB 538**—A bill to be entitled An act relating to publicly funded retirement programs; amending s. 121.4501, F.S.; requiring the Trustees of the State Board of Administration to identify and offer at least one terror-free investment product to the Public Employee Optional Retirement Program by a certain date; amending s. 121.591, F.S.; conforming a cross-reference; amending s. 175.032, F.S.; redefining the terms "credible

service" and "firefighter"; amending s. 175.061, F.S.; authorizing the terms of office for the board of trustees of the firefighters' pension trust fund to be revised under certain circumstances; authorizing the firefighters' pension trust fund plan administrator to withhold funds to pay for premiums for accident, health, and long-term care insurance for the retiree and the retiree's spouse and dependents; providing an exemption from liability under certain circumstances; amending s. 175.071, F.S.; requiring the board of trustees to perform its powers subject to certain fiduciary standards and ethics provisions; increasing the percentage of assets of the firefighters' pension trust fund that the board of trustees may invest in foreign securities on a market-value basis; authorizing certain individuals to sign drafts issued providing that investment caps on foreign securities may only be amended, repealed, or increased by an act of the Legislature; authorizing certain individuals to sign drafts issued upon the firefighters' pension trust fund; requiring the board of trustees to identify and divest the fund of any scrutinized companies by a certain date; amending s. 175.101, F.S.; clarifying boundaries of a special fire control district for purposes of assessment and imposition of the excise tax on property insurance premiums; amending s. 175.171, F.S.; authorizing retired firefighters to change their designation of joint annuitant or beneficiary up to two times without the approval of the board of trustees or the prior joint annuitant or beneficiary; conforming provisions relating to joint pensioner or beneficiary to reflect joint annuitant or beneficiary; amending s. 175.361, F.S.; revising fund distribution procedures with respect to plan termination; providing that the Department of Management Services shall effect the termination of the fund; amending s. 185.02, F.S.; redefining the term "creditable service" for purposes of determining credit for prior service as a police officer; amending s. 185.05, F.S.; revising municipal police officers' retirement trust fund board of trustee selection procedures; authorizing the terms of office for the board of trustees of the municipal police officers' retirement trust fund to be revised under certain circumstances; authorizing the plan administrator to withhold funds to pay for premiums for accident, health, and long-term care insurance for the retiree and the retiree's spouse and dependents; providing an exemption from liability under certain circumstances; amending s. 185.06, F.S.; requiring the board of trustees to perform its powers subject to certain fiduciary standards and ethics provisions; increasing the percentage of assets of the municipal police officers' retirement trust fund that the board of trustees may invest in foreign securities on a market-value basis; providing that the investment cap on foreign securities may only be amended, repealed, or increased by an act of the Legislature; authorizing certain individuals to sign drafts issued upon the municipal police officers' retirement trust fund; requiring the board of trustees to identify and divest the fund of any scrutinized companies by a date certain; amending s. 185.161, F.S.; authorizing retired police officers to change their designation of joint annuitant or beneficiary up to two times without the approval of the board of trustees or the prior joint annuitant or beneficiary; conforming provisions relating to joint pensioner or beneficiary to reflect joint annuitant or beneficiary; amending s. 185.37, F.S.; revising fund distribution procedures with respect to plan termination; providing that the Department of Management Services shall effect the termination of the fund; providing an effective date.

—was read the second time by title.

Senator Baker moved the following amendment which was adopted:

**Amendment 1 (313024) (with directory amendment)**—Delete line 397 and insert:

*(8) Notwithstanding paragraph (1)(b) and as provided in s.*

And the directory clause is amended as follows:

Delete line 315 and insert: Statutes, is amended and subsection (8) is added to that

Senator Bennett moved the following amendment which failed:

**Amendment 2 (134318) (with title amendment)**—Between lines 560 and 561 insert:

Section 8. Subsection (1) of section 175.351, Florida Statutes, is amended to read:

175.351 Municipalities and special fire control districts having their own pension plans for firefighters.—For any municipality, special fire control district, local law municipality, local law special fire control district, or local law plan under this chapter, in order for municipalities and special fire control districts with their own pension plans for firefighters, or for firefighters and police officers, where included, to participate in the distribution of the tax fund established pursuant to s. 175.101, local law plans must meet the minimum benefits and minimum standards set forth in this chapter.

(1) PREMIUM TAX INCOME.—

(a) If a municipality has a pension plan for firefighters, or a pension plan for firefighters and police officers; where included, which in the opinion of the division meets the minimum benefits and ~~minimum standards set forth~~ in this chapter, the board of trustees of the pension plan, as approved by a majority of firefighters of the municipality, may:

1. ~~(a)~~ Place the income from the premium tax in s. 175.101 in ~~the such~~ pension plan for the sole and exclusive use of its firefighters, or for firefighters and police officers, ~~where included~~, where it shall become an integral part of that pension plan and ~~shall~~ be used to pay extra benefits to the firefighters included in that pension plan; or

2. ~~(b)~~ Place the income from the premium tax in s. 175.101 ~~into~~ a separate supplemental plan to pay extra benefits to firefighters, or to firefighters and police officers ~~where included~~, participating in ~~the such~~ separate supplemental plan.

(b) The premium tax provided by this chapter ~~must shall in all cases~~ be used in its entirety to provide extra benefits to firefighters, or to firefighters and police officers; where included. ~~However,~~

1. Local law plans in effect on October 1, 1998, ~~must shall be required~~ to comply with the minimum benefit provisions of this chapter only to the extent that additional premium tax revenues become available to incrementally fund the cost of such compliance as provided in s. 175.162(2)(a). ~~If When~~ a plan is in compliance ~~with such minimum benefit provisions~~, as subsequent additional premium tax revenues become available, ~~the revenues they~~ shall be used to provide extra benefits. *Notwithstanding any other provision of this chapter, effective July 1, 2009, through June 30, 2011, for plans that are not fully funded, premium tax revenues received in excess of the amount needed for compliance with the minimum benefit provisions and for extra benefits implemented before July 1, 2009, must be used to reduce the required contributions of the municipality or special fire control district to the plan.*

2. For the purpose of this chapter, “additional premium tax revenues” means revenues received by a municipality or special fire control district pursuant to s. 175.121 which exceed ~~the that~~ amount received for calendar year 1997, and the term “extra benefits” means benefits in addition to or greater than those provided to general employees of the municipality and in addition to those in existence for firefighters on March 12, 1999. Local law plans created by special act before May 23, 1939, ~~are shall be~~ deemed to comply with this chapter.

And the title is amended as follows:

Delete line 42 and insert: joint annuitant or beneficiary; amending s. 175.351, F.S.; requiring excess premium taxes to be used to reduce the contributions of a municipality or special district to pension plans that are not fully funded; amending s. 175.361,

Pursuant to Rule 4.19, **CS for SB 538** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

**CS for CS for SB 836**—A bill to be entitled An act relating to gaming; providing legislative findings and intent; authorizing electronic gaming machines in certain pari-mutuel facilities; defining terms; providing powers and duties of the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation and the Department of Law Enforcement; authorizing the Division of Pari-mutuel Wagering to adopt rules regulating electronic gaming activities; authorizing the Division of Pari-mutuel Wagering and the Department of

Law Enforcement to conduct investigations relating to electronic gaming; authorizing the Division of Pari-mutuel Wagering to issue licenses for electronic gaming; specifying qualifications of licensees; requiring licensees to provide advance notice of certain ownership changes to the Division of Pari-mutuel Wagering; specifying requirements for a licensee’s facilities-based computer system; requiring electronic gaming machines to maintain a payout percentage of at least 85 percent; requiring licensees to maintain records; requiring licensees to make and file certain reports with the Division of Pari-mutuel Wagering; requiring an applicant for an electronic gaming license to have certain agreements for live races or games; providing for arbitration of such agreements; authorizing the Division of Pari-mutuel Wagering to issue temporary occupational licenses; providing for the renewal of electronic gaming machine licenses; specifying a nonrefundable licensing fee for electronic gaming licenses; specifying the rate of tax on electronic gaming machine revenues; providing for penalties for failure to pay the taxes; requiring electronic gaming machine licensees and certain persons having access to gaming areas to submit fingerprints in connection with certain occupational licenses; specifying grounds for the Division of Pari-mutuel Wagering to take action against applicants for and licensees having certain occupational licenses; authorizing the Division of Pari-mutuel Wagering to impose fines for violations of laws relating to electronic gaming; prohibiting regulators, certain businesses, licensees, and employees from having certain relationships with each other; subjecting a person who makes certain false statements to fines; subjecting a person to fines for possessing electronic games without a license; imposing criminal penalties for attempting to manipulate electronic gaming machines or theft relating to electronic gaming; authorizing warrantless arrests by law enforcement officers under certain circumstances; providing immunity to law enforcement officers who make such arrests; imposing criminal penalties for resisting arrest or detention; prohibiting electronic gaming machines from entering this state; authorizing the Division of Pari-mutuel Wagering to exclude certain individuals from the facility of an electronic gaming machine licensee; prohibiting persons who are younger than 18 years of age from playing an electronic gaming machine; specifying a limit on the number of electronic gaming machines in a facility; requiring an electronic gaming machine licensee to provide office space to the Division of Pari-mutuel Wagering and to the Department of Law Enforcement free of charge; limiting the hours that an electronic gaming machine facility may operate; authorizing the Division of Pari-mutuel Wagering to revoke or suspend licenses or impose fines for willful violations of laws or rules regulating electronic gaming; requiring electronic gaming machine licensees to train employees about gambling addictions; imposing a regulatory fee for a gambling addiction program; entitling electronic gaming machine licensees to a caterer’s license; restricting the provision of alcoholic beverages, automated teller machines, and check cashing activities in gaming machine areas; authorizing the Division of Pari-mutuel Wagering to adopt rules; preempting to the state the authority to regulate electronic gaming facilities; excepting bingo games operated by charitable or nonprofit organizations from the provisions of the act; amending s. 215.22, F.S.; exempting taxes imposed on electronic gaming and electronic gaming machine revenue from specified service charges; authorizing the Division of Pari-mutuel Wagering to spend certain trust funds; requiring repayment of such funds; amending s. 550.002, F.S.; revising a definition; amending s. 550.01215, F.S.; deleting an exception relating to licensing of thoroughbred racing; amending s. 550.0951, F.S.; specifying the tax on historical racing, the take-out of a pari-mutuel pool, an a payment to a purse account; providing for payments to certain horse racing associations; specifying the fee for a permitholder to conduct historical racing; revising the date on which tax payments are due; amending s. 550.09511, F.S.; revising the schedule for the payment of jai alai taxes; amending s. 550.09514, F.S.; revising the schedule for the payment of greyhound dog racing taxes; amending s. 550.105, F.S.; providing for a 3-year occupational license for certain pari-mutuel employees; specifying maximum license fees; providing for the additional tax that a municipality may assess for live racing to apply to additional specified games; providing procedures for criminal history record checks; amending s. 550.135, F.S.; providing for the reservation of electronic gaming machine fees in a trust fund; amending s. 550.2415, F.S.; providing that cruelty to any animal is a violation of ch. 550, F.S.; authorizing the Division of Pari-mutuel Wagering to inspect areas are located; amending s. 550.26165, F.S.; providing legislative intent to attract

thoroughbred training and breeding to this state; authorizing the Florida Thoroughbred Breeders' Association to pay certain awards as part of its pay plan; amending s. 550.2625, F.S.; limiting the application of requirements for minimum purses and awards to this state; amending s. 550.334, F.S.; deleting a provision for issuing a permit to conduct quarter horse race meetings; deleting a provision for issuing a license to conduct quarter horse racing; deleting provisions to revoke such permit or license for certain violations or failure to conduct live racing; removing an exception to specified permit application provisions; revising the authority of a quarter horse racing permitholder to substitute horse breeds; deleting a requirement for a quarter horse permitholder to have the consent of certain other permitholders within a certain distance to engage in intertrack wagering; amending s. 550.3355, F.S.; revising the time period for a harness track summer season; repealing s. 550.3605, F.S., relating to the use of electronic transmitting equipment on the premises of a horse or dog racetrack or jai alai fronton; amending s. 550.5251, F.S.; deleting provisions relating to racing days and dates for thoroughbred permitholders that conducted races between certain dates; revising provisions relating to thoroughbred racing dates and minimum number of races; creating s. 550.810, F.S.; specifying requirements for historical racing systems; limiting the number of historical terminals in certain pari-mutuel facilities; authorizing the Division of Pari-mutuel wagering to adopt rules regulating historical racing; providing for the disposition of pari-mutuel tickets that are not redeemed within a certain period of time; amending s. 551.102, F.S.; clarifying the definition of the term "progressive system"; amending s. 551.104, F.S.; providing that the payout percentage of a slot machine facility must be at least 85 percent; specifying the licensing fee for slot machine gaming; specifying the rate of tax on slot machine revenues; revising the due date for slot machine taxes; amending s. 551.113, F.S.; prohibiting a person who is younger than 18 years of age from playing a slot machine; amending s. 551.121, F.S.; authorizing a progressive system to be used in conjunction with slot machines between licensed facilities; amending s. 772.102, F.S.; revising the definition of "criminal activity"; conforming cross-references; amending s. 849.161, F.S.; providing that ch. 849, F.S., does not apply to certain mechanical historical racing systems; amending s. 849.086, F.S.; requiring an applicant for a cardroom licensed to have run a full schedule of live races; specifying maximum license fees for occupational licenses for cardroom employees and cardroom businesses; limiting the hours of cardroom operations; revising the maximum bet and entry fee for tournaments; expanding the authorization for cardroom activities contingent upon a compact with the Seminole Tribe of Florida; amending s. 849.15, F.S.; authorizing the possession of certain gambling devices; amending s. 895.02, F.S.; revising the definitions of "racketeering activity" and "unlawful debt"; conforming cross-references; providing an appropriation and the creation of full-time equivalent positions; providing contingent effective dates.

—was read the second time by title.

An amendment was considered and failed to conform **CS for CS for SB 836 to HB 7145**.

Pending further consideration of **CS for CS for SB 836**, on motion by Senator Jones, by two-thirds vote **HB 7145** was withdrawn from the Committee on Regulated Industries; and the Policy and Steering Committee on Ways and Means.

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

**HB 7145**—A bill to be entitled An act relating to pari-mutuel permitholders; amending s. 550.002, F.S.; revising the definition of the term "full schedule of live racing or games" in reference to quarter horse permitholders; amending s. 550.334, F.S.; revising provisions for permits to conduct quarter horse race meetings; removing provisions for application to the Division of Pari-mutuel Wagering for a permit to conduct quarter horse race meetings; removing provisions for granting a license to conduct quarter horse racing; revising a provision for governance and control of quarter horse racing; revising authorization to substitute races of other breeds of horses; providing for an exception to a prohibition against the transfer or conversion of a quarter horse permit; providing requirements for a quarter horse racing permitholder to be eligible to conduct intertrack wagering; providing requirements for a quarter horse

racing permitholder to be eligible to operate a cardroom; removing certain provisions restricting intertrack wagering; creating s. 550.3345, F.S.; providing for the transfer of a quarter horse racing permit to a not-for-profit corporation; providing for membership and purpose of such corporation; providing for conversion of such permit to a limited thoroughbred permit; requiring net revenues derived by the not-for-profit corporation to be used for certain purposes relating to the thoroughbred horse racing industry; prohibiting live racing in certain locations during certain times; providing licensure requirements; providing for a change in location of the permit; prohibiting transfer of the converted permit; providing for application of state law to the permit and the corporation; providing an exception to certain provisions for failure to pay tax on handle; amending s. 551.106, F.S.; revising the license fee and tax rate for slot machine licensees; providing for minimum tax revenue from operation of slot machines; amending s. 849.086, F.S.; revising requirements for initial issuance of a cardroom license; requiring the permitholder to be licensed to conduct a full schedule of live racing or games during the state fiscal year in which the initial cardroom license is issued; permitting cardroom operators to operate 24 hours per day; increasing certain wager and buy-in limits; permitting charity tournaments under certain conditions; providing effective dates, including a contingent effective date.

—a companion measure, was substituted for **CS for CS for SB 836** and by two-thirds vote read the second time by title.

Senator Jones moved the following amendment which was adopted:

**Amendment 1 (328550) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. *The Legislature finds that the pari-mutuel industry has played an important part in the development of this state and that it is a vital part of the state's economy. The Legislature also recognizes that many individuals and small businesses provide services to the pari-mutuel industry and rely upon the continued vigor of the industry to survive. The pari-mutuel industry and these individuals and small business employ many Floridians, pay a variety of taxes to support state and local governmental activities, and contribute to the economy of this state. Given the important role played by the industry, and the individuals and small businesses associated with it, as well as the current state of the economy in the United States in general and in Florida in particular, the Legislature finds that in order to preserve the industry, to ensure continued employment for many Floridians, and to preserve and improve the state's revenues, measures must be taken to eliminate unnecessary regulations, encourage business and regulatory efficiency, reduce unnecessary tax burdens, and increase revenues to the state.*

Section 2. *Electronic gaming machines authorized.—An electronic gaming machine licensee may possess electronic gaming machines and operate electronic gaming machines at an eligible facility, as defined by section 3. of this act, where the licensee is authorized to conduct pari-mutuel wagering activities under to chapter 550, Florida Statutes. Notwithstanding any other provision of law, it is not a crime for a person to participate in electronic gaming at a facility licensed to possess electronic gaming machines or to operate electronic gaming machines.*

Section 3. *As used in this act, the term:*

(1) *"Bingo" or "game of bingo" means the game of chance commonly known as "bingo," which may include the use of electronic, computer, or other technological aids. Such aids may include entertainment displays, including spinning reels, video displays, associated bonus displays, and video poker. The game of bingo requires at least two live players competing for a common prize. The prizes result from a random draw or electronic determination and release or announcement of numbers or other designations necessary to form the predesignated game-winning pattern on an electronic bingo card. A game of bingo ends when a player receives a predesignated game-winning pattern and consolation prizes, if any, are awarded. The game of bingo does not include house-banked games or electronic or electromechanical facsimiles of any other game of chance or slot machine of any kind.*

(2) *"Bonus prize" means a prize awarded in a bingo game in addition to the game-winning prize. The term includes prizes based on predesignated and preannounced patterns that differ from the game-winning*

pattern, a winning pattern in a specified quantity of numbers or designations drawn or electronically determined and released, or any combination of these patterns. The term includes a prize awarded as an interim prize while players are competing for the game-winning prize or as a consolation prize after a player has won the game-winning prize.

(3) "Designated electronic gaming machine area" means any area of a facility of an electronic gaming machine licensee in which electronic gaming may be conducted.

(4) "Distributor" means any person who sells, leases, offers, or otherwise provides, distributes, or services any electronic gaming machine or associated equipment, software, or other functions required for use or play of electronic gaming machines in this state. The term may include a manufacturer.

(5) "Division" means the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation.

(6) "Electronic game" means an electronically simulated bingo game that:

(a) Is played on an electronic gaming machine that, upon insertion of a ticket, or an electronic or account-based card, is available to play or simulate a game of bingo played on a network of electronic gaming machines;

(b) Is not house-banked;

(c) May award bonus prizes and progressive prizes; and

(d) May make provide payoffs to players in the form of tickets or electronic or account-based credits that may be exchanged for cash, merchandise, or other items of value.

(7) "Electronic gaming machine" means a player station, machine, or device, including associated equipment that is required to operate the player station, machine, or device, upon which an electronic game is played or operated. An electronic gaming machine:

(a) May include spinning reels, video displays, video poker, or other similar technologies to convey outcomes to a player of simulated bingo as approved by the division.

(b) Must display one or more bingo cards used in the game before numbers or other designations for the game are randomly drawn.

(c) Must display any card in use by a player during game play.

(d) Must be directly linked to a central computer for purposes of security, monitoring, and auditing. The central computer may not limit a facility's ability to deploy its electronic player tracking or electronic gaming accounting system. However, such systems must use a widely accepted open communications protocol to ensure interoperability among all manufacturers and to provide a player with the ability to seamlessly alternate play between the electronic gaming machines and electronic gaming machines of different licensed manufacturers.

(e) Is not a coin-operated amusement machine as defined in s. 212.02, Florida Statutes, or an amusement game or machine as described in s. 849.161, Florida Statutes. Electronic gaming machines are not subject to the tax imposed by s. 212.05(1)(h), Florida Statutes.

(8) "Electronic gaming machine facility" means an eligible facility at which electronic gaming machines are lawfully offered for play.

(9) "Electronic gaming machine license" means a license issued by the division authorizing a licensee under chapter 550, Florida Statutes, to place and operate electronic gaming machines in an eligible facility.

(10) "Electronic gaming machine revenues" means all cash and property, except nonredeemable credits, received by the electronic gaming machine licensee from the operation of electronic gaming machines, less the amount of cash, cash equivalents, credits, and prizes paid to winners of electronic games.

(11) "Eligible facility" means a facility at which a licensee under chapter 550, Florida Statutes, has run a full schedule of live racing, as defined in s. 550.002(11), Florida Statutes, and is a cardroom license

holder, but not a slot machine facility licensed under chapter 551, Florida Statutes.

(12) "Game-winning pattern" means a predetermined pattern on an electronic bingo card. Each game must have one game-winning pattern or arrangement that must be common to all players and may be won by multiple players simultaneously. A game-winning prize must be awarded in every game. The pattern designated as the game-winning pattern need not pay the highest prize available in the game. Other patterns may be designated for the award of bonus prizes in addition to the prize to awarded based on the game-winning pattern.

(13) "Manufacturer" means any person who manufactures, builds, rebuilds, fabricates, assembles, produces, programs, designs, or modifies any electronic gaming machine or associated equipment for use or play in this state for gaming purposes.

(14) "Nonredeemable credits" means electronic gaming machine operating credits that may not be redeemed for cash or any other thing of value by an electronic gaming machine, kiosk, or the electronic gaming machine licensee and that are provided for free to patrons. The credits become nonredeemable credits when they are metered as credit into an electronic gaming machine and recorded in the facility-based monitoring system.

(15) "Progressive prize" means an established prize for a bingo game that is:

(a) Funded by a percentage of each player's purchase or wager within one or more licensed facilities for a specific progressive bingo game;

(b) Awarded to a player who obtains a specific predesignated and preannounced pattern having a specified quantity of numbers or designations randomly drawn and released or electronically determined or randomly drawn and released or electronically determined in a specified sequence; and

(c) Rolled over to each subsequent specific progressive bingo game until it is won.

Section 4. Powers and duties of the Division of Pari-Mutuel Wagering and the Department of Law Enforcement.—

(1) The division shall adopt rules necessary to implement, administer, and regulate the operation of electronic gaming machines in this state. The rules shall include:

(a) Procedures for applying for and renewing electronic gaming machine licenses.

(b) Technical requirements and qualifications to receive an electronic gaming machine license or electronic gaming machine occupational license.

(c) Procedures to ensure that an electronic game or electronic gaming machine does not enter the state or is not offered for play until it has been tested and certified by a licensed testing laboratory for play in the state.

(d) Procedures to test, certify, control, and approve electronic games and electronic gaming machines. The procedures shall address measures to scientifically test and technically evaluate electronic gaming machines for compliance with the applicable laws and rules. The division may contract with an independent testing laboratory to conduct any necessary testing. The independent testing laboratory must have a national reputation indicating that it is demonstrably competent and qualified to scientifically test and evaluate electronic games and electronic gaming machines and to perform the functions required by this act. An independent testing laboratory may not be owned or controlled by a licensee. The selection of an independent testing laboratory for any purpose related to the conduct of electronic gaming machines by a licensee shall be made from a list of laboratories approved by the division.

(e) Procedures relating to electronic gaming machine revenues, including verifying and accounting for such revenues, auditing, and collecting taxes and fees.

(f) Procedures to regulate, manage, and audit the operation, financial data, and program information relating to electronic gaming machines which enable the division and the Department of Law En-

forcement to audit the operation, financial data, and program information of an electronic gaming machine licensee required by the division or the Department of Law Enforcement.

2. Procedures to allow the division and the Department of Law Enforcement to:

a. Monitor, at any time on a real-time basis, wagering patterns, payouts, tax collection, and compliance with division rules;

b. Suspend play immediately on particular electronic gaming machines if the facilities-based computer system indicates possible tampering with or manipulation of the electronic gaming machines; and

c. Immediately suspend play of the entire operation if the facilities-based computer system may have been tampered with or manipulated. The division shall notify the Department of Law Enforcement or the Department of Law Enforcement shall notify the division, as appropriate, when there is a suspension of play under this subparagraph. The division and the Department of Law Enforcement shall exchange information that is necessary for and cooperate in the investigation of the circumstances resulting in suspension of play.

(g) Procedures to require each licensee operating electronic gaming machines, at the licensee's expense, to supply the division with a bond having the penal sum of \$2 million payable to the Chief Financial Officer. Any bond shall be issued by a surety approved by the division and the Chief Financial Officer, conditioned to pay the Chief Financial Officer as treasurer of the division. The licensee must keep its books and records and make reports as provided in this act and conduct electronic gaming machine operations in conformity with this act and other provisions of law. Such bond shall be separate from the bond required in s. 550.125, Florida Statutes.

(h) Procedures to require licensees to maintain specified records and submit any data, information, records, or reports, including financial and income records, required by this act or rules of the division.

(i) A requirement that the payout percentage of an electronic gaming machine facility be at least 85 percent. The theoretical payout percentage shall be determined using standard methods of probability theory.

(j) Minimum standards of security for the facilities, including floor plans, security cameras, and other security equipment.

(k) Procedures to require electronic gaming machine licensees to implement and establish drug-testing programs for all electronic gaming machine occupational licensees.

(2) The division shall conduct investigations necessary to fulfill its responsibilities to regulate electronic gaming machine facilities.

(3) The Department of Law Enforcement and local law enforcement agencies have concurrent jurisdiction to investigate criminal violations of laws regulating electronic gaming facilities and may investigate any other criminal violation of law occurring at a facility. Such investigations may be conducted in conjunction with the appropriate state attorney.

(4)(a) The division, the Department of Law Enforcement, and local law enforcement agencies have unrestricted access to an electronic gaming machine licensee's facility at all times and shall require each electronic gaming machine licensee to strictly comply with the laws of this state relating to the transaction of such business. The division, the Department of Law Enforcement, and local law enforcement agencies may:

1. Inspect and examine premises where electronic gaming machines are offered for play.

2. Inspect electronic gaming machines and related equipment and supplies.

(b) In addition, the division may:

1. Collect taxes, assessments, fees, and penalties.

2. Deny, revoke, suspend, or place conditions on the license of a person who violates this act or rules adopted pursuant thereto.

(5) The division shall revoke or suspend the license of any person who is no longer qualified or who is found to have been unqualified at the time of application for the license.

(6) This section does not:

(a) Prohibit the Department of Law Enforcement or any law enforcement authority whose jurisdiction includes a licensed facility from conducting investigations of criminal activities occurring at the facility;

(b) Restrict access to an electronic gaming machine licensee's facility by the Department of Law Enforcement or any local law enforcement authority whose jurisdiction includes the electronic gaming machine licensee's facility; or

(c) Restrict access by the Department of Law Enforcement or local law enforcement authorities to information and records necessary to the investigation of criminal activity which are contained within the electronic gaming machine licensee's facility.

Section 5. License to conduct electronic gaming.—

(1) Upon application and a finding by the division after investigation that the application is complete and the applicant is qualified and payment of the initial license fee, the division may issue a license to conduct electronic gaming in any designated electronic gaming machine area of an eligible facility.

(2) An electronic gaming machine license may be issued only to a person or entity licensed to conduct pari-mutuel wagering under chapter 550, Florida Statutes, and electronic gaming may be operated only at the eligible facility at which the licensee is authorized to conduct pari-mutuel wagering activities.

(3) As a condition of licensure and to maintain continued authority to conduct electronic gaming, an electronic gaming machine licensee shall:

(a) Comply with this act.

(b) Comply with chapter 550, Florida Statutes, and maintain the pari-mutuel permit and license in good standing pursuant to chapter 550, Florida Statutes. Notwithstanding any contrary provision of law, a pari-mutuel permitholder may, within 60 days after the effective date of this act, amend its pari-mutuel wagering operating license. The division shall issue a new license to the permitholder to effectuate any approved change.

(c) Conduct at least a full schedule of live racing or games as defined in s. 550.002(11), Florida Statutes, including races or games under s. 550.475, Florida Statutes, or be authorized to conduct limited intertrack wagering under s. 550.6308, Florida Statutes, at the eligible facility. A licensee's responsibility to conduct such number of live races or games shall be reduced by the number of races or games that could not be conducted due to the direct result of fire, war, hurricane, or other disaster or event beyond the control of the licensee.

(d) Provide appropriate current and accurate documentation, on a timely basis, to the division relating to changes in ownership or interest in an electronic gaming machine license. Changes in ownership or interest in an electronic gaming machine license of 5 percent or more of the stock or other evidence of ownership or equity in the electronic gaming machine license or of any parent corporation or other business entity that owns or controls the electronic gaming machine license must be approved by the division prior to such change, unless the owner is an existing holder of the license who was previously approved by the division. Any changes in ownership or interest in an electronic gaming machine license of less than 5 percent, unless such change results in a cumulative total of 5 percent or more, shall be reported to the division within 20 days after the change. The division may conduct an investigation to ensure that the license is properly updated to show the change in ownership or interest. Reporting is not required if the person is holding 5 percent or less equity or securities of a corporate owner of the electronic gaming machine licensee that has its securities registered pursuant to s. 12 of the Securities Exchange Act of 1934, 15 U.S.C. ss. 78a-78kk, and if such corporation or entity files with the United States Securities and Exchange Commission the reports required by s. 13 of that act, or if the securities of the corporation or entity are regularly traded on an established securities market in the United States. A change in ownership or interest of less than 5 percent which results in a cumulative ownership or interest of 5 percent or more must be

approved by the division prior to such change unless the owner is an existing holder of the license who was previously approved by the division.

(e) Provide the division and the Department of Law Enforcement unrestricted access to inspect the facilities of an electronic gaming machine licensee in which any activity relative to the operation of electronic gaming machines is conducted.

(f) Ensure that the facilities-based computer system or operational and accounting functions of the electronic gaming machine facility is specifically structured to facilitate regulatory oversight. The facilities-based computer system shall give the division and the Department of Law Enforcement the ability to monitor, at any time on a real-time basis, the wagering patterns, payouts, tax collection, and such other operations as are necessary to determine whether the facility is in compliance with statutory provisions and rules adopted by the division for the regulation and control of electronic gaming machines. The division and the Department of Law Enforcement shall have continuous access to this system. The division and the department shall have the ability to suspend play immediately on particular electronic gaming machines if the system indicates possible tampering with or manipulation of those electronic gaming machines or the ability to immediately suspend play of the entire operation if the system indicates that the system has been tampered with or manipulated. The computer system shall be reviewed and approved by the division to ensure necessary access, security, and functionality. The division may adopt rules to provide for the approval process.

(g) Ensure that each electronic gaming machine and electronic game is protected from manipulation or tampering affecting the random probabilities of winning plays. The division or the Department of Law Enforcement may suspend play upon reasonable suspicion of any manipulation or tampering. If play has been suspended on any electronic gaming machine, the division or the Department of Law Enforcement may examine the machine to determine whether the machine has been tampered with or manipulated and whether the machine should be returned to operation.

(h) Submit a security plan, including the facilities' floor plans, the locations of security cameras, and a listing of all security equipment that is capable of observing and electronically recording activities being conducted in the facilities of the electronic gaming machine licensee. The security plan must meet the minimum security requirements as determined by the division by rule, and be implemented before operation of electronic gaming machine games. The electronic gaming machine licensee's facilities must adhere to the security plan at all times. Any changes to the security plan must be submitted by the licensee to the division before they are implemented. The division shall furnish copies of the security plan and changes in the plan to the Department of Law Enforcement.

(i) Create and file with the division a written policy for:

1. Creating opportunities to purchase from vendors in this state, including minority vendors.
2. Creating opportunities for employment of residents of this state, including minority residents.
3. Ensuring opportunities for construction services from minority contractors.
4. Ensuring that opportunities for employment are offered on an equal, nondiscriminatory basis.
5. Providing training for employees on responsible gaming and working with a compulsive or addictive gambling prevention program to further its purposes as provided for in this act.
6. The implementation of a drug-testing program that includes, but is not limited to, requiring each employee to sign an agreement that he or she understands that the electronic gaming machine facility is a drug-free workplace.

The electronic gaming machine licensee shall use the Internet-based job-listing system of the Agency for Workforce Innovation in advertising employment opportunities. Beginning in June 2010, each electronic gaming machine licensee shall submit an annual report to the division containing information indicating compliance with this paragraph in regard to minority persons.

(j) Maintain a payout percentage of at least 85 percent per electronic gaming machine facility. The theoretical payout percentage shall be determined using standard methods of probability theory.

(4) An electronic gaming machine license is not transferable.

(5) An electronic gaming machine licensee shall keep and maintain daily records of its electronic gaming machine operations and shall maintain such records for at least 5 years. These records must include all financial transactions and contain sufficient detail to determine compliance with laws and rules regulating electronic gaming. All records shall be available for audit and inspection by the division, the Department of Law Enforcement, or other law enforcement agencies during the licensee's regular business hours.

(6) An electronic gaming machine licensee shall file with the division a monthly report containing the required records of such electronic gaming machine operations. The required reports shall be submitted on forms prescribed by the division and shall be due at the same time as the monthly pari-mutuel reports are due. Such reports are public records once filed.

(7) An electronic gaming machine licensee shall file with the division an audit of the receipt and distribution of all electronic gaming machine revenues. The audit must be performed by an independent certified public accountant who shall verify whether the licensee has complied with the financial and auditing laws and rules applicable to the licensee. The audit must include verification of compliance with all statutes and rules regarding all required records of electronic gaming machine operations. Such audit shall be filed within 120 days after completion of the permit holder's fiscal year.

(8) The division may share any information with the Department of Law Enforcement, any other law enforcement agency having jurisdiction over electronic gaming machines or pari-mutuel activities, or any other state or federal law enforcement agency or division that the Department of Law Enforcement deems appropriate. Any law enforcement agency having jurisdiction over electronic gaming machines or pari-mutuel activities may share with the division information obtained or developed by it.

(9)(a) An electronic gaming machine license or renewal may not be issued to an applicant licensed under chapter 550, Florida Statutes, to conduct live pari-mutuel wagering races or games unless the applicant has on file with the division the following binding written agreements governing the payment of awards and purses on live races or games conducted at the licensee's pari-mutuel facility:

1. For a thoroughbred licensee, an agreement governing the payment of purses between the applicant and the Florida Horsemen's Benevolent and Protective Association, Inc., or the association representing a majority of the thoroughbred owners and trainers at the applicant's eligible facility located as described in s. 550.615(9), Florida Statutes, and an agreement governing the payment of awards between the applicant and the Florida Thoroughbred Breeders' Association;
2. For a harness licensee, an agreement governing the payment of purses and awards between the applicant and the Florida Standardbred Breeders and Owners Association;
3. For a greyhound licensee, an agreement governing the payment of purses between the applicant and the Florida Greyhound Association, Inc.;
4. For a quarter horse licensee, an agreement governing the payment of purses between the applicant and the Florida Quarter Horse Racing Association or the association representing a majority of the horse owners and trainers at the applicant's eligible facility, and an agreement governing the payment of awards between the applicant and the Florida Quarter Horse Breeders and Owners Association; or
5. For a jai alai licensee, an agreement governing the payment of player awards between the applicant and the International Jai Alai Players Association or a binding written agreement approved by a majority of the jai alai players at the applicant's eligible facility at which the applicant has a permit issued after January 1, 2000, to conduct jai alai.

(b) The agreements may direct the payment of purses and awards from revenues generated by any wagering or games that the applicant is authorized to conduct under state law. All purses and awards are subject

to the terms of chapter 550, Florida Statutes. All sums for breeders', stallion, and special racing awards shall be remitted monthly to the respective breeders association for the payment of awards, subject to the administrative fees authorized under chapter 550, Florida Statutes.

(c) An electronic gaming machine license or renewal thereof may not be issued to an applicant licensed to conduct intertrack wagering under s. 550.6308, Florida Statutes, unless the applicant has on file with the division a binding written agreement between the applicant and the Florida Thoroughbred Breeders' Association, Inc., dedicating to the payment of breeders', stallion, and special racing awards on live thoroughbred races conducted in this state at least the same percentage of electronic gaming machine revenues as the highest percentage of electronic gaming machine revenues dedicated to purses and awards in a current agreement under this subsection by an applicant licensed under chapter 550, Florida Statutes, to conduct live thoroughbred races. At least half of such funds must be distributed as special racing awards.

(d) The division shall suspend an electronic gaming machine license if any agreement required under paragraph (a) is terminated or otherwise ceases to operate or if the division determines that the licensee is materially failing to comply with the terms of such agreement. Any suspension shall take place in accordance with chapter 120, Florida Statutes.

(e)1. If an agreement required under paragraph (a) cannot be reached prior to the initial issuance of the electronic gaming machine license, either party may request arbitration. In the case of a renewal, if an agreement is not in place 120 days before the scheduled expiration date of the electronic gaming machine license, the applicant shall immediately ask the American Arbitration Association to furnish a list of 11 arbitrators, each of whom shall have at least 5 years of commercial arbitration experience and no financial interest in or prior relationship with any party or with an affiliated or related entity or principal. Each required party to the agreement shall select a single arbitrator from the list within 10 days after receipt, and the persons selected shall choose one additional arbitrator from the list within 10 days.

2. If an agreement required under paragraph (a) is not in place 60 days after the request under subparagraph 1., in the case of an initial electronic gaming machine license or, in the case of a renewal, 60 days prior to the scheduled expiration date of the license, the matter shall be immediately submitted to mandatory binding arbitration. The three arbitrators selected pursuant to subparagraph 1. shall conduct the arbitration pursuant to the American Arbitration Association Commercial Arbitration Rules and chapter 682, Florida Statutes.

3. At the conclusion of the proceedings, which may be no later than 90 days after the request under subparagraph 1. in the case of an initial electronic gaming machine license or, in the case of a renewal, 30 days prior to the scheduled expiration date of the electronic gaming machine license, the arbitration panel shall present to the parties a proposed agreement that the majority of the panel believes equitably balances the rights, interests, obligations, and reasonable expectations of the parties. The parties shall immediately enter into such agreement, which shall satisfy the requirements of paragraph (a) and permit issuance of the pending annual electronic gaming machine license or renewal. The agreement shall be effective until the last day of the license or renewal period or until the parties enter into a different agreement. Each party shall pay its respective costs of arbitration and shall pay one-half of the costs of the arbitration panel, unless the parties otherwise agree. If the agreement remains in place 120 days prior to the scheduled issuance of the next annual license renewal, the arbitration process established in this paragraph shall begin again.

4. If neither agreement required under paragraph (a) is in place by the deadlines established in this paragraph, arbitration regarding each agreement shall proceed independently, with separate lists of arbitrators, arbitration panels, arbitration proceedings, and resulting agreements.

5. With respect to the agreement required under paragraph (a) governing the payment of purses, the arbitration and resulting agreement is limited to the payment of purses from electronic gaming machine revenues only.

(f) If any provision of this subsection or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this subsection or act which can be given effect

without the invalid provision or application, and to this end the provisions of this subsection are severable.

#### Section 6. Temporary licenses.—

(1) Notwithstanding any provision of s. 120.60, Florida Statutes, to the contrary, the division may issue a temporary occupational license upon receipt of a complete application and a determination that the applicant has not been convicted of or had adjudication withheld on any disqualifying criminal offense. The temporary occupational license remains valid until the division grants an occupational license or notifies the applicant of its intended decision to deny the license pursuant to the provisions of s. 120.60, Florida Statutes. The division shall adopt rules to administer this section. However, not more than one temporary license may be issued for any person in any year.

(2) A temporary license issued under this section is not transferable.

#### Section 7. Electronic gaming machine license renewal.—

(1) An electronic gaming machine license is effective for 1 year after issuance and may be renewed annually. The application for renewal must contain all revisions to the information submitted in the prior year's application which are necessary to maintain such information as accurate and current.

(2) The applicant for renewal must attest that any information changes do not affect such applicant's qualifications for license renewal.

(3) Upon determination by the division that the application for renewal is complete and qualifications have been met, including payment of the renewal fee, the license shall be renewed.

#### Section 8. License fee; tax rate; penalties.—

##### (1) LICENSE FEE.—

(a) Upon submission of the initial application for an electronic gaming machine license or upon submission of an application to renew a license, the licensee must pay to the division a nonrefundable license fee of \$1 million for the succeeding 12 months of licensure. The fee shall be deposited into the Pari-mutuel Wagering Trust Fund of the Department of Business and Professional Regulation to be used by the division and the Department of Law Enforcement for investigations, regulation of electronic gaming, and enforcement of electronic gaming provisions. These payments shall be accounted for separately from taxes or fees paid pursuant to the provisions of chapter 550 or chapter 551, Florida Statutes.

(b) The division shall evaluate the license fee and submit recommendations in its legislative budget request identifying the optimum level of electronic gaming machine license fees required to adequately support the electronic gaming machine regulatory program.

(c) Notwithstanding s. 550.135(2), Florida Statutes, all fees and fines collected pursuant to this chapter shall remain in the Pari-Mutuel Wagering Trust Fund for use by the division for regulation of electronic gaming machines and electronic games.

##### (2) TAX ON ELECTRONIC GAMING MACHINE REVENUES.—

(a) The tax rate on electronic gaming machine revenues at each facility shall be 35 percent.

(b) The electronic gaming machine revenue tax imposed by this section shall be paid to the division for deposit into the Pari-mutuel Wagering Trust Fund for immediate transfer by the Chief Financial Officer for deposit into the Educational Enhancement Trust Fund of the Department of Education. Any interest earnings on the tax revenues shall also be transferred to the Educational Enhancement Trust Fund.

(c)1. Funds transferred to the Educational Enhancement Trust Fund shall be used to supplement public education funding statewide.

2. If necessary to comply with any covenant established pursuant to s. 1013.68(4), s. 1013.70(1), or s. 1013.737(3), Florida Statutes, funds transferred to the Educational Enhancement Trust Fund shall first be available to pay debt service on lottery bonds issued to fund school construction in the event lottery revenues are insufficient for such purpose or to satisfy debt service reserve requirements established in connection with

lottery bonds. Moneys available pursuant to this subparagraph are subject to annual appropriation by the Legislature.

(3) **PAYMENT AND DISPOSITION OF TAXES.**—Payment for the tax on electronic gaming machine revenues imposed by this section shall be paid to the division. The division shall deposit such funds with the Chief Financial Officer, to the credit of the Pari-mutuel Wagering Trust Fund. The electronic gaming machine licensee shall remit to the division payment for the tax on electronic gaming machine revenues by 3 p.m. on the 5th calendar day of each month for taxes imposed and collected for the preceding calendar month. The electronic gaming machine licensee shall file a report under oath by the 5th day of each calendar month for taxes remitted during the preceding calendar month. Such payments shall be accompanied by a report under oath showing all electronic gaming machine activities for the preceding calendar month and such other information as may be prescribed by the division.

(4) **FAILURE TO PAY TAX; PENALTIES.**—An electronic gaming machine licensee who does not make tax payments required under this section is subject to an administrative penalty of up to \$10,000 for each day the tax payment is not remitted. All administrative penalties imposed and collected shall be deposited into the Pari-mutuel Wagering Trust Fund of the Department of Business and Professional Regulation. If an electronic gaming machine licensee does not pay penalties imposed by the division, the division may suspend, revoke, or refuse to renew the license of the electronic gaming machine licensee.

(5) **SUBMISSION OF FUNDS.**—The division may require electronic gaming machine licensees to remit taxes, fees, fines, and assessments by electronic funds transfer.

Section 9. *Electronic gaming machine occupational license; findings; application; fee.*—

(1) *The Legislature finds that licensees and persons associated with licensees require heightened state scrutiny. As such licensees and persons associated with licensees shall submit fingerprints for a criminal history records check.*

(2)(a) *The following electronic gaming machine occupational licenses are required for persons who, by virtue of the positions they hold, potentially may have access to electronic gaming machine areas or to any other person or entity in one of the following categories:*

1. *General occupational licenses for general employees, including food service, maintenance, and other similar service and support employees having access to an electronic gaming machine area.*

2. *Professional occupational licenses for any person, proprietorship, partnership, corporation, or other entity that is authorized by an electronic gaming machine licensee to manage, oversee, or otherwise control daily operations as an electronic gaming machine manager, floor supervisor, security personnel, or other similar position of oversight of gaming operations, or any person who is not an employee of the electronic gaming machine licensee and who provides maintenance, repair, or upgrades or otherwise services an electronic gaming machine or other electronic gaming machine equipment.*

3. *Business occupational licenses for any electronic gaming machine management company or company associated with electronic gaming, any person who manufactures, distributes, or sells electronic gaming machines, electronic gaming machine paraphernalia, or other associated equipment to electronic gaming machine licensees, or any company that sells or provides goods or services associated with electronic gaming to electronic gaming machine licensees.*

(b) *The division may issue one license in order to combine licenses under this section with pari-mutuel occupational licenses and cardroom licenses pursuant to s. 550.105(2)(b), Florida Statutes. The division shall adopt rules pertaining to occupational licenses under this subsection. Such rules may specify requirements and restrictions for licensed occupations and categories, procedures to apply for a license or combination of licenses, disqualifying criminal offenses for a licensed occupation or categories of occupations, and which types of occupational licenses may be combined into a single license. The fingerprinting requirements of subsection (10) apply to any combination license that includes electronic gaming machine license privileges. The division may not adopt a rule*

*allowing the issuance of an occupational license to any person who does not meet the minimum background qualifications of this section.*

(c) *Electronic gaming machine occupational licenses are not transferable.*

(3) *An electronic gaming machine licensee may not employ or otherwise allow a person to work at a licensed facility unless such person holds the appropriate valid occupational license. An electronic gaming machine licensee may not contract or otherwise conduct business with a business that is required to hold an electronic gaming machine occupational license unless the business holds such a license. An electronic gaming machine licensee may not employ or otherwise allow a person to work in a supervisory or management professional level at a licensed facility unless such person holds a valid electronic gaming machine occupational license. All electronic gaming machine occupational licensees, while present in electronic gaming machine areas, shall display on their persons their occupational license identification cards.*

(4)(a) *A person seeking an electronic gaming machine occupational license or renewal thereof shall apply on forms prescribed by the division and include payment of the appropriate application fee. Initial and renewal applications for electronic gaming machine occupational licenses must contain all information that the division, by rule, requires.*

(b) *An electronic gaming machine license or combination license is valid for the same term as a pari-mutuel occupational license issued pursuant to s. 550.105(1), Florida Statutes.*

(c) *Pursuant to rules adopted by the division, any person may apply for and, if qualified, be issued an electronic gaming machine occupational license. The license shall be valid for a period of 3 years upon payment of the full occupational license fee for each of the 3 years for which the license is issued. The electronic gaming machine occupational license is valid during its specified term at any licensed facility where electronic gaming machine gaming is authorized.*

(d) *The electronic gaming machine occupational license fee for initial application and annual renewal shall be determined by rule of the division, but may not exceed \$50 for a general or professional occupational license for an employee of the electronic gaming machine licensee or \$1,000 for a business occupational license for nonemployees of the licensee who provide goods or services to the electronic gaming machine licensee. License fees for general occupational licenses shall be paid by the electronic gaming machine licensee. Failure to pay the required fee constitutes grounds for disciplinary action by the division against the electronic gaming machine licensee, but it is not a violation of this act or rules of the division by the general occupational licensee and does not prohibit the initial issuance or the renewal of the general occupational license.*

(5) *The division may:*

(a) *Deny an application for, or revoke, suspend, or place conditions or restrictions on, a license of an applicant or licensee that has been refused a license by another state gaming commission, governmental department, agency, or other authority exercising regulatory jurisdiction over the gaming of another state or jurisdiction; or*

(b) *Deny an application for, or suspend, or place conditions on a license of any applicant or licensee that is under suspension or has unpaid fines in another state or jurisdiction.*

(6)(a) *The division may deny, suspend, revoke, or refuse to renew any electronic gaming machine occupational license if the applicant or licensee has violated this act or the rules governing the conduct of persons connected with electronic games or electronic gaming. In addition, the division may deny, suspend, revoke, or refuse to renew any electronic gaming machine occupational license if the applicant or licensee has been convicted under the laws of this state or of another state, or under the laws of the United States, of a capital felony, a felony, or an offense in another state which would be a felony under the laws of this state involving arson; trafficking in, conspiracy to traffic in, smuggling, importing, conspiracy to smuggle or import, or delivery, sale, or distribution of a controlled substance; racketeering; or a crime showing a lack of good moral character, or has had a gaming license revoked by this state or another jurisdiction for any gaming-related offense.*

(b) The division may deny, revoke, or refuse to renew any electronic gaming machine occupational license if the applicant or licensee has been convicted of a felony or misdemeanor in this state, in another state, or under the laws of the United States if such felony or misdemeanor is related to gambling or bookmaking as described in s. 849.25, Florida Statutes.

(c) As used in this subsection, the term “convicted” means having been found guilty, with or without adjudication of guilt, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or *nolo contendere*.

(7) The division may deny, revoke, or suspend any occupational license if the applicant or licensee accumulates unpaid obligations, defaults in obligations, or issues drafts or checks that are dishonored or for which payment is refused without reasonable cause.

(8) The division may fine or suspend, revoke, or place conditions upon the license of any licensee who provides false information under oath regarding an application for a license or an investigation by the division.

(9) The division may impose a civil fine of up to \$5,000 for each violation of this act or the rules of the division in addition to or in lieu of any other penalty. The division may adopt a penalty schedule for violations for which it would impose a fine in lieu of a suspension and adopt rules allowing for the issuance of citations, including procedures to address such citations, to persons who violate such rules. In addition to any other penalty provided by law, the division may exclude from all licensed electronic gaming machine facilities in this state, for a period not to exceed the period of suspension, revocation, or ineligibility, any person whose occupational license application has been refused or who has been declared ineligible to hold an occupational license or whose occupational license has been suspended or revoked by the division.

(10) Fingerprints for electronic gaming machine occupational license applications shall be taken in a manner approved by the division and shall be submitted electronically to the Department of Law Enforcement for state processing and to the Federal Bureau of Investigation for national processing for a criminal history record check. All persons as specified in s. 550.1815(1)(a), Florida Statutes, who are employed by or working within licensed premises shall submit fingerprints for a criminal history records check and may not have been convicted of any disqualifying criminal offenses specified in subsection (6). Division employees and law enforcement officers assigned to work within such premises as part of their official duties are excluded from the criminal history record check requirements. As used in this subsection, the term “convicted” means having been found guilty, with or without adjudication of guilt, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or *nolo contendere*.

(a) Fingerprints shall be taken in a manner approved by the division upon initial application, or as required thereafter by rule of the division, and shall be submitted electronically to the Department of Law Enforcement for state processing. The Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for national processing. The results of the criminal history record check shall be returned to the division for screening. Licensees shall provide necessary equipment, approved by the Department of Law Enforcement, to facilitate such electronic submission. The division requirements shall be instituted in consultation with the Department of Law Enforcement.

(b) The cost of processing fingerprints and conducting a criminal history records check for a general occupational license shall be paid by the electronic gaming machine licensee. The cost of processing fingerprints and conducting a criminal history record check for a business or professional occupational license shall be paid by the person being checked. The Department of Law Enforcement may invoice the division for the fingerprints submitted each month.

(c) All fingerprints submitted to the Department of Law Enforcement shall be retained by the Department of Law Enforcement and entered into the statewide automated fingerprint identification system as authorized by s. 943.05(2)(b), Florida Statutes, and shall be available for all purposes and uses authorized for arrest fingerprint cards in the statewide automated fingerprint identification system pursuant to s. 943.051, Florida Statutes.

(d) The Department of Law Enforcement shall search all arrest fingerprints received pursuant to s. 943.051, Florida Statutes, against the

fingerprints retained in the statewide automated fingerprint identification system. Any arrest record that is identified with the retained fingerprints of a person subject to the criminal history screening requirements shall be reported to the division. Each licensed facility shall pay a fee for the cost of retention of the fingerprints and the ongoing searches under this paragraph. The division shall forward the fee to the Department of Law Enforcement. The amount of the fee to be imposed for such searches and the procedures for the retention of licensee fingerprints shall be as established by rule of the Department of Law Enforcement. The division shall inform the Department of Law Enforcement of any change in the license status of licensees whose fingerprints are retained.

(e) The division shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for a national criminal history records check every 3 years following issuance of a license. If the fingerprints of a person who is licensed have not been retained by the Department of Law Enforcement, the person must file a complete set of fingerprints as provided in paragraph (a). The division shall collect the fees for the cost of the national criminal history record check and shall forward the payment to the Department of Law Enforcement. The cost of processing fingerprints and conducting a criminal history record check for a general occupational license shall be paid by the electronic gaming machine licensee. The cost of processing fingerprints and conducting a criminal history record check for a business or professional occupational license shall be paid by the person being checked. The Department of Law Enforcement may invoice the division for the fingerprints submitted each month. Under penalty of perjury, each person who is licensed or fingerprinted must agree to inform the division within 48 hours if he or she is convicted of or enters a plea of guilty or *nolo contendere* to any disqualifying offense, regardless of adjudication.

(11) All moneys collected pursuant to this section shall be deposited into the *Pari-mutuel Wagering Trust Fund*.

#### Section 10. Prohibited relationships.—

(1) A person employed by or performing any function on behalf of the division may not:

(a) Be an officer, director, owner, or employee of any person or entity licensed by the division.

(b) Have or hold any interest, direct or indirect, in or engage in any commerce or business relationship with any person licensed by the division.

(2) A manufacturer or distributor of electronic gaming machines may not enter into any contract with an electronic gaming machine licensee which provides for any revenue sharing that is directly or indirectly calculated on the basis of a percentage of electronic gaming machine revenues. Any agreement in violation of this subsection is void.

(3) A manufacturer or distributor of electronic gaming machines or equipment necessary for the operation of electronic gaming machines or an officer, director, or employee of any such manufacturer or distributor may not have any ownership or financial interest in an electronic gaming machine license or any business owned by an electronic gaming machine licensee.

(4) An employee of the division or relative living in the same household as the employee may not wager on an electronic gaming machine located at a facility licensed by the division.

(5) An occupational licensee or relative living in the same household as the licensee may not wager on an electronic gaming machine located at a facility operated by such licensee.

#### Section 11. Prohibited acts; penalties.—

(1) Except as otherwise provided by law and in addition to any other penalty, a person who knowingly makes or causes to be made, or aids, assists, or procures another to make, a false statement in any report, disclosure, application, or other document required under any law or rule regulating electronic gaming is subject to an administrative fine or civil penalty of up to \$10,000.

(2) Except as otherwise provided by law and in addition to any other penalty, a person who possesses an electronic gaming machine without a license or who possesses an electronic gaming machine at a location other

than at the electronic gaming machine licensee's facility is subject to an administrative fine or civil penalty of up to \$10,000 per machine. This prohibition does not apply to:

(a) Electronic gaming machine manufacturers or distributors that are licensed and authorized to maintain an electronic gaming machine storage and maintenance facility in this state. The division may adopt rules regarding security, inspection, and access to the storage facility.

(b) Certified educational facilities that are authorized by the division to maintain electronic gaming machines for the sole purpose of education and licensure of electronic gaming machine technicians, inspectors, or investigators. The division and the Department of Law Enforcement may possess electronic gaming machines for training and testing purposes. The division may adopt rules regarding the regulation of such electronic gaming machines used for the sole purpose of education and licensure of electronic gaming machine technicians, inspectors, or investigators.

(3) A person who knowingly excludes or attempts to exclude, anything of value from the deposit, counting, collection, or computation of revenues from electronic gaming machine activity, or a person who by trick, sleight-of-hand performance, fraud or fraudulent scheme, or device wins or attempts to win, for himself or herself or for another, money or property or a combination thereof, or reduces or attempts to reduce a losing wager in connection with electronic gaming commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

(4) Any person who manipulates or attempts to manipulate the outcome, payoff, or operation of an electronic gaming machine by physical tampering or the use of an object, instrument, or device, whether mechanical, electrical, or magnetic, or by other means, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

(5) Theft of electronic gaming machine proceeds or property belonging to an electronic gaming machine operator, licensee, or licensed facility by an employee of the operator or facility or by an officer, partner, owner, or employee of a person contracted to provide services to the operator or facility constitutes a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.

(6)(a) A law enforcement officer or electronic gaming machine operator who has probable cause to believe that a person has committed a violation of subsection (3), subsection (4), or subsection (5) and that officer or operator can recover the lost proceeds from the activity by taking the person into custody may, for the purpose of attempting to effect the recovery of the proceeds, take into custody on the premises and detain the person in a reasonable manner for a reasonable time. If the operator takes the person into custody, a law enforcement officer shall be called to the scene immediately. The taking into custody and detention by a law enforcement officer or electronic gaming machine operator, if done in compliance with this subsection, does not render such law enforcement officer, or the officer's agency, or the electronic gaming machine operator criminally or civilly liable for false arrest, false imprisonment, or unlawful detention.

(b) A law enforcement officer may arrest, on or off the premises and without warrant, any person if the officer has probable cause to believe that person has violated subsection (3), subsection (4), or subsection (5).

(c) A person who resists the reasonable effort of a law enforcement officer or electronic gaming machine operator to take into custody a person who is violating subsection (3), subsection (4), or subsection (5) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes, unless the person did not know or have reason to know that the person seeking to take him or her into custody was a law enforcement officer or electronic gaming machine operator.

(7) The penalties imposed and collected under this section must be deposited into the Pari-mutuel Wagering Trust Fund of the Department of Business and Professional Regulation.

Section 12. *Legal devices.*—Notwithstanding any provision of law to the contrary, electronic gaming machines manufactured, sold, distributed, possessed, or operated pursuant to the laws and rules regulating electronic gaming are lawful in this state. An electronic game or electronic

gaming machine may not enter the state until it has been tested and certified by a licensed testing laboratory, and certified for play in the state. The division shall adopt rules regarding the testing, certification, control, and approval of electronic games and electronic gaming machines entering, departing, or moving within the state.

Section 13. *Exclusions of certain persons.*—In addition to the power to exclude certain persons, the division may exclude any person from a facility of an electronic gaming machine licensee in this state for conduct that would constitute, if the person were a licensee, a violation of this act or the rules of the division. The division may exclude a person who has been ejected from a gaming facility or who has been excluded from a gaming facility in another state by the governmental authority exercising regulatory jurisdiction over the gaming in such other state. This section does not abrogate the common law right of an electronic gaming machine licensee to exclude a patron.

Section 14. *Persons prohibited from operating electronic gaming machines.*—

(1) A person who has not attained 18 years of age may not operate or play an electronic gaming machine or have access to the designated electronic gaming machine area.

(2) An electronic gaming machine licensee or agent or employee of an electronic gaming machine licensee may not knowingly allow a person who has not attained 18 years of age to:

(a) Play or operate an electronic gaming machine.

(b) Be employed in any position allowing or requiring access to the designated gaming area of a facility of an electronic gaming machine licensee.

(c) Have access to the designated electronic gaming machine area of a facility of an electronic gaming machine licensee.

(3) A licensed facility shall post clear and conspicuous signage within the designated electronic gaming machine areas which states:

**THE PLAYING OF ELECTRONIC GAMING MACHINES BY PERSONS UNDER THE AGE OF 18 IS AGAINST FLORIDA LAW (CITE TO FLORIDA STATUTES SECTION). PROOF OF AGE MAY BE REQUIRED AT ANY TIME.**

Section 15. *Electronic gaming machine areas.*—

(1) An electronic gaming machine licensee may make available for play up to 1,000 electronic gaming machines within an eligible facility in a designated electronic gaming machine area. No more than 1,000 electronic gaming machines shall be authorized at a facility regardless of the number of permitholders conducting operations at that facility.

(2) The electronic gaming machine licensee shall display pari-mutuel races or games within the designated electronic gaming machine areas and offer patrons within such areas the opportunity to wager on live, intertrack, and simulcast races.

(3) The division shall require the posting of signs warning of the risks and dangers of gambling, showing the odds of winning, and informing patrons of the toll-free telephone number available to provide information and referral services regarding compulsive or problem gambling.

(4) Designated electronic gaming machine areas may be located within a live gaming facility or an existing building that is contiguous and connected to the live gaming facility. If such gaming area is to be located in a building that is not yet constructed, the new building must be contiguous and connected to the live gaming facility.

(5) An electronic gaming machine licensee shall provide adequate office space at no cost to the division and the Department of Law Enforcement for the oversight of electronic gaming machine operations. The division shall adopt rules establishing criteria for adequate space, configuration, and location and needed electronic and technological requirements.

Section 16. *Days and hours of operation.*—Electronic gaming machine areas may be open daily throughout the year. They may be open a cumulative total of 18 hours per day on Monday through Friday and 24

hours per day on Saturday and Sunday and on holidays specified in s. 110.117(1), Florida Statutes.

**Section 17. Penalties.**—*The division may revoke or suspend an electronic gaming machine license issued under this act upon the willful violation by the licensee of any law or rule regulating electronic gaming. In lieu of suspending or revoking an electronic gaming machine license, the division may impose a civil penalty against the licensee for such violation. Except as otherwise provided in this act, the division may not impose a penalty that exceeds \$100,000 for each count or separate offense. All fines collected must be deposited into the Pari-mutuel Wagering Trust Fund of the Department of Business and Professional Regulation.*

**Section 18. Compulsive or addictive gambling prevention program.**—

(1) *Each electronic gaming machine licensee shall offer training to employees on responsible gaming and shall work with a compulsive or addictive gambling prevention program to recognize problem gaming situations and implement responsible gaming programs and practices.*

(2) *The division shall, subject to competitive bidding, contract for services related to the prevention of compulsive and addictive gambling. The contract shall require an advertising program to encourage responsible gaming practices and publicize a gambling telephone help line. Such advertisements must be made both publicly and inside the designated electronic gaming machine areas of the licensee's facilities. The terms of any contract for such services shall include accountability standards for any private provider. The failure of a private provider to meet any material term of the contract, including the accountability standards, constitutes a breach of contract or grounds for nonrenewal.*

(3) *The compulsive or addictive gambling prevention program shall be funded from an annual nonrefundable regulatory fee of \$250,000 paid by each licensee.*

**Section 19. Caterer's license.**—*An electronic gaming machine licensee is entitled to a caterer's license pursuant to s. 565.02, Florida Statutes, on days on which the pari-mutuel facility is open to the public for electronic gaming machine play.*

**Section 20. Prohibited activities and devices; exceptions.**

(1) *Complimentary or reduced-cost alcoholic beverages may not be served to persons in the designated electronic gaming machine area. Alcoholic beverages served to persons in the designated electronic gaming machine area shall cost at least the same amount as alcoholic beverages served to the general public at any bar within the facility.*

(2) *An electronic gaming machine licensee may not make loans, provide credit, or advance cash to enable a person to play an electronic gaming machine. This subsection does not prohibit automated ticket redemption machines that dispense cash from the redemption of tickets from being located in the designated electronic gaming machine area.*

(3) *An automated teller machine or similar device designed to provide credit or dispense cash may not be located within the designated electronic gaming machine area.*

(4)(a) *An electronic gaming machine licensee may not accept or cash a check from any person within the designated electronic gaming machine area of a facility.*

(b) *Except as provided in paragraph (c) for employees of the facility, an electronic gaming machine licensee may not accept or cash for any person within the facility a government-issued check, third-party check, or payroll check made payable to an individual.*

(c) *Outside the designated electronic gaming machine area, an electronic gaming machine licensee or operator may accept or cash a check for an employee of the facility who is prohibited from wagering on an electronic gaming machine under s. 551.108(5), Florida Statutes, a check made directly payable to a person licensed by the division, or a check made directly payable to the licensee or operator from:*

1. *A pari-mutuel patron; or*
2. *A pari-mutuel facility in any state.*

(d) *Unless accepting or cashing a check is prohibited by this subsection, an electronic gaming machine licensee or operator may accept and deposit in its accounts checks received in the normal course of business.*

(5) *An electronic gaming machine, or the computer operating system linked to an electronic gaming machine, may be linked to any other electronic gaming machine or computer operating system within this state.*

(6) *An electronic gaming machine located within a licensed facility may accept tickets or electronic or account-based cards for wagering. Such machines may return or deliver payouts to the players in the form of tickets or electronic or account-based credits that may be exchanged for cash, merchandise, or other items of value. The use of coins, currency, credit or debit cards, tokens, or similar objects is prohibited.*

**Section 21. Rulemaking.**—*The division may adopt rules to administer this act.*

**Section 22. Preemption.**—*The Legislature finds and declares that it has exclusive authority over the conduct of all wagering occurring at electronic gaming machine facilities in this state. Only the Division of Pari-mutuel Wagering and other authorized state agencies may administer this act and regulate the electronic gaming machine industry, including operation of electronic gaming machine facilities, games, electronic gaming machines, and facilities-based computer systems authorized in this act and the rules adopted by the division.*

**Section 23. Application to bingo games operated by charitable or nonprofit organizations.**—*Sections 1 through 22 of this act do not apply to the use of player-operated bingo aides used in bingo games conducted by charitable, nonprofit, or veterans' organizations authorized to conduct bingo under s. 849.0931, Florida Statutes. Sections 1 through 22 of this act do not apply to game promotions or operators regulated under s. 849.094, Florida Statutes.*

**Section 24.** Paragraph (x) is added to subsection (1) of section 215.22, Florida Statutes, to read:

215.22 Certain income and certain trust funds exempt.—

(1) The following income of a revenue nature or the following trust funds shall be exempt from the appropriation required by s. 215.20(1):

(x) *Taxes imposed on electronic gaming and electronic gaming machines at eligible pari-mutuel facilities.*

**Section 25.** *The Department of Business and Professional Regulation may expend the unreserved cash balance in the Pari-mutuel Wagering Trust Fund received from other revenue sources to implement electronic gaming regulation and investigations during the 2009-2010 fiscal year. Before the use of such other revenues, the department shall submit a repayment plan for approval by the Executive Office of the Governor in consultation with the chair and vice chair of the Legislative Budget Commission. The department shall repay such funds using electronic gaming machine license revenue sources by April 1, 2010. The repaid funds are subject to the requirements of s. 550.135(2), Florida Statutes.*

**Section 26.** Present subsections (11), (32), and (38) of section 550.002, Florida Statutes, are amended, a new subsection (15) is added to that section, and present subsections (15) through (39) of that section are renumbered as subsections (16) through (40), respectively, to read:

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

(11) "Full schedule of live racing or games" means, for a greyhound or jai alai permitholder, the conduct of a combination of at least 100 live evening or matinee performances during the preceding year; for a permitholder who has a converted permit or filed an application on or before June 1, 1990, for a converted permit, the conduct of a combination of at least 100 live evening and matinee wagering performances during either of the 2 preceding years; for a jai alai permitholder who does not operate slot machines, electronic gaming machines, or historical racing systems in its pari-mutuel facility, who has conducted at least 100 live performances per year for at least 10 years after December 31, 1992, and whose handle on live jai alai games conducted at its pari-mutuel facility has been less than \$4 million per state fiscal year for at least 2 consecutive years after June 30, 1992, the conduct of a combination of at least 40 live evening or matinee performances during the preceding year;

for a jai alai permitholder who operates slot machines *electronic gaming machines, or historical racing systems* in its pari-mutuel facility, the conduct of a combination of at least 150 performances during the preceding year; for a harness permitholder, the conduct of at least 100 live regular wagering performances during the preceding year; for a quarter horse permitholder, *at its facility unless an alternative schedule of at least 20 live regular wagering performances is agreed upon by the permitholder and the horsemen's association representing the majority of the quarter horse owners and trainers at the facility and filed with the division along with its annual date application, in the 2010-2011 fiscal year, the conduct of at least 20 regular wagering performances, in the 2011-2012 and 2012-2013 fiscal years, the conduct of at least 30 live regular wagering performances, and for every fiscal year after the 2012-2013 fiscal year, the conduct of at least 40 live regular wagering performances during the preceding year; for a quarter horse permitholder leasing another licensed racetrack, the conduct of 160 events at the leased facility;* and for a thoroughbred permitholder, the conduct of at least 40 live regular wagering performances during the preceding year. For a permitholder which is restricted by statute to certain operating periods within the year when other members of its same class of permit are authorized to operate throughout the year, the specified number of live performances which constitute a full schedule of live racing or games shall be adjusted pro rata in accordance with the relationship between its authorized operating period and the full calendar year and the resulting specified number of live performances shall constitute the full schedule of live games for such permitholder and all other permitholders of the same class within 100 air miles of such permitholder. A live performance must consist of no fewer than eight races or games conducted live for each of a minimum of three performances each week at the permitholder's licensed facility under a single admission charge.

(15) "Historical racing system" means a form of pari-mutuel wagering based on audio or video signals of in-state or out-of-state races which are sent from an in-state server and operated by a licensed totalisator company and which are displayed at individual wagering terminals at a licensed pari-mutuel facility.

(33) ~~(32)~~ "Simulcasting" means broadcasting events occurring live at an in-state location to an out-of-state location, or receiving at an in-state location events occurring live at an out-of-state location, by the transmittal, retransmittal, reception, and rebroadcast of television or radio signals by wire, cable, satellite, microwave, or other electrical or electronic means for receiving or rebroadcasting the events.

(39) ~~(38)~~ "Year," for purposes of determining a full schedule of live racing, means the state fiscal calendar year.

Section 27. Subsection (3) of section 550.01215, Florida Statutes, is amended to read:

550.01215 License application; periods of operation; bond, conversion of permit.—

(3) ~~Except as provided in s. 550.5251 for thoroughbred racing,~~ The division shall issue each license no later than March 15. Each permitholder shall operate all performances at the date and time specified on its license. The division shall have the authority to approve minor changes in racing dates after a license has been issued. The division may approve changes in racing dates after a license has been issued when there is no objection from any operating permitholder located within 50 miles of the permitholder requesting the changes in operating dates. In the event of an objection, the division shall approve or disapprove the change in operating dates based upon the impact on operating permitholders located within 50 miles of the permitholder requesting the change in operating dates. In making the determination to change racing dates, the division shall take into consideration the impact of such changes on state revenues.

Section 28. Paragraph (b) of subsection (1) and subsections (5) and (6) of section 550.0951, Florida Statutes, are amended to read:

550.0951 Payment of daily license fee and taxes; penalties.—

(1)

(b) Each permitholder that cannot utilize the full amount of the exemption of \$360,000 or \$500,000 provided in s. 550.0951(1) or the daily license fee credit provided in this section may, after notifying the divi-

sion in writing, elect once per state fiscal year on a form provided by the division to transfer such exemption or credit or any portion thereof to any greyhound permitholder which acts as a host track to such permitholder for the purpose of intertrack wagering. Once an election to transfer such exemption or credit is filed with the division, it shall not be rescinded. The division shall disapprove the transfer when the amount of the exemption or credit or portion thereof is unavailable to the transferring permitholder or when the permitholder who is entitled to transfer the exemption or credit or who is entitled to receive the exemption or credit owes taxes to the state pursuant to a deficiency letter or administrative complaint issued by the division. Upon approval of the transfer by the division, the transferred tax exemption or credit shall be effective for the first performance of the next ~~payment biweekly pay~~ period as specified in subsection (5). The exemption or credit transferred to such host track may be applied by such host track against any taxes imposed by this chapter or daily license fees imposed by this chapter. The greyhound permitholder host track to which such exemption or credit is transferred shall reimburse such permitholder the exact monetary value of such transferred exemption or credit as actually applied against the taxes and daily license fees of the host track. The division shall ensure that all transfers of exemption or credit are made in accordance with this subsection and shall have the authority to adopt rules to ensure the implementation of this section.

(5)(a) Each permitholder conducting historical racing pursuant to 550.810 shall pay a tax equal to 4 percent of the handle from the historical racing system.

(b) The permitholder, upon authorization to conduct historical racing pursuant to 550.810 and annually thereafter, on the anniversary date of the authorization, shall pay a fee to the division of \$1 million. The fee shall be deposited into the Pari-mutuel Wagering Trust Fund of the Department of Business and Professional Regulation to be used by the division and the Department of Law Enforcement for investigations, regulation of historic racing, and enforcement of historic racing provisions.

(6) ~~(5)~~ PAYMENT AND DISPOSITION OF FEES AND TAXES.— ~~Payments for the admission tax, tax on handle, and the breaks tax imposed by this section shall be paid to the division. The division shall deposit these sums with the Chief Financial Officer, to the credit of the Pari-mutuel Wagering Trust Fund, hereby established. The permitholder shall remit to the division payment for the daily license fee, the admission tax, the tax on handle, and the breaks tax. Such payments shall be remitted by 3 p.m. Wednesday of each week for taxes imposed and collected for the preceding week ending on Sunday. Beginning on July 1, 2012, such payments shall be remitted by 3 p.m. on the 5th day of each calendar month for taxes imposed and collected for the preceding calendar month. If the 5th day of the calendar month falls on a weekend, payments shall be remitted by 3 p.m. the first Monday following the weekend. Permitholders shall file a report under oath by the 5th day of each calendar month for all taxes remitted during the preceding calendar month. Such payments shall be accompanied by a report under oath showing the total of all admissions, the pari-mutuel wagering activities for the preceding calendar month, and such other information as may be prescribed by the division.~~

(7) ~~(6)~~ PENALTIES.—

(a) The failure of any permitholder to make payments as prescribed in subsection (6) ~~(5)~~ is a violation of this section, and the permitholder may be subjected by the division to a civil penalty of up to \$1,000 for each day the tax payment is not remitted. All penalties imposed and collected shall be deposited in the General Revenue Fund. If a permitholder fails to pay penalties imposed by order of the division under this subsection, the division may suspend or revoke the license of the permitholder, cancel the permit of the permitholder, or deny issuance of any further license or permit to the permitholder.

(b) In addition to the civil penalty prescribed in paragraph (a), any willful or wanton failure by any permitholder to make payments of the daily license fee, admission tax, tax on handle, or breaks tax constitutes sufficient grounds for the division to suspend or revoke the license of the permitholder, to cancel the permit of the permitholder, or to deny issuance of any further license or permit to the permitholder.

Section 29. Paragraph (e) of subsection (2) and paragraph (b) of subsection (3) of section 550.09511, Florida Statutes, are amended to read:

550.09511 Jai alai taxes; abandoned interest in a permit for non-payment of taxes.—

(2) Notwithstanding the provisions of s. 550.0951(3)(b), wagering on live jai alai performances shall be subject to the following taxes:

(e) The payment of taxes pursuant to paragraphs (b), (c), and (d) shall be calculated and commence beginning the day ~~after the biweekly period~~ in which the permitholder is first entitled to the reduced rate specified in this section and the report of taxes required by s. 550.0951(5) is submitted to the division.

(3)

(b) The payment of taxes pursuant to paragraph (a) shall be calculated and commence beginning the day ~~after the biweekly period~~ in which the permitholder is first entitled to the reduced rate specified in this subsection.

Section 30. Subsection (1) of section 550.09514, Florida Statutes, is amended to read:

550.09514 Greyhound dogracing taxes; purse requirements.—

(1) Wagering on greyhound racing is subject to a tax on handle for live greyhound racing as specified in s. 550.0951(3). However, each permitholder shall pay no tax on handle until such time as this subsection has resulted in a tax savings per state fiscal year of \$360,000. Thereafter, each permitholder shall pay the tax as specified in s. 550.0951(3) on all handle for the remainder of the permitholder's current race meet, ~~and the tax must be calculated and commence beginning the day after the biweekly period in which the permitholder reaches the maximum tax savings per state fiscal year provided in this section.~~ For the three permitholders that conducted a full schedule of live racing in 1995, and are closest to another state that authorizes greyhound pari-mutuel wagering, the maximum tax savings per state fiscal year shall be \$500,000. The provisions of this subsection relating to tax exemptions shall not apply to any charity or scholarship performances conducted pursuant to s. 550.0351.

Section 31. Subsections (1), (2), (5), (6), (9), and (10) of section 550.105, Florida Statutes, are amended to read:

550.105 Occupational licenses of racetrack employees; fees; denial, suspension, and revocation of license; penalties and fines.—

(1) Each person connected with a racetrack or jai alai fronton, as specified in paragraph (2)(a), shall purchase from the division an ~~annual occupational license, which license is valid from May 1 until June 30 of the following year.~~ All moneys collected pursuant to this section each fiscal year shall be deposited into the Pari-mutuel Wagering Trust Fund. ~~Any person may, at her or his option and Pursuant to the rules adopted by the division, purchase an occupational license may be valid for a period of up to 3 years for a fee that does not exceed if the purchaser of the license pays the full occupational license fee for each of the years for which the license is purchased at the time the 3 year license is requested.~~ The occupational license shall be valid during its specified term at any pari-mutuel facility.

(2)(a) The following licenses shall be issued to persons or entities with access to the backside, racing animals, jai alai players' room, jockeys' room, drivers' room, totalisator room, the mutuels, or money room, or to persons who, by virtue of the position they hold, might be granted access to these areas or to any other person or entity in one of the following categories and with ~~scheduled annual~~ fees ~~not to exceed the following amounts as follows:~~

1. Business licenses: any business such as a vendor, contractual concessionaire, contract kennel, business owning racing animals, trust or estate, totalisator company, stable name, or other fictitious name: \$50.

2. Professional occupational licenses: professional persons with access to the backside of a racetrack or players' quarters in jai alai such as trainers, officials, veterinarians, doctors, nurses, EMT's, jockeys and apprentices, drivers, jai alai players, owners, trustees, or any management or officer or director or shareholder or any other professional-level person who might have access to the jockeys' room, the drivers' room, the backside, racing animals, kennel compound, or managers or supervisors

requiring access to mutuels machines, the money room, or totalisator equipment: \$40.

3. General occupational licenses: general employees with access to the jockeys' room, the drivers' room, racing animals, the backside of a racetrack or players' quarters in jai alai, such as grooms, kennel helpers, leadouts, pelota makers, cesta makers, or ball boys, or a practitioner of any other occupation who would have access to the animals, the backside, or the kennel compound, or who would provide the security or maintenance of these areas, or mutual employees, totalisator employees, money-room employees, or any employee with access to mutuels machines, the money room, or totalisator equipment or who would provide the security or maintenance of these areas: \$10.

The individuals and entities that are licensed under this paragraph require heightened state scrutiny, including the submission by the individual licensees or persons associated with the entities described in this chapter of fingerprints for a Federal Bureau of Investigation criminal records check.

(b) The division shall adopt rules pertaining to pari-mutuel occupational licenses, *licensing periods, and renewal cycles.*

(5)(a) The division may:

1. Deny a license to or revoke, suspend, or place conditions upon or restrictions on a license of any person who has been refused a license by any other state racing commission or racing authority;

2. Deny, suspend, or place conditions on a license of any person who is under suspension or has unpaid fines in another jurisdiction;

if the state racing commission or racing authority of such other state or jurisdiction extends to the division reciprocal courtesy to maintain the disciplinary control.

(b) The division may deny, suspend, revoke, or declare ineligible any occupational license if the applicant for or holder thereof has violated the provisions of this chapter or the rules of the division governing the conduct of persons connected with racetracks and frontons. In addition, the division may deny, suspend, revoke, or declare ineligible any occupational license if the applicant for such license has been convicted in this state, in any other state, or under the laws of the United States of a capital felony, a felony, or an offense in any other state which would be a felony under the laws of this state involving arson; trafficking in, conspiracy to traffic in, smuggling, importing, conspiracy to smuggle or import, or delivery, sale, or distribution of a controlled substance; or a crime involving a lack of good moral character, or has had a pari-mutuel license revoked by this state or any other jurisdiction for an offense related to pari-mutuel wagering.

(c) The division may deny, declare ineligible, or revoke any occupational license if the applicant for such license has been convicted of a felony or misdemeanor in this state, in any other state, or under the laws of the United States, if such felony or misdemeanor is related to gambling or bookmaking, as contemplated in s. 849.25, or involves cruelty to animals. If the applicant establishes that she or he is of good moral character, that she or he has been rehabilitated, and that the crime she or he was convicted of is not related to pari-mutuel wagering and is not a capital offense, the restrictions excluding offenders may be waived by the director of the division.

(d) *For purposes of this subsection, the term "convicted" means having been found guilty, with or without adjudication of guilt, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere. However, the term "conviction" does not apply to a crime committed prior to the effective date of this subsection in a manner that would invalidate any occupational license issued prior to the effective date of this subsection or subsequent renewal for any person holding such a license.*

(e) ~~(d)~~ If an occupational license will expire by division rule during the period of a suspension the division intends to impose, or if a license would have expired but for pending administrative charges and the occupational licensee is found to be in violation of any of the charges, the license may be revoked and a time period of license ineligibility may be declared. The division may bring administrative charges against any person not holding a current license for violations of statutes or rules which occurred while such person held an occupational license, and the

division may declare such person ineligible to hold a license for a period of time. The division may impose a civil fine of up to \$1,000 for each violation of the rules of the division in addition to or in lieu of any other penalty provided for in this section. In addition to any other penalty provided by law, the division may exclude from all pari-mutuel facilities in this state, for a period not to exceed the period of suspension, revocation, or ineligibility, any person whose occupational license application has been denied by the division, who has been declared ineligible to hold an occupational license, or whose occupational license has been suspended or revoked by the division.

(f) (e) The division may cancel any occupational license that has been voluntarily relinquished by the licensee.

(6) In order to promote the orderly presentation of pari-mutuel meets authorized in this chapter, the division may issue a temporary occupational license. The division shall adopt rules to implement this subsection. However, no temporary occupational license shall be valid for more than 30 days, and no more than one temporary license may be issued for any person in any year.

(9) The tax imposed by this section is in lieu of all license, excise, or occupational taxes to the state or any county, municipality, or other political subdivision, except that, if a race meeting or game is held or conducted in a municipality, the municipality may assess and collect an additional tax against any person conducting live racing or games within its corporate limits, which tax may not exceed \$150 per day for horse-racing, ~~or \$50 per day for dogracing, or jai alai, simulcasts, intertrack wagering, cardrooms, slot machines, or electronic gaming machines.~~ Except as provided in this chapter, a municipality may not assess or collect any additional excise or revenue tax against any person conducting race meetings within the corporate limits of the municipality or against any patron of any such person.

(10)(a) Upon application for an occupational license, the division may require the applicant's full legal name; any nickname, alias, or maiden name for the applicant; name of the applicant's spouse; the applicant's date of birth, residence address, mailing address, residence address and business phone number, and social security number; disclosure of any felony or any conviction involving bookmaking, illegal gambling, or cruelty to animals; disclosure of any past or present enforcement or actions by any racing or gaming agency against the applicant; and any information the division determines is necessary to establish the identity of the applicant or to establish that the applicant is of good moral character. Fingerprints shall be taken in a manner approved by the division and then shall be submitted to the Federal Bureau of Investigation, or to the association of state officials regulating pari-mutuel wagering pursuant to the Federal Pari-mutuel Licensing Simplification Act of 1988. The cost of processing fingerprints shall be borne by the applicant and paid to the association of state officials regulating pari-mutuel wagering from the trust fund to which the processing fees are deposited. ~~The division shall require each applicant for an occupational license to have the applicant's signature witnessed and notarized or signed in the presence of a division official.~~ The division, by rule, may require additional information from licensees which is reasonably necessary to regulate the industry. The division may, by rule, exempt certain occupations or groups of persons from the fingerprinting requirements.

(b) *All fingerprints required by this section which are submitted to the Department of Law Enforcement shall be retained by the Department of Law Enforcement and entered into the statewide automated fingerprint identification system as authorized by s. 943.05(2)(b) and shall be available for all purposes and uses authorized for arrest fingerprint cards entered into the statewide automated fingerprint identification system pursuant to s. 943.051.*

(c) *The Department of Law Enforcement shall search all arrest fingerprints received pursuant to s. 943.051 against the fingerprints retained in the statewide automated fingerprint identification system under paragraph (b). Any arrest record that is identified with the retained fingerprints of a person subject to the criminal history screening requirements of this section shall be reported to the division. Each licensee shall pay a fee to the division for the cost of retention of the fingerprints and the ongoing searches under this paragraph. The division shall forward the payment to the Department of Law Enforcement. The amount of the fee to be imposed for performing these searches and the procedures for the retention of licensee fingerprints shall be as established by rule of the De-*

*partment of Law Enforcement. The division shall inform the Department of Law Enforcement of any change in the license status of licensees whose fingerprints are retained under paragraph (b).*

(d) *The division shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for a national criminal history records check at least once every 5 years following issuance of a license. If the fingerprints of a person who is licensed have not been retained by the Department of Law Enforcement, the person must file a complete set of fingerprints as provided in paragraph (a). The division shall collect the fees for the cost of the national criminal history record check under this paragraph and forward the payment to the Department of Law Enforcement. The cost of processing fingerprints and conducting a criminal history record check under this paragraph for a general occupational license shall be borne by the applicant. The cost of processing fingerprints and conducting a criminal history record check under this paragraph for a business or professional occupational license shall be borne by the person being checked. The Department of Law Enforcement may invoice the division for the fingerprints submitted each month. Under penalty of perjury, each person who is licensed or who is fingerprinted as required by this section must agree to inform the division within 48 hours if he or she is convicted of or has entered a plea of guilty or nolo contendere to any disqualifying offense, regardless of adjudication.*

Section 32. Section 550.135, Florida Statutes, is amended to read:

550.135 Division of moneys derived under this law.—All moneys that are deposited with the Chief Financial Officer to the credit of the Pari-mutuel Wagering Trust Fund shall be distributed as follows:

(1) The daily license fee revenues collected pursuant to s. 550.0951(1) shall be used to fund the operating cost of the division and to provide a proportionate share of the operation of the office of the secretary and the Division of Administration of the Department of Business and Professional Regulation; however, other collections in the Pari-mutuel Wagering Trust Fund may also be used to fund the operation of the division in accordance with authorized appropriations.

(2) All unappropriated funds in excess of \$1.5 million in the Pari-mutuel Wagering Trust Fund, collected pursuant to this chapter, shall be deposited with the Chief Financial Officer to the credit of the General Revenue Fund.

(3) The slot machine license fee, the slot machine occupational license fee, and the compulsive or addictive gambling prevention program fee collected pursuant to ss. 551.106, 551.107(2)(a)1., and 551.118 shall be used to fund the direct and indirect operating expenses of the division's slot machine regulation operations and to provide funding for relevant enforcement activities in accordance with authorized appropriations. Funds deposited into the Pari-mutuel Wagering Trust Fund pursuant to ss. 551.106, 551.107(2)(a)1., and 551.118 shall be reserved in the trust fund for slot machine regulation operations. On June 30, any unappropriated funds in excess of those necessary for incurred obligations and subsequent year cash flow for slot machine regulation operations shall be deposited with the Chief Financial Officer to the credit of the General Revenue Fund.

(4) *The electronic gaming machine license fee, the electronic gaming machine occupational license fee, and the compulsive or addictive gambling prevention program fee collected pursuant to subsection (1) of section 7 of this act and subsection (3) of section 17 of this act shall be used to fund the direct and indirect operating expenses of the division's electronic gaming machine regulation operations and to provide funding for relevant enforcement activities in accordance with authorized appropriations. Funds deposited into the Pari-mutuel Wagering Trust Fund pursuant to subsection (1) of section 7 of this act and subsection (3) of section 17 of this act shall be reserved in the trust fund for electronic gaming machine regulation and enforcement operations. On June 30, any unappropriated funds in excess of those necessary for incurred obligations and subsequent year cash flow for electronic gaming machine regulation and enforcement operations shall be deposited with the Chief Financial Officer to the credit of the General Revenue Fund.*

Section 33. Subsection (6) of section 550.2415, Florida Statutes, is amended to read:

550.2415 Racing of animals under certain conditions prohibited; penalties; exceptions.—

(6)(a) It is the intent of the Legislature that animals that participate in races in this state on which pari-mutuel wagering is conducted and animals that are bred and trained in this state for racing be treated humanely, both on and off racetracks, throughout the lives of the animals.

(b) The division shall, by rule, establish the procedures for euthanizing greyhounds. However, a greyhound may not be put to death by any means other than by lethal injection of the drug sodium pentobarbital. A greyhound may not be removed from this state for the purpose of being destroyed.

(c) It is a violation of this chapter for an occupational licensee to train a greyhound using live or dead animals. A greyhound may not be taken from this state for the purpose of being trained through the use of live or dead animals.

(d) ~~Any act committed by any licensee which would constitute a conviction of cruelty to animals as defined in pursuant to s. 828.12 involving any a racing animal constitutes a violation of this chapter. Imposition of any penalty by the division for a violation of this chapter or any rule adopted by the division pursuant to this chapter does not prohibit a criminal prosecution for cruelty to animals.~~

(e) *The division may inspect any area at a pari-mutuel facility where racing animals are raced, trained, housed, or maintained, including any areas where food, medications, or other supplies are kept, to ensure the humane treatment of racing animals and compliance with this chapter and the rules of the division.*

Section 34. Subsection (5) is added to section 550.26165, Florida Statutes, is amended to read:

550.26165 Breeders' awards.—

(5)(a) *The awards programs in this chapter, which are intended to encourage thoroughbred breeding and training operations to locate in this state, must be responsive to rapidly changing incentive programs in other states. To attract such operations, it is appropriate to provide greater flexibility to thoroughbred industry participants in this state so that they may design competitive awards programs.*

(b) *Notwithstanding any other provision of law to the contrary, the Florida Thoroughbred Breeders' Association, as part of its annual plan, may:*

1. *Pay breeders' awards on horses finishing in first, second, or third place in thoroughbred horse races; pay breeders' awards that are greater than 20 percent and less than 15 percent of the announced gross purse; and vary the rates for breeders' awards, based upon the place of finish, class of race, state or country in which the race took place, and the state in which the stallion siring the horse was standing when the horse was conceived;*

2. *Pay stallion awards on horses finishing in first, second, or third place in thoroughbred horse races; pay stallion awards that are greater than 20 percent and less than 15 percent of the announced gross purse; reduce or eliminate stallion awards to enhance breeders' awards or awards under subparagraph 3.; and vary the rates for stallion awards, based upon the place of finish, class of race, and state or country in which the race took place; and*

3. *Pay awards from the funds dedicated for breeders' awards and stallion awards to owners of registered Florida-bred horses finishing in first, second, or third place in thoroughbred horse races in this state, without regard to any awards paid pursuant to s. 550.2625(6).*

(c) *Breeders' awards or stallion awards under this chapter may not be paid on thoroughbred horse races taking place in other states or countries unless agreed to in writing by all thoroughbred permitholders in this state, the Florida Thoroughbred Breeders' Association, and the Florida Horsemen's Benevolent and Protective Association, Inc.*

Section 35. Paragraph (e) is added to subsection (6) of section 550.2625, Florida Statutes, to read:

550.2625 Horseracing; minimum purse requirement, Florida breeders' and owners' awards.—

(6)

(e) *This subsection governs owners' awards paid on thoroughbred races only in this state, unless a written agreement is filed with the division establishing the rate, procedures, and eligibility requirements for owners' awards, including place of finish, class of race, maximum purse, and maximum award, and the agreement is entered into by the permitholder, the Florida Thoroughbred Breeders' Association, and the association representing a majority of the racehorse owners and trainers at the permitholder's location.*

Section 36. Section 550.334, Florida Statutes, is amended to read:

550.334 Quarter horse racing; substitutions.—

(1) ~~Subject to all the applicable provisions of this chapter, any person who possesses the qualifications prescribed in this chapter may apply to the division for a permit to conduct quarter horse race meetings and racing under this chapter. The applicant must demonstrate that the location or locations where the permit will be used are available for such use and that she or he has the financial ability to satisfy the reasonably anticipated operational expenses of the first racing year following final issuance of the permit. If the racing facility is already built, the application must contain a statement, with reasonable supporting evidence, that the permit will be used for quarter horse racing within 1 year after the date on which it is granted; if the facility is not already built, the application must contain a statement, with reasonable supporting evidence, that substantial construction will be started within 1 year after the issuance of the permit. After receipt of an application, the division shall convene to consider and act upon permits applied for. The division shall disapprove an application if it fails to meet the requirements of this chapter. Upon each application filed and approved, a permit shall be issued setting forth the name of the applicant and a statement showing qualifications of the applicant to conduct racing under this chapter. If a favorable referendum on a pari mutuel facility has not been held previously within the county, then, before a quarter horse permit may be issued by the division, a referendum ratified by a majority of the electors in the county is required on the question of allowing quarter horse races within that county.~~

(2) ~~After a quarter horse racing permit has been granted by the division, the department shall grant to the lawful holder of such permit, subject to the conditions of this section, a license to conduct quarter horse racing under this chapter; and the division shall fix annually the time when, place where, and number of days upon which racing may be conducted by such quarter horse racing permitholder. After the first license has been issued to the holder of a permit for quarter horse racing, all subsequent annual applications for a license by a permitholder must be accompanied by proof, in such form as the division requires, that the permitholder still possesses all the qualifications prescribed by this chapter. The division may revoke any permit or license issued under this section upon the willful violation by the licensee of any provision of this chapter or any rule adopted by the division under this chapter. The division shall revoke any quarter horse permit under which no live racing has ever been conducted before July 7, 1990, for failure to conduct a horse meet pursuant to the license issued where a full schedule of horseracing has not been conducted for a period of 18 months commencing on October 1, 1990, unless the permitholder has commenced construction on a facility at which a full schedule of live racing could be conducted as approved by the division. "Commenced construction" means initiation of and continuous activities beyond site preparation associated with erecting or modifying a horseracing facility, including procurement of a building permit applying the use of approved construction documents, proof of an executed owner/contractor agreement or an irrevocable or binding forced account, and actual undertaking of foundation forming with steel installation and concrete placing. The 18-month period shall be extended by the division, to the extent that the applicant demonstrates to the satisfaction of the division that good faith commencement of the construction of the facility is being delayed by litigation or by governmental action or inaction with respect to regulations or permitting precluding commencement of the construction of the facility.~~

(1) ~~(2)~~ The operator of any licensed racetrack is authorized to lease such track to any quarter horse racing permitholder for the conduct of quarter horse racing under this chapter.

~~(4) Section 550.054 is inapplicable to quarter horse racing as permitted under this section. All other provisions of this chapter apply to, govern, and control such racing, and the same must be conducted in compliance therewith.~~

(2) ~~(5)~~ Quarter horses participating in such races must be duly registered by the American Quarter Horse Association, and before each race such horses must be examined and declared in fit condition by a qualified person designated by the division.

(3) ~~(6)~~ Any quarter horse racing days permitted under this chapter are in addition to any other racing permitted under the license issued the track where such quarter horse racing is conducted.

(4) ~~(7)(a)~~ Any quarter horse racing permitholder operating under a valid permit issued by the division is authorized to substitute races of other breeds of horses, ~~except thoroughbreds~~, which are, respectively, registered with the American Paint Horse Association, Appaloosa Horse Club, Arabian Horse Registry of America, Palomino Horse Breeders of America, ~~or~~ United States Trotting Association, *Florida Cracker Horse Association*, or for no more than 50 percent of the quarter horse races daily, and may substitute races of thoroughbreds registered with the Jockey Club for no more than 50 percent of the quarter horse races conducted by the permitholder during the year ~~daily with the written consent of all greyhound, harness, and thoroughbred permitholders whose pari-mutuel facilities are located within 50 air miles of such quarter horse racing permitholder's pari-mutuel facility.~~

~~(b) Any permittee operating within an area of 50 air miles of a licensed thoroughbred track may not substitute thoroughbred races under this section while a thoroughbred horse race meet is in progress within that 50 miles. Any permittee operating within an area of 125 air miles of a licensed thoroughbred track may not substitute live thoroughbred races under this section while a thoroughbred permittee who pays taxes under s. 550.09515(2)(a) is conducting a thoroughbred meet within that 125 miles. These mileage restrictions do not apply to any permittee that holds a nonwagering permit issued pursuant to s. 550.505.~~

(5) ~~(8)~~ A quarter horse permit issued pursuant to this section is not eligible for transfer or conversion to another type of pari-mutuel operation.

(6) ~~(9)~~ Any nonprofit corporation, including, but not limited to, an agricultural cooperative marketing association, organized and incorporated under the laws of this state may apply for a quarter horse racing permit and operate racing meets under such permit, provided all pari-mutuel taxes and fees applicable to such racing are paid by the corporation. However, insofar as its pari-mutuel operations are concerned, the corporation shall be considered to be a corporation for profit and is subject to taxation on all property used and profits earned in connection with its pari-mutuel operations.

~~(10) Intertrack wagering shall not be authorized for any quarter horse permitholder without the written consent of all greyhound, harness, and thoroughbred permitholders whose pari-mutuel facilities are located within 50 air miles of such quarter horse permitholder's pari-mutuel facility.~~

Section 37. Section 550.3355, Florida Statutes, is amended to read:

550.3355 Harness track licenses for summer quarter horse racing.— Any harness track licensed to operate under the provisions of s. 550.375 may make application for, and shall be issued by the division, a license to operate not more than 50 quarter horse racing days during the summer season, which shall extend from ~~July 1~~ ~~June 1~~ until ~~October 1~~ ~~September 1~~ of each year. However, this license to operate quarter horse racing for 50 days is in addition to the racing days and dates provided in s. 550.375 for harness racing during the winter seasons; and, it does not affect the right of such licensee to operate harness racing at the track as provided in s. 550.375 during the winter season. All provisions of this chapter governing quarter horse racing not in conflict herewith apply to the operation of quarter horse meetings authorized hereunder, except that all quarter horse racing permitted hereunder shall be conducted at night.

Section 38. *Section 550.3605, Florida Statutes, is repealed.*

Section 39. Section 550.5251, Florida Statutes, is amended to read:  
550.5251 Florida thoroughbred racing; certain permits; operating days.—

~~(1) Each thoroughbred permitholder under whose permit thoroughbred racing was conducted in this state at any time between January 1, 1987, and January 1, 1988, shall annually be entitled to apply for and annually receive thoroughbred racing days and dates as set forth in this section. As regards such permitholders, the annual thoroughbred racing season shall be from June 1 of any year through May 31 of the following year and shall be known as the "Florida Thoroughbred Racing Season."~~

(1) ~~(2)~~ Each *thoroughbred* permitholder referred to in subsection (1) shall annually, during the period commencing December 15 of each year and ending January 4 of the following year, file in writing with the division its application to conduct one or more thoroughbred racing meetings during the thoroughbred racing season commencing on the following ~~July~~ ~~June~~ 1. Each application shall specify the number and dates of all performances that the permitholder intends to conduct during that thoroughbred racing season. On or before February 15 of each year, the division shall issue a license authorizing each permitholder to conduct performances on the dates specified in its application. ~~By February 28~~ ~~Up to March 31~~ of each year, each permitholder may request and shall be granted changes in its authorized performances; but thereafter, as a condition precedent to the validity of its license and its right to retain its permit, each permitholder must operate the full number of days authorized on each of the dates set forth in its license.

~~(3) Each thoroughbred permit referred to in subsection (1), including, but not limited to, any permit originally issued as a summer thoroughbred horse racing permit, is hereby validated and shall continue in full force and effect.~~

(2) ~~(4)~~ A thoroughbred racing permitholder may not begin any race later than 7 p.m. Any thoroughbred permitholder in a county in which the authority for cardrooms has been approved by the board of county commissioners may operate a cardroom and, when conducting live races during its current race meet, may receive and rebroadcast out-of-state races after the hour of 7 p.m. on any day during which the permitholder conducts live races.

(3) ~~(5)(a)~~ Each licensed thoroughbred permitholder in this state must run an average of one race per racing day in which horses bred in this state and duly registered with the Florida Thoroughbred Breeders' Association have preference as entries over non-Florida-bred horses, *unless otherwise agreed to in writing by the permitholder, the Florida Thoroughbred Breeders' Association, and the association representing a majority of the thoroughbred racehorse owners and trainers at that location.* All licensed thoroughbred racetracks shall write the conditions for such races in which Florida-bred horses are preferred so as to assure that all Florida-bred horses available for racing at such tracks are given full opportunity to run in the class of races for which they are qualified. The opportunity of running must be afforded to each class of horses in the proportion that the number of horses in this class bears to the total number of Florida-bred horses available. A track is not required to write conditions for a race to accommodate a class of horses for which a race would otherwise not be run at the track during its ~~meet~~ *meeting*.

(b) Each licensed thoroughbred permitholder in this state may run one additional race per racing day composed exclusively of Arabian horses registered with the Arabian Horse Registry of America. Any licensed thoroughbred permitholder that elects to run one additional race per racing day composed exclusively of Arabian horses registered with the Arabian Horse Registry of America is not required to provide stables for the Arabian horses racing under this paragraph.

(c) Each licensed thoroughbred permitholder in this state may run up to three additional races per racing day composed exclusively of quarter horses registered with the American Quarter Horse Association.

~~(6) Notwithstanding the provisions of subsection (2), a thoroughbred permitholder who fails to operate all performances on its 2001-2002 license does not lose its right to retain its permit. Such thoroughbred~~

~~permitholder is eligible for issuance of an annual license pursuant to s. 550.0115 for subsequent thoroughbred racing seasons. The division shall take no disciplinary action against such thoroughbred permitholder for failure to operate all licensed performances for the 2001-2002 license pursuant to this section or s. 550.01215. This section may not be interpreted to prohibit the division from taking disciplinary action against a thoroughbred permitholder for failure to pay taxes on performances operated pursuant to its 2001-2002 license. This subsection expires July 1, 2003.~~

~~(7) A thoroughbred permitholder shall file an amendment with the division no later than July 1, 2002, that indicates that it will not be able to operate the performances scheduled on its 2002-2003 license without imposition of any penalty for failure to operate all licensed performances provided in this chapter. This subsection expires July 1, 2003.~~

Section 40. Section 550.810, Florida Statutes, is created to read:

550.810 Historical racing.—

(1) Subject to the requirements of this section and compliance with the rules adopted by the division, a licensed pari-mutuel facility may operate a historical racing system if:

(a) No identifying information about any race or the competing horses or dogs in that race is revealed to a patron until after the patron's wagers is irrevocably placed;

(b) The results of a patron's wager are shown to the patron using video or mechanical displays, or both, and the patron has the opportunity to view all or any portion of the race;

(c) The historical racing takes place under a licensed pari-mutuel permit and the pari-mutuel permitholder also holds a cardroom license; and

(d) The licensed pari-mutuel permit holder has paid the fee in s. 550.0951(5)(d).

(2)(a) Historic racing may not be authorized to a permitholder licensed under chapter 550, Florida Statutes, to conduct live pari-mutuel wagering races or games unless the permitholder has on file with the division the following binding written agreements governing the payment of awards and purses on the handle generated from historic racing conducted at the licensee's pari-mutuel facility:

1. For a thoroughbred permitholder, an agreement governing the payment of purses between the permitholder and the Florida Horsemen's Benevolent and Protective Association, Inc., or the association representing a majority of the thoroughbred owners and trainers at the permitholder's eligible facility located as described in s. 550.615(9), Florida Statutes, and an agreement governing the payment of awards between the permitholder and the Florida Thoroughbred Breeders' Association;

2. For a harness permitholder, an agreement governing the payment of purses and awards between the permitholder and the Florida Standardbred Breeders and Owners Association;

3. For a greyhound permitholder, an agreement governing the payment of purses between the permitholder and the Florida Greyhound Association, Inc.;

4. For a quarter horse permitholder, an agreement governing the payment of purses between the applicant and the Florida Quarter Horse Racing Association or the association representing a majority of the horse owners and trainers at the applicants eligible facility, and an agreement governing the payment of awards between the permitholder and the Florida Quarter Horse Breeders and Owners Association; or

5. For a jai alai permitholder, an agreement governing the payment of player awards between the permitholder and the International Jai Alai Players Association or a binding written agreement approved by a majority of the jai alai players at the permitholder's eligible facility at which the applicant has a permit issued after January 1, 2000, to conduct jai alai.

(b) The agreements may direct the payment of purses and awards from revenues generated by any wagering or games the applicant is authorized to conduct under state law. All purses and awards are subject to

the terms of chapter 550, Florida Statutes. All sums for breeders', stallion, and special racing awards shall be remitted monthly to the respective breeders association for the payment of awards, subject to the administrative fees authorized under chapter 550, Florida Statutes.

(3) The amount of historical racing wagering terminals may be:

(a) A licensed greyhound facility may have 500 historical racing terminals.

(b) A licensed thoroughbred facility may have 500 historical racing terminals.

(c) A licensed harness track facility may have 500 historical racing terminals.

(d) A licensed quarter horse facility may have 500 historical racing terminals.

(e) A licensed jai alai facility may have 500 historical racing terminals.

(4) The moneys wagered on races via the historical racing system shall be separated from the moneys wagered on live races conducted at, and on other races simulcast to, the licensee's facility.

(5) The division shall adopt rules necessary to implement, administer, and regulate the operation of historical racing systems in this state. The rules must include:

(a) Procedures for regulating, managing, and auditing the operation, financial data, and program information relating to historical racing systems that enable the division to audit the operation, financial data, and program information of pari-mutuel facility authorized to operate a historical racing system.

(b) Technical requirements to operate a historical racing system.

(c) Procedures to require licensees to maintain specified records and submit any data, information, record, or report, including financial and income records, required by this act or rules of the division.

(d) Procedures relating to historical racing system revenues, including verifying and accounting for such revenues, auditing, and collecting taxes and fees.

(e) Minimum standards for security of the facilities, including floor plans, security cameras, and other security equipment.

(f) Procedures to ensure that a historical racing machine does not enter the state and be offered for play until it has been tested and certified by a licensed testing laboratory for play in the state. The procedures shall address measures to scientifically test and technically evaluate electronic gaming machines for compliance with laws and rules regulating historical racing machines. The division may contract with an independent testing laboratory to conduct any necessary testing. The independent testing laboratory must have a national reputation indicating that it is demonstrably competent and qualified to scientifically test and evaluate that the historical racing systems perform the functions required by laws and rules regulating historical racing machines. An independent testing laboratory may not be owned or controlled by a licensee. The selection of an independent laboratory for any purpose related to the conduct of historical racing systems by a licensee shall be made from a list of laboratories approved by the division. The division shall adopt rules regarding the testing, certification, control, and approval of historical racing systems.

(6) Notwithstanding any other provision of the law, the proceeds of pari-mutuel tickets purchased for historical racing that are not redeemed within 1 year after purchase shall be divided as follows:

(a) Fifty percent shall be retained by the permitholder; and

(b) Fifty percent shall be paid into the permitholder's purse account.

Section 41. Subsection (7) of section 551.102, Florida Statutes, is amended to read:

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

(7) “Progressive system” means a computerized system linking slot machines in one or more licensed facilities within this state or other jurisdictions and offering one or more common progressive payouts based on the amounts wagered.

Section 42. Paragraph (j) of subsection (4) of section 551.104, Florida Statutes, is amended to read:

551.104 License to conduct slot machine gaming.—

(4) As a condition of licensure and to maintain continued authority for the conduct of slot machine gaming, the slot machine licensee shall:

(j) Ensure that the payout percentage of a slot machine gaming facility is at least ~~no less than~~ 85 percent.

Section 43. Paragraph (a) of subsection (1), paragraph (a) of subsection (2), and subsection (3) of section 551.106, Florida Statutes, are amended to read:

551.106 License fee; tax rate; penalties.—

(1) LICENSE FEE.—

(a) Upon submission of the initial application for a slot machine license and annually thereafter, on the anniversary date of the issuance of the initial license, the licensee must pay to the division a nonrefundable license fee of \$3 million for the succeeding 12 months of licensure. *In the 2010-2011 fiscal year, the licensee must pay the division a nonrefundable license fee of \$2.5 million for the succeeding 12 months of licensure. In the 2011-2012 fiscal year and for every fiscal year thereafter, the licensee must pay the division a nonrefundable license fee of \$2 million for the succeeding 12 months of licensure.* The license fee shall be deposited into the Pari-mutuel Wagering Trust Fund of the Department of Business and Professional Regulation to be used by the division and the Department of Law Enforcement for investigations, regulation of slot machine gaming, and enforcement of slot machine gaming provisions under this chapter. These payments shall be accounted for separately from taxes or fees paid pursuant to the provisions of chapter 550.

(2) TAX ON SLOT MACHINE REVENUES.—

(a) The tax rate on slot machine revenues at each facility shall be 50 percent. *In the 2010-2011 fiscal year, the tax rate on slot machine revenues at each facility shall be 42 percent. In the 2011-2012 fiscal year and every year thereafter, the tax rate on slot machine revenue at each facility shall be 35 percent.*

(3) PAYMENT AND DISPOSITION OF TAXES.—Payment for the tax on slot machine revenues imposed by this section shall be paid to the division. The division shall deposit these sums with the Chief Financial Officer, to the credit of the Pari-mutuel Wagering Trust Fund. The slot machine licensee shall remit to the division payment for the tax on slot machine revenues. Such payments shall be remitted by 3 p.m. Wednesday of each week for taxes imposed and collected for the preceding week ending on Sunday. *Beginning on July 1, 2012, the slot machine licensee shall remit to the division payment for the tax on slot machine revenues by 3 p.m. on the 5th day of each calendar month for taxes imposed and collected for the preceding calendar month. If the 5th day of the calendar month falls on a weekend, payments shall be remitted by 3 p.m. the first Monday following the weekend.* The slot machine licensee shall file a report under oath by the 5th day of each calendar month for all taxes remitted during the preceding calendar month. Such payments shall be accompanied by a report under oath showing all slot machine gaming activities for the preceding calendar month and such other information as may be prescribed by the division.

Section 44. Subsection (1) of section 551.113, Florida Statutes, is amended to read:

551.113 Persons prohibited from playing slot machines.—

(1) A person who has not attained ~~18~~ 21 years of age may not play or operate a slot machine or have access to the designated slot machine gaming area of a facility of a slot machine licensee.

Section 45. Subsection (5) of section 551.121, Florida Statutes, is amended to read:

551.121 Prohibited activities and devices; exceptions.—

(5) A slot machine, or the computer operating system linking the slot machine, may be linked by any means to any other slot machine or computer operating system within the facility of a slot machine licensee. A progressive system may ~~not~~ be used in conjunction with slot machines between licensed facilities *in Florida or in other jurisdictions.*

Section 46. Paragraph (a) of subsection (1) and paragraph (a) of subsection (2) of section 772.102, Florida Statutes, are amended to read:

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

(1) “Criminal activity” means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime that is chargeable by indictment or information under the following provisions:

1. Section 210.18, relating to evasion of payment of cigarette taxes.
2. Section 414.39, relating to public assistance fraud.
3. Section 440.105 or s. 440.106, relating to workers’ compensation.
4. Part IV of chapter 501, relating to telemarketing.
5. Chapter 517, relating to securities transactions.
6. Section 550.235 or ; s. 550.3551, ~~or s. 550.3605~~, relating to dogracing and horseracing.
7. Chapter 550, relating to jai alai frontons.
8. Chapter 552, relating to the manufacture, distribution, and use of explosives.
9. Chapter 562, relating to beverage law enforcement.
10. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.
11. Chapter 687, relating to interest and usurious practices.
12. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.
13. Chapter 782, relating to homicide.
14. Chapter 784, relating to assault and battery.
15. Chapter 787, relating to kidnapping or human trafficking.
16. Chapter 790, relating to weapons and firearms.
17. Section 796.03, s. 796.04, s. 796.045, s. 796.05, or s. 796.07, relating to prostitution.
18. Chapter 806, relating to arson.
19. Section 810.02(2)(c), relating to specified burglary of a dwelling or structure.
20. Chapter 812, relating to theft, robbery, and related crimes.
21. Chapter 815, relating to computer-related crimes.
22. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.
23. Section 827.071, relating to commercial sexual exploitation of children.
24. Chapter 831, relating to forgery and counterfeiting.
25. Chapter 832, relating to issuance of worthless checks and drafts.
26. Section 836.05, relating to extortion.

27. Chapter 837, relating to perjury.
28. Chapter 838, relating to bribery and misuse of public office.
29. Chapter 843, relating to obstruction of justice.
30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.
31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.
32. Chapter 893, relating to drug abuse prevention and control.
33. Section 914.22 or s. 914.23, relating to witnesses, victims, or informants.
34. Section 918.12 or s. 918.13, relating to tampering with jurors and evidence.

(2) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted:

- (a) In violation of any one of the following provisions of law:
  1. Section 550.235 or ; s. 550.3551, ~~or s. 550.3605~~, relating to dogracing and horseracing.
  2. Chapter 550, relating to jai alai frontons.
  3. Section 687.071, relating to criminal usury, loan sharking, and shylocking.
  4. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.

Section 47. Paragraphs (a) and (b) of subsection (5), subsections (6) and (7), paragraphs (b) and (c) of subsection (8), and paragraphs (a) and (b) of subsection (12) of section 849.086, Florida Statutes, are amended to read:

849.086 Cardrooms authorized.—

(5) LICENSE REQUIRED; APPLICATION; FEES.—No person may operate a cardroom in this state unless such person holds a valid cardroom license issued pursuant to this section.

(a) Only those persons holding a valid cardroom license issued by the division may operate a cardroom. A cardroom license may only be issued to a licensed pari-mutuel permitholder and an authorized cardroom may only be operated at the same facility at which the permitholder is authorized under its valid pari-mutuel wagering permit to conduct pari-mutuel wagering activities. *An initial cardroom license only shall be issued to a pari-mutuel permitholder that has run a full schedule of live races as defined in s. 550.002(11) for the previous 2 fiscal years prior to application for a license and only if the permitholder is licensed to conduct a full schedule of live races or games during the state fiscal year in which the initial cardroom license is issued.*

(b) After the initial cardroom license is granted, the application for the annual license renewal shall be made in conjunction with the applicant's annual application for its pari-mutuel license. If a permitholder has operated a cardroom during any of the 3 previous fiscal years and fails to include a renewal request for the operation of the cardroom in its annual application for license renewal, the permitholder may amend its annual application to include operation of the cardroom. In order for a cardroom license to be renewed the applicant must have requested, as part of its pari-mutuel annual license application, to conduct at least 90 percent of the total number of live performances conducted by such permitholder during either the state fiscal year in which its initial cardroom license was issued or the state fiscal year immediately prior thereto. If the application is for a harness permitholder cardroom, the applicant must have requested authorization to conduct a minimum of 140 live performances during the state fiscal year immediately prior thereto. If more than one permitholder is operating at a facility, each permitholder must have applied for a license to conduct a full schedule of live racing.

(6) BUSINESS AND EMPLOYEE OCCUPATIONAL LICENSE REQUIRED; APPLICATION; FEES.—

(a) A person employed or otherwise working in a cardroom as a cardroom manager, floor supervisor, pit boss, dealer, or any other activity related to cardroom operations while the facility is conducting card playing or games of dominoes must hold a valid cardroom employee occupational license issued by the division. Food service, maintenance, and security employees with a current pari-mutuel occupational license and a current background check will not be required to have a cardroom employee occupational license.

(b) Any cardroom management company or cardroom distributor associated with cardroom operations must hold a valid cardroom business occupational license issued by the division.

(c) No licensed cardroom operator may employ or allow to work in a cardroom any person unless such person holds a valid occupational license. No licensed cardroom operator may contract, or otherwise do business with, a business required to hold a valid cardroom business occupational license, unless the business holds such a valid license.

(d) The division shall establish, by rule, a schedule for the ~~annual~~ renewal of cardroom occupational licenses. Cardroom occupational licenses are not transferable.

(e) Persons seeking cardroom occupational licenses, or renewal thereof, shall make application on forms prescribed by the division. Applications for cardroom occupational licenses shall contain all of the information the division, by rule, may determine is required to ensure eligibility.

(f) The division shall promulgate rules regarding cardroom occupational licenses. The provisions specified in s. 550.105(4), (5), (6), (7), (8), and (10) relating to licensure shall be applicable to cardroom occupational licenses.

(g) The division may deny, declare ineligible, or revoke any cardroom occupational license if the applicant or holder thereof has been found guilty or had adjudication withheld in this state or any other state, or under the laws of the United States of a felony or misdemeanor involving forgery, larceny, extortion, conspiracy to defraud, or filing false reports to a government agency, racing or gaming commission or authority.

(h) Fingerprints for all cardroom occupational license applications shall be taken in a manner approved by the division and then shall be submitted to the Florida Department of Law Enforcement and the Federal Bureau of Investigation for a criminal records check upon initial application and every 5 years thereafter. The division may by rule require an annual record check of all renewal applications for a cardroom occupational license. The cost of processing fingerprints and conducting a record check shall be borne by the applicant.

(i) The cardroom employee occupational license fee shall ~~not exceed~~ *be* \$50 for any 12-month period. The cardroom business occupational license fee shall ~~not exceed~~ *be* \$250 for any 12-month period.

(7) CONDITIONS FOR OPERATING A CARDROOM.—

(a) A cardroom may be operated only at the location specified on the cardroom license issued by the division, and such location may only be the location at which the pari-mutuel permitholder is authorized to conduct pari-mutuel wagering activities pursuant to such permitholder's valid pari-mutuel permit or as otherwise authorized by law. *Cardroom operations may not be allowed beyond the hours provided in paragraph (b) regardless of the number of cardroom licenses issued for permitholders operating at the pari-mutuel facility.*

(b) Any ~~cardroom operator~~ *horserace, greyhound race, or jai alai permitholder licensed under this section* may operate a cardroom at the pari-mutuel facility ~~daily throughout the year, on any day for a cumulative amount of 12 hours~~ if the permitholder meets the requirements under paragraph (5)(b). *The cardroom may be open a cumulative amount of 18 hours per day on Monday through Friday and 24 hours per day on Saturday and Sunday and on the holidays specified in s. 110.117(1).*

(c) A cardroom operator must at all times employ and provide a nonplaying dealer for each table on which authorized card games which traditionally use a dealer are conducted at the cardroom. Such dealers

may not have a participatory interest in any game other than the dealing of cards and may not have an interest in the outcome of the game. The providing of such dealers by a licensee does not constitute the conducting of a banking game by the cardroom operator.

(d) A cardroom operator may award giveaways, jackpots, and prizes to a player who holds certain combinations of cards specified by the cardroom operator.

(e) Each cardroom operator shall conspicuously post upon the premises of the cardroom a notice which contains a copy of the cardroom license; a list of authorized games offered by the cardroom; the wagering limits imposed by the house, if any; any additional house rules regarding operation of the cardroom or the playing of any game; and all costs to players to participate, including any rake by the house. In addition, each cardroom operator shall post at each table a notice of the minimum and maximum bets authorized at such table and the fee for participation in the game conducted.

(f) The cardroom facility is subject to inspection by the division or any law enforcement agency during the licensee's regular business hours. The inspection must specifically include the permitholder internal control procedures approved by the division.

(g) A cardroom operator may refuse entry to or refuse to allow any person who is objectionable, undesirable, or disruptive to play, but such refusal may not be on the basis of race, creed, color, religion, gender, national origin, marital status, physical handicap, or age, except as provided in this section.

(8) METHOD OF WAGERS; LIMITATION.—

(b) The cardroom operator may limit the amount wagered in any game or series of games, ~~but the maximum bet may not exceed \$5 in value.~~ There may not be more than three raises in any round of betting. The fee charged by the cardroom for participation in the game shall not be included in the calculation of the limitation on the bet amount provided in this paragraph. ~~However,~~ A cardroom operator may conduct games of Texas Hold-em without a betting limit ~~if the required player buy-in is no more than \$100.~~

(c) A tournament shall consist of a series of games. The entry fee for a tournament ~~may be set by the cardroom operator, including any re-buys, may not exceed the maximum amount that could be wagered by a participant in 10 like kind, nontournament games under paragraph (b).~~ Tournaments may be played only with tournament chips that are provided to all participants in exchange for an entry fee and any subsequent re-buys. All players must receive an equal number of tournament chips for their entry fee. Tournament chips have no cash value and represent tournament points only. There is no limitation on the number of tournament chips that may be used for a bet except as otherwise determined by the cardroom operator. Tournament chips may never be redeemed for cash or for any other thing of value. The distribution of prizes and cash awards must be determined by the cardroom operator before entry fees are accepted. For purposes of tournament play only, the term "gross receipts" means the total amount received by the cardroom operator for all entry fees, player re-buys, and fees for participating in the tournament less the total amount paid to the winners or others as prizes.

(12) PROHIBITED ACTIVITIES.—

(a)1. A ~~no~~ person licensed to operate a cardroom may *not* conduct any banking game or any game not specifically authorized by this section *except as provided in subparagraph (b)2.*

(b) A ~~no~~ person under 18 years of age may *not* be permitted to hold a cardroom or employee license, or engage in any game conducted therein.

2. *Cardroom licensees located in Miami-Dade County and Broward County who are slot machine licensees pursuant to chapter 551 and have conducted a full schedule of live racing pursuant to s. 550.002(11) for the prior 2 fiscal years may conduct the game of blackjack if the Governor and the Seminole Tribe of Florida enter into a signed compact that permits the Seminole Tribe of Florida the ability to play roulette or roulette-style games or craps or craps-style games, and only if the compact is approved or deemed approved by the Department of the Interior and properly noticed in the Federal Register. Cardroom licensees who are authorized to conduct the game of blackjack shall pay a tax to the state of 10 percent of*

*the cardroom operation's monthly gross receipts, which shall include blackjack revenue.*

Section 48. Subsection (2) of section 849.15, Florida Statutes, is amended to read:

849.15 Manufacture, sale, possession, etc., of coin-operated devices prohibited.—

(2) Pursuant to section 2 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," approved January 2, 1951, being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177, the State of Florida, acting by and through the duly elected and qualified members of its Legislature, does hereby in this section, and in accordance with and in compliance with the provisions of section 2 of such chapter of Congress, declare and proclaim that any county of the State of Florida within which slot machine gaming is authorized pursuant to chapter 551 or *electronic gaming or historical racing is authorized at eligible pari-mutuel facilities* is exempt from the provisions of section 2 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," designated as 15 U.S.C. ss. 1171-1177, approved January 2, 1951. All shipments of gaming devices, including slot machines, *electronic gaming machines, and historical racing systems,* into any county of this state within which slot machine gaming is authorized pursuant to chapter 551 or *electronic gaming or historical racing is authorized at eligible pari-mutuel facilities* and the registering, recording, and labeling of which have been duly performed by the manufacturer or distributor thereof in accordance with sections 3 and 4 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," approved January 2, 1951, being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177, shall be deemed legal shipments thereof into this state provided the destination of such shipments is an eligible facility as defined in s. 551.102 or the facility of a slot machine manufacturer or slot machine distributor as provided in s. 551.109(2), *a certified educational facility, or the facility of an electronic gaming machine or historical racing system manufacturer or electronic gaming machine or historical racing system distributor authorized to possess electronic gaming machines as provided in the act authorizing electronic gaming machines or historical racing systems at eligible pari-mutuel facilities* ~~s. 551.109(2)(a).~~

Section 49. Subsection (3) is added to section 849.161, Florida Statutes, to read:

849.161 Amusement games or machines; when chapter inapplicable.—

(3) *This chapter does not apply to licensed cardroom operators having historical racing systems pursuant to chapter 550 which operate by means of the insertion of coin, currency, or voucher and which by application of an element of skill may entitle the person playing or operating the game or machine to receive payouts from one or more pari-mutuel pools.*

Section 50. Subsections (1) and (2) of section 895.02, Florida Statutes, are amended to read:

895.02 Definitions.—As used in ss. 895.01-895.08, the term:

(1) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime that is chargeable by petition, indictment, or information under the following provisions of the Florida Statutes:

1. Section 210.18, relating to evasion of payment of cigarette taxes.
2. Section 316.1935, relating to fleeing or attempting to elude a law enforcement officer and aggravated fleeing or eluding.
3. Section 403.727(3)(b), relating to environmental control.
4. Section 409.920 or s. 409.9201, relating to Medicaid fraud.
5. Section 414.39, relating to public assistance fraud.

6. Section 440.105 or s. 440.106, relating to workers' compensation.
7. Section 443.071(4), relating to creation of a fictitious employer scheme to commit unemployment compensation fraud.
8. Section 465.0161, relating to distribution of medicinal drugs without a permit as an Internet pharmacy.
9. Section 499.0051, relating to crimes involving contraband and adulterated drugs.
10. Part IV of chapter 501, relating to telemarketing.
11. Chapter 517, relating to sale of securities and investor protection.
12. Section 550.235 or  $\gamma$  s. 550.3551, ~~or s. 550.3605~~, relating to do-gracing and horseracing.
13. Chapter 550, relating to jai alai frontons.
14. Section 551.109, relating to slot machine gaming.
15. Chapter 552, relating to the manufacture, distribution, and use of explosives.
16. Chapter 560, relating to money transmitters, if the violation is punishable as a felony.
17. Chapter 562, relating to beverage law enforcement.
18. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.
19. Section 655.50, relating to reports of currency transactions, when such violation is punishable as a felony.
20. Chapter 687, relating to interest and usurious practices.
21. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.
22. Section 775.13(5)(b), relating to registration of persons found to have committed any offense for the purpose of benefiting, promoting, or furthering the interests of a criminal gang.
23. Section 777.03, relating to commission of crimes by accessories after the fact.
24. Chapter 782, relating to homicide.
25. Chapter 784, relating to assault and battery.
26. Chapter 787, relating to kidnapping or human trafficking.
27. Chapter 790, relating to weapons and firearms.
28. Chapter 794, relating to sexual battery, but only if such crime was committed with the intent to benefit, promote, or further the interests of a criminal gang, or for the purpose of increasing a criminal gang member's own standing or position within a criminal gang.
29. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s. 796.05, or s. 796.07, relating to prostitution and sex trafficking.
30. Chapter 806, relating to arson and criminal mischief.
31. Chapter 810, relating to burglary and trespass.
32. Chapter 812, relating to theft, robbery, and related crimes.
33. Chapter 815, relating to computer-related crimes.
34. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.
35. Chapter 825, relating to abuse, neglect, or exploitation of an elderly person or disabled adult.
36. Section 827.071, relating to commercial sexual exploitation of children.
37. Chapter 831, relating to forgery and counterfeiting.
38. Chapter 832, relating to issuance of worthless checks and drafts.
39. Section 836.05, relating to extortion.
40. Chapter 837, relating to perjury.
41. Chapter 838, relating to bribery and misuse of public office.
42. Chapter 843, relating to obstruction of justice.
43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.
44. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.
45. Chapter 874, relating to criminal gangs.
46. Chapter 893, relating to drug abuse prevention and control.
47. Chapter 896, relating to offenses related to financial transactions.
48. Sections 914.22 and 914.23, relating to tampering with or harassing a witness, victim, or informant, and retaliation against a witness, victim, or informant.
49. Sections 918.12 and 918.13, relating to tampering with jurors and evidence.
50. *Provisions of law relating to electronic gaming and electronic gaming machines or historical racing systems at eligible pari-mutuel facilities.*
  - (b) Any conduct defined as "racketeering activity" under 18 U.S.C. s. 1961(1).
  - (2) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted:
    - (a) In violation of any one of the following provisions of law:
      1. Section 550.235 or  $\gamma$  s. 550.3551, ~~or s. 550.3605~~, relating to do-gracing and horseracing.
      2. Chapter 550, relating to jai alai frontons.
      3. Section 551.109, relating to slot machine gaming.
      4. Chapter 687, relating to interest and usury.
      5. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.
    6. *Provisions of law relating to electronic gaming and electronic gaming machines or historical racing systems at eligible pari-mutuel facilities.*
      - (b) In gambling activity in violation of federal law or in the business of lending money at a rate usurious under state or federal law.

Section 51. (1)(a) For the 2009-2010 fiscal year, 51 full-time equivalent positions and 2,150,146 in associated salary rate are authorized, and the sums of \$2,269,319 in recurring funds and \$893,689 in nonrecurring funds are appropriated from the Pari-mutuel Wagering Trust Fund of the Department of Business and Professional Regulation for the purpose of carrying out all regulatory activities provided in this act. The Executive Office of the Governor shall place these positions, associated rate, and funds in reserve until the Executive Office of the Governor has approved an expenditure plan and a budget amendment submitted by the Department of Business and Professional Regulation recommending the transfer of such funds to traditional appropriation

categories. Any action proposed pursuant to this paragraph is subject to the procedures set forth in s. 216.177, Florida Statutes.

(b) For the 2009-2010 fiscal year, the sum of \$2,777,606 in recurring funds is appropriated from the Pari-mutuel Wagering Trust Fund of the Department of Business and Professional Regulation for transfer to the Operating Trust Fund of the Department of Law Enforcement for the purpose of investigations, intelligence gathering, background investigations, and any other responsibilities as provided in this act.

(2) For the 2009-2010 fiscal year, 39 full-time equivalent positions and 1,700,939 in associated salary rate are authorized, and the sum of \$2,777,606 in recurring funds is appropriated from the Operating Trust Fund of the Department of Law Enforcement for the purpose of investigations, intelligence gathering, background investigations, and any other responsibilities as provided by this act. The Executive Office of the Governor shall place these positions, associated rate, and funds in reserve until the Executive Office of the Governor has approved an expenditure plan and a budget amendment submitted by the Department of Law Enforcement recommending the transfer of such funds to traditional appropriation categories. Any action proposed pursuant to this subsection is subject to the procedures set forth in s. 216.177, Florida Statutes.

(3) For the 2009-2010 fiscal year, the sum of \$1 million in recurring funds is appropriated from the Pari-mutuel Wagering Trust Fund of the Department of Business and Professional Regulation from revenues received pursuant to s. 551.118, Florida Statutes, for contract services related to the prevention of compulsive and addictive gambling.

Section 52. Sections 1 and 52 of this act shall take effect upon becoming a law if SB 788 or substantially similar legislation is adopted during the 2009 legislative session, or an extension thereof, and becomes law; except that, sections 2 through 51 of this act shall take effect only if the Governor and an authorized representative of the Seminole Tribe of Florida execute an Indian gaming compact pursuant to the Indian Gaming Regulatory Act of 1988 and the requirements of SB 788, or similar legislation, and only if such compact is approved or deemed approved by the United States Department of the Interior, and such sections shall take effect on the date that the approved compact is published in the Federal Register.

And the title is amended as follows:

Delete everything before the enacting clause and insert: An act relating to gaming; providing legislative findings and intent; authorizing electronic gaming machines in certain pari-mutuel facilities; defining terms; providing powers and duties of the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation and the Department of Law Enforcement; authorizing the Division of Pari-mutuel Wagering to adopt rules regulating electronic gaming activities; authorizing the Division of Pari-mutuel Wagering and the Department of Law Enforcement to conduct investigations relating to electronic gaming; authorizing the Division of Pari-mutuel Wagering to issue licenses for electronic gaming; specifying qualifications of licensees; requiring licensees to provide advance notice of certain ownership changes to the Division of Pari-mutuel Wagering; specifying requirements for a licensee's facilities-based computer system; requiring electronic gaming machines to maintain a payout percentage of at least 85 percent; requiring licensees to maintain records; requiring licensees to make and file certain reports with the Division of Pari-mutuel Wagering; requiring an applicant for an electronic gaming license to have certain agreements for live races or games; providing for arbitration of such agreements; authorizing the Division of Pari-mutuel Wagering to issue temporary occupational licenses; providing for the renewal of electronic gaming machine licenses; specifying a nonrefundable licensing fee for electronic gaming licenses; specifying the rate of tax on electronic gaming machine revenues; providing for penalties for failure to pay the taxes; requiring electronic gaming machine licensees and certain persons having access to gaming areas to submit fingerprints in connection with certain occupational licenses; specifying grounds for the Division of Pari-mutuel Wagering to take action against applicants for and licensees having certain occupational licenses; authorizing the Division of Pari-mutuel Wagering to impose fines for violations of laws relating to electronic gaming; prohibiting regulators, certain businesses, licensees, and employees from having certain relationships with each other; subjecting a person who makes certain false statements to fines; subjecting a person

to fines for possessing electronic games without a license; imposing criminal penalties for attempting to manipulate electronic gaming machines or theft relating to electronic gaming; authorizing warrantless arrests by law enforcement officers under certain circumstances; providing immunity to law enforcement officers who make such arrests; imposing criminal penalties for resisting arrest or detention; prohibiting electronic gaming machines from entering this state; authorizing the Division of Pari-mutuel Wagering to exclude certain individuals from the facility of an electronic gaming machine licensee; prohibiting persons who are younger than 18 years of age from playing an electronic gaming machine; specifying a limit on the number of electronic gaming machines in a facility; requiring an electronic gaming machine licensee to provide office space to the Division of Pari-mutuel Wagering and to the Department of Law Enforcement free of charge; limiting the hours that an electronic gaming machine facility may operate; authorizing the Division of Pari-mutuel Wagering to revoke or suspend licenses or impose fines for willful violations of laws or rules regulating electronic gaming; requiring electronic gaming machine licensees to train employees about gambling addictions; imposing a regulatory fee for a gambling addiction program; entitling electronic gaming machine licensees to a caterer's license; restricting the provision of alcoholic beverages, automated teller machines, and check cashing activities in gaming machine areas; authorizing the Division of Pari-mutuel Wagering to adopt rules; preempting to the state the authority to regulate electronic gaming facilities; excepting bingo games operated by charitable or nonprofit organizations from the provisions of the act; amending s. 215.22, F.S.; exempting taxes imposed on electronic gaming and electronic gaming machine revenue from specified service charges; authorizing the Division of Pari-mutuel Wagering to spend certain trust funds; requiring repayment of such funds; amending s. 550.002, F.S.; revising a definition; amending s. 550.01215, F.S.; deleting an exception relating to licensing of thoroughbred racing; amending s. 550.0951, F.S.; specifying the tax on historical racing, the take-out of a pari-mutuel pool, an a payment to a purse account; providing for payments to certain horse racing associations; specifying the fee for a permitholder to conduct historical racing; revising the date on which tax payments are due; amending s. 550.09511, F.S.; revising the schedule for the payment of jai alai taxes; amending s. 550.09514, F.S.; revising the schedule for the payment of greyhound dog racing taxes; amending s. 550.105, F.S.; providing for a 3-year occupational license for certain pari-mutuel employees; specifying maximum license fees; providing for the additional tax that a municipality may assess for live racing to apply to additional specified games; providing procedures for criminal history record checks; amending s. 550.135, F.S.; providing for the reservation of electronic gaming machine fees in a trust fund; amending s. 550.2415, F.S.; providing that cruelty to any animal is a violation of ch. 550, F.S.; authorizing the Division of Pari-mutuel Wagering to inspect areas are located; amending s. 550.26165, F.S.; providing legislative intent to attract thoroughbred training and breeding to this state; authorizing the Florida Thoroughbred Breeders' Association to pay certain awards as part of its pay plan; amending s. 550.2625, F.S.; limiting the application of requirements for minimum purses and awards to this state; amending s. 550.334, F.S.; deleting a provision for issuing a permit to conduct quarter horse race meetings; deleting a provision for issuing a license to conduct quarter horse racing; deleting provisions to revoke such permit or license for certain violations or failure to conduct live racing; removing an exception to specified permit application provisions; revising the authority of a quarter horse racing permitholder to substitute horse breeds; deleting a requirement for a quarter horse permitholder to have the consent of certain other permitholders within a certain distance to engage in intertrack wagering; amending s. 550.3355, F.S.; revising the time period for a harness track summer season; repealing s. 550.3605, F.S., relating to the use of electronic transmitting equipment on the premises of a horse or dog racetrack or jai alai fronton; amending s. 550.5251, F.S.; deleting provisions relating to racing days and dates for thoroughbred permitholders that conducted races between certain dates; revising provisions relating to thoroughbred racing dates and minimum number of races; creating s. 550.810, F.S.; specifying requirements for historical racing systems; limiting the number of historical terminals in certain pari-mutuel facilities; authorizing the Division of Pari-mutuel wagering to adopt rules regulating historical racing; providing for the disposition of pari-mutuel tickets that are not redeemed within a certain period of time; amending s. 551.102, F.S.; clarifying the definition of the term

“progressive system”; amending s. 551.104, F.S.; providing that the payout percentage of a slot machine facility must be at least 85 percent; specifying the licensing fee for slot machine gaming; specifying the rate of tax on slot machine revenues; revising the due date for slot machine taxes; amending s. 551.113, F.S.; prohibiting a person who is younger than 18 years of age from playing a slot machine; amending s. 551.121, F.S.; authorizing a progressive system to be used in conjunction with slot machines between licensed facilities; amending s. 772.102, F.S.; revising the definition of “criminal activity”; conforming cross-references; amending s. 849.161, F.S.; providing that ch. 849, F.S., does not apply to certain mechanical historical racing systems; amending s. 849.086, F.S.; requiring an applicant for a cardroom licensed to have run a full schedule of live races; specifying maximum license fees for occupational licenses for cardroom employees and cardroom businesses; limiting the hours of cardroom operations; revising the maximum bet and entry fee for tournaments; expanding the authorization for cardroom activities contingent upon a compact with the Seminole Tribe of Florida; amending s. 849.15, F.S.; authorizing the possession of certain gambling devices; amending s. 895.02, F.S.; revising the definitions of “racketeering activity” and “unlawful debt”; conforming cross-references; providing an appropriation and the creation of full-time equivalent positions; providing contingent effective dates.

On motion by Senator Jones, by two-thirds vote **HB 7145** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Alexander	Fasano	Oelrich
Altman	Garcia	Pruitt
Aronberg	Haridopolos	Rich
Bennett	Hill	Richter
Bullard	Jones	Ring
Dean	Joyner	Siplin
Detert	Justice	Smith
Deutch	King	Sobel
Diaz de la Portilla	Lawson	Wilson
Dockery	Lynn	

Nays—8

Baker	Gardiner	Storms
Crist	Gelber	Wise
Gaetz	Peaden	

Vote after roll call:

Nay—Constantine

## MOTION

On motion by Senator Jones, the House was requested to pass **HB 7145** as amended, and in the event the House refuses to concur, requests that a conference committee be appointed.

On motion by Senator King—

**CS for CS for CS for SB 1154**—A bill to be entitled An act relating to energy; amending s. 366.92, F.S.; revising definitions and providing additional definitions; requiring that electric utilities meet or exceed specified standards for the production or purchase of clean energy; establishing a schedule for compliance; providing a penalty if a utility fails to meet the standards; authorizing the Public Service Commission to excuse certain electric utilities from compliance under specified conditions; requiring the commission to adopt rules; requiring an annual report to the Legislature; amending s. 366.93, F.S.; authorizing the Public Service Commission to allow a utility to recover the costs of converting an existing fossil fuel plant to a biomass plant under certain conditions; encouraging utilities to pursue joint ownership of nuclear power plants; requiring that certain costs be shared; creating s. 366.99, F.S.; providing a short title; providing legislative findings with respect to the need to

reduce greenhouse gas emissions through the direct end-use of natural gas; defining terms; authorizing a utility to establish a surcharge for the purpose of constructing natural gas installations in areas that lack natural gas service; providing limitations on the surcharge; providing procedures for determining the surcharge and making filings to the commission; requiring the commission to conduct limited proceedings to determine the amount of the surcharge; providing for future expiration of provisions authorizing the surcharge; amending s. 377.6015, F.S.; providing that terms for members of the Florida Energy and Climate Commission begin and end on specified dates; amending s. 403.503, F.S.; revising the definition of “electrical power plant”; amending s. 525.09, F.S.; imposing a fee on alternative fuel containing alcohol; requiring the Florida Energy and Climate Commission to prepare a report that identifies ways in which to increase the energy-efficiency practices of low-income households; requiring the report to include certain determinations and recommendations; requiring that the report be submitted to the Legislature by a specified date; providing an effective date.

—was read the second time by title.

Senator King moved the following amendment:

**Amendment 1 (873994)**—Delete lines 66-82 and insert:

(c) “Class III clean energy source” means clean energy derived from nuclear energy or integrated gasification combined cycle for which carbon capture and sequestration plans have been approved by the Department of Environmental Protection or from use of pipeline-quality synthetic gas produced by processing waste petroleum coke with carbon capture and sequestration plans approved by the state or federal authority having jurisdiction.

(d) “Clean energy” means electrical energy produced from a method that uses one or more of the following fuels or energy sources: nuclear energy placed in commercial service after July 1, 2009, integrated gasification combined cycle for which carbon capture and sequestration plans have been approved by the Department of Environmental Protection, hydrogen produced from sources other than fossil fuels, biomass, solar photovoltaic, geothermal energy, wind energy, ocean energy, or hydroelectric power. The term includes waste heat from sulfuric acid manufacturing operations; waste heat thermal energy which is produced by a combined heat and power system placed in service in this state after July 1, 2009, and which is used to produce biofuel and any associated coproducts; and energy produced using pipeline-quality synthetic gas produced by processing waste petroleum coke with carbon capture and sequestration plans approved by the state or federal authority having jurisdiction.

Senator King moved the following substitute amendment which was adopted:

**Amendment 2 (495702)**—Delete lines 66-82 and insert:

(c) “Class III clean energy source” means clean energy derived from nuclear energy or any fossil fuel generation for which carbon capture and sequestration plans have been approved by the Department of Environmental Protection or from use of pipeline-quality synthetic gas produced by processing waste petroleum coke with carbon capture and sequestration plans approved by the state or federal authority having jurisdiction.

(d) “Clean energy” means electrical energy produced from a method that uses one or more of the following fuels or energy sources: nuclear energy placed in commercial service after July 1, 2009; any fossil fuel generation for which carbon capture and sequestration plans have been approved by the Department of Environmental Protection; hydrogen produced from sources other than fossil fuels, biomass, solar photovoltaic, geothermal energy, wind energy, ocean energy, or hydroelectric power. The term includes waste heat from sulfuric acid manufacturing operations; waste heat thermal energy which is produced by a combined heat and power system placed in service in this state after July 1, 2009, and which is used to produce biofuel and any associated coproducts; energy produced using pipeline-quality synthetic gas produced by processing waste petroleum coke with carbon capture and sequestration plans approved by the state or federal authority having jurisdiction; and energy produced using biodiesel.

Senator King moved the following amendments which were adopted:

**Amendment 3 (396986)**—Delete lines 105-109 and insert: by a public utility ~~a provider~~ to consumers in Florida ~~which is that shall be~~ supplied by clean ~~renewable~~ energy or through the purchase of clean energy credits from clean energy produced in Florida.

(3)(a) Each public utility must meet or exceed the

**Amendment 4 (415164)**—Delete lines 186-188 and insert:

(d) Establishing the method for the recovery of costs or expenses prudently incurred to meet the clean portfolio standard as those costs are defined in paragraph (3)(d). The commission may allow cost recovery through a separate cost recovery clause or a limited scope proceeding. The costs of compliance with the clean portfolio standard must appear as a separate line item on each customer's bill.

## THE PRESIDENT PRESIDING

### MOTION

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

Senator Gaetz moved the following amendment which was adopted:

**Amendment 5 (422350) (with title amendment)**—Between lines 539 and 540 insert:

Section 8. *The term of any person sitting as a member of the Florida Energy and Climate Commission on March 3, 2009, whose appointment is not confirmed by the Senate during the 2009 Regular Session or the 2010 Regular Session, shall be extended until completion of the 2010 Regular Session, except for any member who, during that time, the Senate expressly refuses to confirm.*

Section 9. *The Florida Energy and Climate Commission must obtain the approval of the joint Legislative Budget Commission before spending or disbursing any funds received from the federal government as part of a federal stimulus package.*

And the title is amended as follows:

Delete line 43 and insert: begin and end on specified dates; providing that if a specified commissioner of the Florida Energy and Climate Commission is not confirmed during the 2009 Regular Session or the 2010 Regular Session, the commissioner's appointment shall be extended until May 1, 2010, except for any member who, during that time, the Senate expressly refuses to confirm; requiring the Florida Energy and Climate Commission to obtain the approval of the joint Legislative Budget Commission before spending or disbursing any funds received from the federal government as part of a federal stimulus package; amending s. 403.503,

Senator Gaetz moved the following amendment which was adopted:

**Amendment 6 (219984) (with title amendment)**—Between lines 468 and 469 insert:

Section 5. Section 377.705, Florida Statutes, is amended to read:

377.705 Solar Energy Center; development of solar energy standards.—

(1) **SHORT TITLE.**—This ~~section act shall be known and~~ may be cited as the “Solar Energy Standards Act” ~~of 1976~~.

(2) **LEGISLATIVE FINDINGS AND INTENT.**—

(a) Because of increases in the cost of conventional fuel, certain applications of solar energy are becoming competitive, particularly when life-cycle costs are considered. It is the intent of the Legislature in formulating a sound and balanced energy policy for the state to encourage the development of an alternative energy capability in the form of incident solar energy.

(b) Toward this purpose, the Legislature intends to provide incentives for the production and sale of, and to set standards for, solar

energy systems. Such standards ~~shall~~ ensure that solar energy systems manufactured or sold within the state are effective and represent a high level of quality of materials, workmanship, and design.

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

(a) “Center” ~~means is defined as~~ the Florida Solar Energy Center of the Board of Governors.

(b) “Solar energy systems” ~~means is defined as~~ equipment that ~~which~~ provides for the collection and use of incident solar energy for water heating, space heating or cooling, or other applications that ~~which~~ normally require ~~or would require~~ a conventional source of energy such as petroleum products, natural gas, or electricity, and that ~~which~~ performs primarily with solar energy. In ~~such other~~ systems in which solar energy is used in a supplemental way, only those components that ~~which~~ collect and transfer solar energy ~~are shall be~~ included in this definition.

(4) ~~FLORIDA SOLAR ENERGY CENTER TO SET STANDARDS; REQUIRE DISCLOSURE, SET TESTING FEES.—~~

~~(a) The center shall develop and promulgate standards for solar energy systems manufactured or sold in this state based on the best currently available information and shall consult with scientists, engineers, or persons in research centers who are engaged in the construction of, experimentation with, and research of solar energy systems to properly identify the most reliable designs and types of solar energy systems.~~

~~(b) The center shall select nationally-recognized standards for solar energy systems and establish criteria for testing the performance of solar energy systems and shall maintain the necessary capability for testing or evaluating the performance of solar energy systems. The center may accept results of tests on solar energy systems made by other organizations, companies, or persons when such tests are conducted according to the criteria established by the center and when the testing entity has no vested interest in the manufacture, distribution or sale of solar energy systems.~~

(5) ~~(c) FEES.~~ The center shall ~~charge~~ be entitled to receive a testing fee sufficient to cover the costs of such testing. All testing fees shall be transmitted by the center to the Chief Financial Officer to be deposited in the Solar Energy Center Testing Trust Fund, which is ~~hereby~~ created in the State Treasury, and disbursed for the payment of expenses incurred in testing solar energy systems.

(6) ~~(d)~~ All solar energy systems manufactured or sold in the state must meet the *nationally-recognized* standards ~~selected~~ established by the center and shall display accepted results of approved performance tests in a manner prescribed by the center.

Section 6. *The Florida Building Commission is directed to make all changes to the building and energy codes necessary to conform those rules to this bill.*

And the title is amended as follows:

Delete line 33 and insert: begin and end on specified dates; amending s. 377.705, F.S.; requiring the Solar Energy Center to charge testing fees; directing the Florida Building Commission to make all changes to the building and energy codes necessary to conform to this act; amending s. 403.503,

Pursuant to Rule 4.19, **CS for CS for CS for SB 1154** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

**CS for SB 746**—A bill to be entitled An act relating to direct-support organizations; creating s. 430.82, F.S.; authorizing the Department of Elderly Affairs to create a direct-support organization; providing definitions; providing for appointment of members to the board of directors; providing requirements for membership to the board of directors; requiring the direct-support organization to operate under a contract; providing contract requirements; authorizing the department to use its property, facilities, and personal services for the direct-support organization; requiring the Secretary of Elderly Affairs to approve of any

transaction or agreement between the department's direct-support organization and any other direct-support organization; requiring the direct-support organization to submit certain forms from the Internal Revenue Service to the department; requiring the direct-support organization to provide an annual financial audit; amending s. 272.135, F.S.; providing that the Capitol Curator may assist in raising funds and making expenditures for the Historic Capitol; creating s. 272.136, F.S.; authorizing the Legislative Research Center and Museum and the Capitol Curator to establish a direct-support organization; providing for the appointment of members of a board of directors; providing for board use of capitol property; requiring the organization to be not for profit; authorizing the center and curator to prescribe all conditions for the organization; providing for the reversion of the organization's funds; providing an effective date.

—was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

**Amendment 1 (852722)**—Delete line 183 and insert: *and approved by the Department of*

Pursuant to Rule 4.19, **CS for SB 746** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

**CS for SB 616**—A bill to be entitled An act relating to public construction projects; amending s. 255.20, F.S.; increasing the threshold amounts for projects required to be competitively awarded; including specified items within the scope of the term “cost”; specifying additional circumstances under which a contractor may be considered ineligible to bid; revising exceptions to the requirement that certain public projects be competitively awarded; defining the terms “repair” and “maintenance”; requiring that a local government publish a notice containing certain information for certain repair or maintenance projects and make certain information available for public inspection for a specified period after publication of the notice; requiring that a local government consider certain information when considering whether it is in the public's best interest for the local government to perform a project using its own services, employees, and equipment; authorizing such a local government to consider certain additional information; providing for applicability of certain exceptions to the requirement that certain public projects be competitively awarded; requiring that a local government use certain persons to supervise certain projects; exempting certain government entities from certain requirements of state law when performing repairs or maintenance on certain facilities; authorizing the adjustment of threshold amounts for projects required to be competitively awarded according to a specified standard; providing an effective date.

—was read the second time by title.

An amendment was considered and failed and amendments were considered and adopted to conform **CS for SB 616** to **CS for CS for HB 611**.

Pending further consideration of **CS for SB 616** as amended, on motion by Senator Haridopolos, by two-thirds vote **CS for CS for HB 611** was withdrawn from the Committees on Community Affairs; Governmental Oversight and Accountability; and General Government Appropriations.

On motion by Senator Haridopolos—

**CS for CS for HB 611**—A bill to be entitled An act relating to public construction projects; amending s. 255.20, F.S.; increasing the threshold amount for which certain public projects must be competitively awarded; revising exceptions to the requirement that certain public projects be competitively awarded; defining the terms “repair” and “maintenance”; requiring local governments to provide notice for certain public projects; providing notice requirements; extending the notice period for specified public meetings; requiring a local government to support a decision to perform a project with its own employees and to make a factual finding that the project cost will be the same or less than the lowest bid; providing additional exceptions for projects related to public-use airports,

certain ports, and certain public transit or transportation systems; authorizing governmental entities to consider certain contractors ineligible to bid; revising the index and year on which the required adjustment of the threshold amounts is based; revising provisions for certain contractors and vendors to challenge a local government's actions; providing an effective date.

—a companion measure, was substituted for **CS for SB 616** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 611** was placed on the calendar of Bills on Third Reading.

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Consideration of **CS for CS for SB 424** was deferred.

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On motion by Senator Detert, by two-thirds vote **HB 7119** was withdrawn from the Committees on Education Pre-K - 12; Governmental Oversight and Accountability; and Rules.

On motion by Senator Detert—

**HB 7119**—A bill to be entitled An act relating to public records; creating s. 1002.221, F.S.; providing an exemption from public records requirements for K-12 education records held by an agency, public school, center, institution, or other entity that is part of the state's education system; providing requirements for the release, use, and maintenance of education records; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; amending s. 1006.52, F.S.; expanding the exemption from public records requirements for records of students in public postsecondary educational institutions to include education records and applicant records; providing requirements for the release, use, and maintenance of education records; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing legislative findings; providing a statement of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **CS for SB 2374** and read the second time by title.

Pursuant to Rule 4.19, **HB 7119** was placed on the calendar of Bills on Third Reading.

**CS for CS for SB 2262**—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 455.213, F.S.; deleting signature notarization from the information that the department may require in documents submitted for the issuance or renewal of a license; prescribing when an application is received for purposes of certain requirements of the Administrative Procedure Act; amending s. 455.227, F.S.; establishing additional grounds for discipline of professions subject to regulation; prohibiting the failure to report criminal convictions and pleas; prohibiting the failure to complete certain treatment programs; providing penalties; creating s. 455.2274, F.S.; authorizing the department's representative to appear in criminal proceedings under certain circumstances and provide certain assistance to the court; amending s. 468.402, F.S.; providing for certain disciplinary action against a talent agency for revocation, suspension, or denial of the agency's license in any jurisdiction; amending s. 468.403, F.S.; prohibiting certain acts by persons who are not licensed as a talent agency; amending s. 468.409, F.S.; requiring certain records kept by a talent agency to be readily available for inspection by the department; requiring copies of the records to be provided to the department in a specified manner; amending s. 468.410, F.S.; specifying the time by which a talent agency must give an applicant for the agency's registration or employment services a copy of the contract for those services; amending s. 468.412, F.S.; requiring a talent agency to advise an artist, in writing, of certain rights relating to contracts for employment; specifying that an engagement procured by a talent agency during a specified period remains commissionable to the agency; limiting a prohibition against division of fees by a talent agency to circumstances in which the artist does not give written consent; providing a definition; author-

izing a talent agency to assign an engagement contract to another agency under certain circumstances; amending s. 468.413, F.S.; increasing the penalty that the department may assess against a talent agency that violates certain provisions of law; amending s. 468.609, F.S.; deleting a requirement that applicants for building code administrator certification complete a certain core curriculum before taking the certification examination; amending ss. 468.627 and 471.0195, F.S.; deleting provisions requiring building code administrator and inspector certificateholders and engineer licensees to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 473.305, F.S.; deleting an examination late filing fee applicable to certified public accountant examinees; amending s. 473.311, F.S.; deleting a provision requiring passage of a rules examination for renewal of license as a certified public accountant; amending s. 473.313, F.S.; deleting a provision requiring passage of an examination as a condition for reactivation of an inactive license as a certified public accountant; amending s. 475.175, F.S.; deleting the option to submit a notarized application for a real estate broker or sales associate license; amending s. 475.451, F.S.; limiting the attorney exemption from continuing education requirements to attorneys in good standing with The Florida Bar; amending s. 475.615, F.S.; deleting a requirement that an application for a real estate appraiser certification be notarized; amending ss. 476.134 and 476.144, F.S.; requiring a written examination for a barbering license; deleting provisions for a practical examination for barbering license applicants; amending s. 477.026 F.S.; increasing statutory maximums on cosmetology licensing fees; amending ss. 481.215 and 481.313, F.S.; deleting provisions requiring architect, interior designer, and landscape architect licensees to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 489.103, F.S.; revising a disclosure statement that a local permitting agency must provide to property owners who apply for building permits and claim certain exemptions from provisions regulating construction contracting; amending s. 489.105, F.S.; revising the term “specialty contractor” to require that the scope of work and responsibility of a specialty contractor be established in a category of construction contracting adopted by rule of the Construction Industry Licensing Board; amending s. 489.109, F.S.; increasing statutory maximums on construction renewal fees; establishing a fee for registration or certification to qualify a business organization for contracting; deleting provisions relating to a business organization’s certificate of authority to conform to changes made by the act; amending s. 489.114, F.S.; deleting provisions relating to a business organization’s certificate of authority to conform to changes made by the act; amending s. 489.115, F.S.; deleting provisions requiring construction contractor certificateholders and registrants to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program; amending s. 489.117, F.S.; revising requirements for the registration of certain contractors; deleting provisions requiring a contractor applicant to submit proof of a local occupational license; specifying circumstances under which a specialty contractor holding a local license is not required to register with the board; deleting provisions for the issuance of tracking registrations to certain contractors who are not eligible for registration as specialty contractors; limiting the licensing and disciplinary actions that local jurisdictions must report to the board to certain actions of registered contractors; deleting provisions requiring the board to establish uniform job scopes for any construction contracting license category; amending s. 489.119, F.S.; deleting provisions for the issuance of a certificate of authority to a business organization for contracting; requiring a contractor to apply for registration or certification to qualify a business organization as the qualifying agent; authorizing the board to deny a registration or certification to qualify a business organization under certain circumstances; providing application procedures and requirements for the issuance of a business tax receipt to a business organization; deleting provisions for the issuance of an occupational license to a business organization; authorizing a local government to impose fines against certified or registered contractors under certain circumstances; requiring the qualifying agent of a business organization to present certain evidence to the board; providing that the board has discretion to approve a business organization; amending ss. 489.127, 489.128, 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 pro-

visions 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. 548.002, F.S.; defining the term “event” for regulation of pugilistic exhibitions; amending s. 548.003, F.S.; authorizing the Florida State Boxing Commission to adopt criteria for the approval of certain amateur sanctioning organizations; authorizing the commission to adopt health and safety standards for amateur mixed martial arts; reenacting ss. 468.436(2)(a), 468.832(1)(a), 468.842(1)(a), 471.033(1)(a), 472.033(1)(a), 473.323(1)(a), 475.25(1)(a), 475.624(1), 476.204(1)(h), 477.029(1)(h), 481.225(1)(a), and 481.325(1)(a), F.S., relating to the discipline of community association managers or firms, home inspectors, mold assessors and remediators, engineers, surveyors and mappers, certified public accountants and accounting firms, real estate brokers and sales associates, real estate appraisers, barbers, cosmetologists, architects, and landscape architects, to incorporate the amendment made to s. 455.227, F.S., in references thereto; repealing s. 509.201, F.S., relating to posting and advertising the room rates of a public lodging establishment and related penalties; providing effective dates.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 2262 to CS for CS for CS for CS for HB 425.**

#### SENATOR FASANO PRESIDING

Pending further consideration of **CS for CS for SB 2262** as amended, on motion by Senator Gaetz, by two-thirds vote **CS for CS for CS for CS for HB 425** was withdrawn from the Committees on Regulated Industries; Community Affairs; and General Government Appropriations.

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

**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 construction 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.

—a companion measure, was substituted for **CS for CS for SB 2262** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for CS for HB 425** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rich, by two-thirds vote **CS for HB 1139** was withdrawn from the Committees on Health Regulation; and Health and Human Services Appropriations.

On motion by Senator Rich—

**CS for HB 1139**—A bill to be entitled An act relating to the Florida Center for Nursing; amending s. 464.0195, F.S.; requiring the Board of Nursing to provide certain information to nurses before they are given the opportunity to contribute to funding the center at licensure renewal; providing an effective date.

—a companion measure, was substituted for **CS for SB 2030** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1139** was placed on the calendar of Bills on Third Reading.

On motion by Senator Richter, by two-thirds vote **CS for CS for HB 483** was withdrawn from the Committees on Banking and Insurance; Criminal Justice; Governmental Oversight and Accountability; and Judiciary; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Richter—

**CS for CS for HB 483**—A bill to be entitled An act relating to investor protection; amending s. 16.56, F.S.; expanding jurisdiction of the Office of Statewide Prosecution to investigate and prosecute certain additional offenses; amending s. 517.021, F.S.; revising definitions; amending s. 517.072, F.S.; exempting certain transactions in viatical settlement investments from certain registration requirements; specifying application of certain provisions; amending s. 517.12, F.S.; revising requirements for registration of dealers, associated persons, investment advisers, and branch offices; amending s. 517.121, F.S.; authorizing the Office of Financial Regulation to suspend registration for registrant failure to provide certain records; providing for rescinding suspensions; amending ss. 517.1215 and 517.1217, F.S.; changing an agency reference; amending s. 517.141, F.S.; excluding postjudgment interest from payments from the fund; amending s. 517.161, F.S.; expanding the class of persons related to or associated with an applicant or registrant for which certain violations may result in adverse actions taken against registrations; authorizing the office to suspend a registration under certain circumstances; creating s. 517.1611, F.S.; requiring the Financial Services Commission to adopt rules providing certain disciplinary guidelines; specifying criteria for such guidelines; requiring the commission to adopt rules for disqualifying registrants for certain periods of time for certain criminal actions; providing rules criteria; amending s. 517.191, F.S.; authorizing the office to apply to the court for orders directing restitution; authorizing the office to apply to the court to impose civil penalties for certain violations; specifying limitations; requiring deposit of civil penalties into the Anti-Fraud Trust Fund; authorizing the Attorney General to act as an enforcing authority for certain provisions of law; authorizing the Attorney General, with approval of the office, to investigate and enforce certain provisions; authorizing the Attorney General to bring certain actions for injunctive relief; authorizing the Attorney General to recover certain investigation and enforcement costs and attorney fees; providing for deposit of certain recovered moneys into the Legal Affairs Revolving Trust Fund; authorizing the Legal Affairs Revolving Trust Fund to be used for investigation and enforcement purposes; preserving the authority of the office to bring certain administrative actions; prohibiting subjecting persons to a civil penalty and an administrative fine under certain circumstances; specifying time limitations on bringing certain enforcement actions; amending s. 517.221, F.S.; increasing the amount of certain administrative fines; authorizing the office to bar certain persons from submitting applications or notifications for a license or registration under certain circumstances; amending s. 517.275, F.S.; revising criteria for prohibited practices relating to commodities; creating s. 896.108, F.S.; authorizing the Department of Law Enforcement to enter into agreements to pay rewards for information leading to the recovery of certain fines, penalties, or forfeitures; authorizing the executive director of the department to determine the amount of the reward; authorizing the executive director to exceed certain statutory limits of rewards under certain circumstances; providing limitations; providing for deposit of certain funds into certain trust funds; excluding certain persons from eligibility to collect rewards; providing that a payment of an award does not affect the admissibility of testimony in court; amending s. 905.34, F.S.; expanding subject matter jurisdiction of the statewide grand jury to include certain additional offenses; providing an effective date.

—a companion measure, was substituted for **CS for SB 1126** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 483** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 1182** was deferred.

**CS for CS for SB 942**—A bill to be entitled An act relating to the energy-efficient appliance rebate program; creating s. 377.807, F.S.; authorizing the Florida Energy and Climate Commission to develop and administer the program; authorizing the commission to adopt rules; providing for the commission to enter into contracts or memoranda of agreement with other state agencies or partnerships; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 942** to **CS for CS for HB 167**.

Pending further consideration of **CS for CS for SB 942** as amended, on motion by Senator Sobel, by two-thirds vote **CS for CS for HB 167** was withdrawn from the Committees on Commerce; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Sobel—

**CS for CS for HB 167**—A bill to be entitled An act relating to the energy-efficient appliance rebate program; creating s. 377.807, F.S.; authorizing the Florida Energy and Climate Commission to develop and administer a consumer rebate program for specified energy-efficient appliances; authorizing the commission to adopt rules; authorizing the commission to enter into contracts or memoranda of agreement with other agencies of the state, public-private partnerships, and other arrangements for specified purposes; providing an appropriation; providing requirements for the release of the appropriation; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 942** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 167** was placed on the calendar of Bills on Third Reading.

On motion by Senator Detert, by two-thirds vote **HB 7089** was withdrawn from the Committees on Education Pre-K - 12; and Governmental Oversight and Accountability.

On motion by Senator Detert—

**HB 7089**—A bill to be entitled An act relating to exceptional students; amending s. 1003.57, F.S.; revising provisions relating to due process hearings for exceptional students; requiring that such hearings be conducted by an administrative law judge from the Division of Administrative Hearings pursuant to a contract with the Department of Education; providing that any party to a hearing related to gifted students may request that the findings or decision be reviewed by the district court of appeal; authorizing a district school board to consider a change in placement for a student who has a disability if the student engages in behavior that violates the district school board's code of student conduct; providing for the removal and placement of such student in an alternative educational setting for a limited period; specifying the grounds for removal; providing definitions for the terms "controlled substance" and "weapon"; creating s. 1003.571, F.S.; requiring that the State Board of Education comply with the Individuals with Disabilities Education Act after evaluating and determining that such act is consistent with certain principles; requiring that the State Board of Education adopt rules; amending s. 1003.58, F.S.; conforming a cross-reference; providing an effective date.

—a companion measure, was substituted for **CS for SB 2038** and read the second time by title.

Pursuant to Rule 4.19, **HB 7089** was placed on the calendar of Bills on Third Reading.

On motion by Senator Detert, by two-thirds vote **CS for HB 895** was withdrawn from the Committees on Education Pre-K - 12; Governmental Oversight and Accountability; and Rules.

On motion by Senator Detert—

**CS for HB 895**—A bill to be entitled An act relating to public records; amending s. 1008.24, F.S.; providing an exemption from public records requirements for personally identifiable information or allegations of misconduct obtained or reported in connection with an investigation of a testing impropriety conducted by the Department of Education; providing that the exemption applies until the investigation is concluded or

becomes inactive; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 1912** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 895** was placed on the calendar of Bills on Third Reading.

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Consideration of **SB 1066** and **SB 442** was deferred.

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On motion by Senator Joyner—

**SB 1862**—A bill to be entitled An act relating to community corrections assistance to counties or county consortiums; amending s. 948.51, F.S.; adding rehabilitative community reentry programs to the list of programs, services, and facilities that may be funded using community corrections funds; providing an effective date.

—was read the second time by title.

Senator Joyner moved the following amendment which was adopted:

**Amendment 1 (728722) (with title amendment)**—Delete lines 15-31 and insert:

(4) PURPOSES OF COMMUNITY CORRECTIONS FUNDS.—

(b) Programs, services, and facilities that may be funded under this section include, but are not limited to:

1. Programs providing pretrial services.

2. Specialized divisions within the circuit or county court established for the purpose of hearing specific types of cases, such as drug cases or domestic violence cases.

3. Work camps.

4. Programs providing intensive probation supervision.

~~5. Military style boot camps.~~

5. ~~6.~~ Work-release facilities.

6. ~~7.~~ Centers to which offenders report during the day.

7. ~~8.~~ Restitution centers.

8. ~~9.~~ Inpatient or outpatient programs for substance abuse treatment and counseling.

9. ~~10.~~ Vocational and educational programs.

10. *Rehabilitative community reentry programs.*

And the title is amended as follows:

Delete line 6 and insert: may be funded using community corrections funds; deleting military-style boot camps from such list;

Pursuant to Rule 4.19, **SB 1862** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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Consideration of **CS for CS for SB 340** was deferred.

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**CS for SB 1122**—A bill to be entitled An act relating to health insurance; amending s. 627.638, F.S.; requiring that an insurer make payment to the designated provider of services whenever an insured, using any health insurance claim form, specifically authorizes payment of benefits directly to any recognized hospital, licensed ambulance provider, physician, dentist, or other person who provided the services in accordance with the provisions of the policy; deleting an exception;

providing that the insurance contract may not prohibit payment of benefits directly to such providers; requiring that claims forms provide an option for such payment; providing an effective date.

—was read the second time by title.

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

**Amendment 1 (946048) (with title amendment)**—Between lines 36 and 37 insert:

Section 2. *The amendments made by this act to s. 627.638(2), Florida Statutes, are repealed on July 1, 2012, if the Office of Program Policy Analysis and Government Accountability finds, in a study to be presented to the President of the Senate and the Speaker of the House of Representatives by March 1, 2012, that the amendments made by this act have caused the third-party administrator of the state group health plan to suffer a net loss of physicians from its preferred provider plan network and, as a direct result, caused an increase in costs to the state group health plan. If such a finding is made, the text of s. 627.638(2), Florida Statutes, shall revert to that in existence on June 30, 2009, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which are repealed pursuant to this section.*

And the title is amended as follows:

Delete line 14 and insert: payment; providing for the repeal of the amendments made by the act if the Office of Program Policy Analysis and Government Accountability finds that such amendments have caused the third-party administrator of the state group health plan to suffer a net loss of physicians and an increase in costs to the plan; providing an effective date.

Senator Lawson moved the following substitute amendment which failed:

**Amendment 2 (615826) (with directory and title amendments)**—Between lines 36 and 37 insert:

(4) *Except for a hospital licensed under chapter 395 or a provider providing services pursuant to s. 395.1041 or part III of chapter 401, a provider who accepts an assignment pursuant to this section shall accept the direct payment from the insurer as payment in full for the services provided and may not bill or attempt to collect any balance of charges from the insured.*

And the directory clause is amended as follows:

Delete line 19 and insert: Statutes, is amended, and subsection (4) is added to that section, to read:

And the title is amended as follows:

Delete line 14 and insert: payment; requiring that certain providers accept the direct payment from an insurer as payment in full; prohibiting attempts to collect any balance of charges from the insured; providing an effective date. The vote was:

Yeas—15

Alexander	Joyner	Rich
Bullard	Justice	Ring
Dockery	King	Siplin
Hill	Lawson	Smith
Jones	Lynn	Wilson

Nays—19

Altman	Detert	Garcia
Baker	Deutch	Gardiner
Bennett	Diaz de la Portilla	Gelber
Constantine	Fasano	Haridopoulos
Dean	Gaetz	Oelrich

Pruitt	Storms
Sobel	Villalobos

The question recurred on **Amendment 1** which was adopted.

On motion by Senator Gaetz, further consideration of **CS for SB 1122** as amended was deferred.

On motion by Senator Dean—

**CS for CS for SB 1468**—A bill to be entitled An act relating to working waterfront property; creating s. 193.704, F.S.; providing definitions; creating s. 193.7041, F.S.; identifying property that is eligible for classification as working waterfront property; requiring the assessment of working waterfront property based on current use; requiring an application for classification of property as working waterfront property; authorizing a property appraiser to approve an application that is not filed by a certain deadline due to extenuating circumstances; providing for the waiver of annual application requirements; providing for the loss of classification upon a change of ownership or use; requiring that property owners notify the property appraiser of changes in use or ownership of property; imposing a penalty on a property owner who fails to notify the property appraiser of an event resulting in the unlawful or improper classification of property as working waterfront property; requiring the imposition of tax liens to recover penalties and interest; providing for the assessment of a portion of property within a working waterfront property which is not used as working waterfront property; requiring that a property appraiser make a list relating to applications to certify property as working waterfront property; creating s. 193.7042, F.S.; requiring that property appraisers notify property owners of the denial of an application to classify property as working waterfront property; providing for the appeal of such denial to the value adjustment board; requiring a filing fee of a certain amount; providing for the appeal of a denial of a petition to the value adjustment board to the circuit court; requiring that property appraisers notify property owners whose property was classified as working waterfront property by a value adjustment board or court to recertify that the use and ownership of the property have not changed; authorizing the waiver of certain notice and certification requirements; amending s. 195.073, F.S.; providing for the classification of land as working waterfront property on an assessment roll; amending s. 259.105, F.S.; renaming the “Stan Mayfield Working Waterfronts Program” within the Florida Communities Trust as the “Stan Mayfield Commercial Waterfronts Restoration and Preservation Program”; amending s. 380.502, F.S.; conforming provisions to changes made by the act; amending s. 380.503, F.S.; deleting a definition for the term “working waterfronts” for purposes of the Florida Communities Trust Act; amending s. 380.507, F.S.; providing a cross-reference; clarifying provisions relating to the authority of the Florida Communities Trust to provide grants or loans for certain projects; clarifying the trust’s rulemaking authority; deleting obsolete provisions; amending s. 380.508, F.S.; deleting provisions relating to the purpose of working waterfront projects; amending s. 380.5105, F.S.; conforming provisions to changes made by the act; providing a definition for the term “commercial waterfront”; providing that certain property does not qualify as commercial waterfront property; providing for water-dependent commercial activities; limiting participation in the program to counties and municipalities effective on a specified date; limiting the uses of acquired property in perpetuity; requiring that the Florida Communities Trust adopt rules establishing procedures and an application process; providing an effective date.

—was read the second time by title.

Senators Dean and Bennett offered the following amendment which was moved by Senator Dean and adopted:

**Amendment 1 (603816) (with title amendment)**—Delete lines 73-275 and insert:

Section 1. Section 193.704, Florida Statutes, is created to read:

*193.704 Working waterfront property; definitions; classification and assessment; denial of classification and appeal.—*

(1) **DEFINITIONS.**—For purposes of granting a working waterfront property classification under this section for January 1, 2010, and thereafter, the term:

(a) “Accessible to the public” means routinely available to the public from sunrise to sunset, with or without charge, with appropriate accommodations, including, but not limited to, public parking or public boat ramps that are available for use by the general public.

(b) “Commercial fishing operation” has the same meaning as that provided in s. 379.2351.

(c) “Commercial fishing facility” means docks, piers, processing houses, or other facilities which support a commercial fishing operation as defined in paragraph (b), or an aquaculture operation licensed under chapter 253.

(d) “Drystack” means a vessel storage facility or building in which storage spaces for vessels are available for use by the public on a first-come, first-served basis with no automatic renewal rights or conditions. The term excludes storage that is purchased, received, or rented as a result of homeownership or tenancy.

(e) “Land used predominantly for commercial fishing purposes” means land used in good faith in a venture for-profit commercial fishing operation for the taking or harvesting of freshwater fish or saltwater products, as defined in s. 379.101, for which a commercial license to take, harvest, or sell such fish or products is required under chapter 379, or land used in an aquaculture operation authorized under ss. 253.67-253.75.

(f) “Marina” means a licensed commercial facility that provides secured public moorings or drystacks for vessels on a first-come, first-served basis and with no automatic renewal rights or conditions. The term excludes mooring or storage that is purchased, received, or rented as a result of homeownership or tenancy.

(g) “Marine manufacturing facility” means a facility that manufactures vessels for use in waters that are navigable.

(h) “Marine vessel construction and repair facility” means a facility that constructs and repairs vessels that travel over waters that are navigable, including, but not limited to, shipyards and boatyards. As used in this section, the term “repair” includes retrofitting and maintenance of vessels.

(i) “Open to the public” means for hire to the general public and accessible during normal operating hours.

(j) “Support facility” means a facility that typically is colocated with marine vessel construction and repair facilities, including, but not limited to, shops, equipment, and salvage facilities.

(k) “Water-dependent” means that the operations of a facility require direct access to water.

(l) “Waterfront” means property that is on, over, or abutting waters that are navigable.

(m) “Waters that are navigable” means any body of water that is subject to the ebb and flow of the tide, connects with continuous interstate waterway, has navigable capacity, and is actually navigable.

(2) **CLASSIFICATION AND ASSESSMENT; LOSS; PENALTY.**—

(a) The following waterfront properties are eligible for classification as working waterfront property:

1. Land used predominantly for commercial fishing purposes.
2. Land that is accessible to the public and used for vessel launches into waters that are navigable.
3. Marinas and drystacks that are open to the public.
4. Water-dependent marine manufacturing facilities.
5. Water-dependent commercial fishing facilities.

6. Water-dependent marine vessel construction and repair facilities and their support facilities.

(b) Property classified as working waterfront property under this section shall be assessed on the basis of current use. The assessed value shall be calculated using the income approach to value, and using a capitalization rate based upon the debt coverage ratio formula. The capitalization rate shall be calculated and updated annually. The capitalization rate shall be based on data that is county specific unless insufficient data is available, in which case the property appraisers shall use data from counties with similar conditions and characteristics, or data provided by the department. The condition and size of the property shall also be taken into account when assessing the property.

(c)1. Property may not be classified as working waterfront property unless an application for such classification is filed with the property appraiser on or before March 1 of each year in the county in which the property is located. Before approving such classification, the property appraiser may require the applicant to establish that the property is actually used as required under this section. The property appraiser may require the applicant to furnish the property appraiser such information as may reasonably be required to establish that such property was actually used for working waterfront purposes, and to establish the classified use value of the property, including income and expense data. The owner or lessee of property classified as working waterfront property in the prior year may reapply on a short form provided by the Department of Revenue. The lessee of property may make original application or reapply on a short form if the lease, or an affidavit executed by the owner, provides that the lessee is empowered to make application for the working waterfront classification on behalf of the owner and a copy of the lease or affidavit accompanies the application. An applicant may withdraw an application on or before the 25th day following the mailing of the notice of proposed property taxes pursuant to s. 200.069 in the year the application was filed.

2. Failure by a property owner or lessee to apply for a classification as working waterfront property by March 1 shall constitute a waiver for 1 year of the privilege granted in this section. However, a person who is qualified to receive a working waterfront classification but who fails to timely apply for classification may file an application for classification with the property appraiser. Upon review of the application, if the applicant is qualified to receive the classification and demonstrates particular extenuating circumstances that warrant the classification, the property appraiser may grant the classification.

3. A county, at the request of the property appraiser and by a majority vote of its governing body, may waive the requirement that an annual application or short form be filed with the property appraiser for renewal of the classification of property within the county as working waterfront property. Such waiver may be revoked by a majority of the county governing body.

4. Notwithstanding subparagraph 2., a new application for classification as working waterfront property must be filed with the property appraiser whenever any property granted the classification as working waterfront property is sold or otherwise disposed of, whenever ownership or the lessee changes in any manner, whenever the owner or the lessee ceases to use the property as working waterfront property, or whenever the status of the owner or the lessee changes so as to change the classified status of the property.

5. The property appraiser shall remove from the classification as working waterfront property any property for which the classified use has been abandoned or discontinued, or the property has been diverted to an unclassified use. Such removed property shall be assessed at just value as provided in s. 193.011.

6.a. The owner of any property classified as working waterfront property who is not required to file an annual application under this section, and the lessee if the application was made by the lessee, shall notify the property appraiser promptly whenever the use of the property or the status or condition of the owner or lessee changes, so as to change the classified status of the property. If any such property owner or lessee fails to notify the property appraiser and the property appraiser determines that for any year within the prior 10 years the owner was not entitled to receive such classification, the owner of the property is subject to taxes otherwise due and owing as a result of such failure plus 15 percent interest per annum and a penalty of 50 percent of the additional taxes owed. However, the penalty may be waived if the owner or lessee can demon-

strate that they took reasonable care to notify the property appraiser of the change in use, status, or condition of the property.

b. The property appraiser making such determination shall record in the public records of the county in which the working waterfront property is located a notice of tax lien against any property owned by the working waterfront property owner, and such property must be identified in the notice of tax lien. Such property is subject to the payment of all taxes and penalties. Such lien, when filed, attaches to any property identified in the notice of tax lien owned by the person or entity that illegally or improperly received the classification. If such person or entity no longer owns property in that county but owns property in another county or counties in the state, the property appraiser shall record in such other county or counties a notice of tax lien identifying the property owned by the working waterfront property owner in such county or counties which shall become a lien against the identified property.

7. When a parcel receiving a working waterfront classification contains facilities or vacant land not eligible to be classified as a working waterfront property under this subsection, the facilities and their curtilage, as well as the vacant land, must be assessed separately as provided in s. 193.011.

8. The property appraiser shall have available at his or her office a list by ownership of all applications for classification as working waterfront property received, showing the acreage, the full valuation under s. 193.011, the value of the land under the provisions of this subsection, and whether or not the classification was granted.

(3) DENIAL OF CLASSIFICATION; APPEAL.—

(a) The property appraiser shall notify an applicant for a working waterfront classification in writing of a denial of an application for such classification on or before July 1 of the year for which the application was filed. The notification shall advise the applicant of his or her right to appeal to the value adjustment board and of the appeal filing deadline.

(b) Any applicant whose application for classification as working waterfront property is denied by the property appraiser may appeal to the value adjustment board by filing a petition requesting that the classification be granted. The petition may be filed on or before the 25th day following the mailing of the assessment notice by the property appraiser as required under s. 194.011(1). Notwithstanding the provisions of s. 194.013, the petitioner shall pay a nonrefundable fee of \$15 upon filing the petition. Upon the value adjustment board's review of the petition, if the petitioner is qualified to receive the classification and demonstrates particular extenuating circumstances which warrant granting the classification, the value adjustment board may grant the petition and classification.

(c) A denial of a petition for classification by the value adjustment board may be appealed to a court of competent jurisdiction.

(d)1. Property that has received a working waterfront classification from the value adjustment board or a court of competent jurisdiction under this subsection is entitled to receive such classification in any subsequent year until such use is changed, abandoned or discontinued, or the ownership changes in any manner as provided in subparagraph (2)(c) 4. The property appraiser shall, no later than January 31 of each year, provide notice to the property owner or lessee receiving a classification under this subsection requiring the property owner or a lessee qualified to make application to certify that the ownership and the use of the property has not changed. The department shall prescribe by rule the form of the notice to be used by the property appraiser.

2. If a county has waived the requirement that an annual application or short form be filed for classification of the property under subsection (2), the county may, by majority vote of its governing body, waive the notice and certification requirements of this paragraph and shall provide the property owner or lessee with the same notification as provided to property owners granted a working waterfront classification by the property appraiser. Such waiver may be revoked by a majority vote of the county governing body.

And the title is amended as follows:

Delete lines 4-40 and insert: identifying property that is eligible for classification as working waterfront property; requiring the assessment

of working waterfront property based on current use; requiring an application for classification of property as working waterfront property; authorizing a property appraiser to approve an application that is not filed by a certain deadline due to extenuating circumstances; providing for the waiver of annual application requirements; providing for the loss of classification upon a change of ownership or use; requiring that property owners notify the property appraiser of changes in use or ownership of property; imposing a penalty on a property owner who fails to notify the property appraiser of an event resulting in the unlawful or improper classification of property as working waterfront property; requiring the imposition of tax liens to recover penalties and interest; providing for the assessment of a portion of property within a working waterfront property which is not used as working waterfront property; requiring that a property appraiser make a list relating to applications to certify property as working waterfront property; providing an appeal process for an application that has been denied; amending s. 195.073, F.S.;

Senator Bennett moved the following amendments which were adopted:

**Amendment 2 (935270)**—Delete lines 479-480 and insert: *commercial activities include, but are not limited to, aquaculturists, docks,*

**Amendment 3 (965406) (with title amendment)**—Delete lines 489-494 and insert: section.

And the title is amended as follows:

Delete lines 63-65 and insert: for water-dependent commercial activities; limiting

Pursuant to Rule 4.19, **CS for CS for SB 1468** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett, by unanimous consent—

**CS for SB 2282**—A bill to be entitled An act relating to first-responder services; creating ss. 125.01045 and 166.0446, F.S.; prohibiting counties and municipalities from imposing a fee or seeking reimbursement for costs relating to certain first-responder services; providing an exception; defining the term "first responder"; providing an effective date.

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

The Committee on Community Affairs recommended the following amendments which were moved by Senator Bennett and adopted:

**Amendment 1 (127064) (with title amendment)**—Delete line 20 and insert: *a motor vehicle accident, except for costs of materials to contain or clean up hazardous waste in quantities reportable to the Florida State Warning Point at the Division of Emergency Management, and costs for transportation and*

And the title is amended as follows:

Delete line 6 and insert: responder services; providing exceptions; defining

**Amendment 2 (411400)**—Between lines 39 and 40 insert: *costs of materials to contain or clean up hazardous waste in quantities reportable to the Florida State Warning Point at the Division of Emergency Management, and costs for*

Senator Gelber moved the following amendment which was adopted:

**Amendment 3 (518322)**—Delete lines 21-41 and insert: *treatment provided by ambulance services licensed pursuant to ss. 401.23(4) and 401.23(5).*

(2) As used in this section, the term "first responder" means a law enforcement officer as defined in s. 943.10, a firefighter as defined in s. 633.30, or an emergency medical technician or paramedic as defined in s.

*401.23 who is employed by the state or a local government. A volunteer law enforcement officer, firefighter, or emergency medical technician or paramedic engaged by the state or a local government is also considered a first responder of the state or local government for purposes of this section.*

Section 2. Section 166.0446, Florida Statutes, is created to read:

*166.0446 Prohibition of fees for first-responder services.—*

*(1) A municipality may not impose a fee or seek reimbursement for any costs or expenses that may be incurred for services provided by a first responder, including costs or expenses related to personnel, supplies, motor vehicles, or equipment in response to a motor vehicle accident, except for transportation and treatment provided by ambulance services licensed pursuant to ss. 401.23(4) and 401.23(5).*

Pursuant to Rule 4.19, **CS for SB 2282** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Ring, by two-thirds vote **CS for HB 115** was withdrawn from the Committees on Criminal Justice; and Judiciary; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Ring—

**CS for HB 115**—A bill to be entitled An act relating to sexual offenders and predators; amending s. 257.12, F.S.; encouraging all public libraries to implement an Internet safety education program for children and adults; providing minimum requirements for the program; requiring libraries to annually report to the Division of Library and Information Services of the Department of State the number of participants who complete the program; requiring that the division adopt rules to award additional points to grant applicants implementing such a program; amending ss. 775.21, 943.0435, 944.606, 944.607, and 985.481, F.S.; requiring sexual offenders and predators to provide home telephone numbers and any cellular telephone numbers as part of the registration process; correcting cross-references to apply exclusions from designation as a sexual offender or predator to owners or operators of computer services rather than to persons traveling to meet a minor; amending ss. 847.0135 and 847.0138, F.S.; removing residency requirements in statutes relating to computer pornography involving minor children and the transmission of material harmful to a minor by electronic device or equipment, respectively; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 340** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 115** was placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine, by two-thirds vote **HB 7035** was withdrawn from the Committees on Environmental Preservation and Conservation; Governmental Oversight and Accountability; and Rules.

On motion by Senator Constantine—

**HB 7035**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding written valuations of state-owned surplus lands; amending s. 253.034, F.S., which provides an exemption from public records requirements for a written valuation of state-owned lands determined to be surplus and related documents used to form the valuation or which pertain to the valuation; 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 1268** and read the second time by title.

Pursuant to Rule 4.19, **HB 7035** was placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg, by two-thirds vote **HB 949** was withdrawn from the Committees on Judiciary; and Rules.

On motion by Senator Aronberg—

**HB 949**—A bill to be entitled An act relating to grounds for non-recognition of foreign defamation judgments; amending s. 55.605, F.S.; providing that an out-of-country foreign judgment need not be recognized if the cause of action resulted in a defamation judgment obtained in a jurisdiction outside the United States, unless a court in this state first determines that the defamation law applied in the foreign court's adjudication provided at least as much protection for freedom of speech and press as would be provided in this state; creating s. 55.6055, F.S.; providing that the courts of this state have personal jurisdiction over a person who obtains a judgment in a defamation proceeding outside the United States against a person residing in or having property in this state for the purpose of determining whether the foreign defamation judgment should be deemed nonrecognizable; providing for retroactive application; providing an effective date.

—a companion measure, was substituted for **SB 1066** and read the second time by title.

Pursuant to Rule 4.19, **HB 949** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 604** was deferred.

On motion by Senator Gaetz—

**SB 2416**—A bill to be entitled An act relating to solid waste disposal; 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; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2416** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2334** and **CS for SB 2036** was deferred.

**SB 628**—A bill to be entitled An act relating to enterprise zones; creating s. 290.00725, F.S.; authorizing the City of Ocala to apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing an application deadline; providing requirements for the area of the enterprise zone; requiring that the office establish the initial effective date of the enterprise zone; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 628** to **CS for CS for HB 127**.

Pending further consideration of **SB 628** as amended, on motion by Senator Lynn, by two-thirds vote **CS for CS for HB 127** was withdrawn from the Committees on Commerce; Community Affairs; Finance and Tax; and Transportation and Economic Development Appropriations.

On motion by Senator Lynn—

**CS for CS for HB 127**—A bill to be entitled An act relating to enterprise zones; creating s. 290.00725, F.S.; authorizing the City of Ocala to apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing an application deadline; providing requirements for the area of the enterprise zone; requiring the office to establish the effective date of the enterprise zone; providing an effective date.

—a companion measure, was substituted for **SB 628** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 127** was placed on the calendar of Bills on Third Reading.

On motion by Senator Joyner—

**CS for SB 2408**—A bill to be entitled An act relating to compensation for wrongful incarceration; amending s. 961.02, F.S.; defining the term “actual innocence” for purposes of the Victims of Wrongful Incarceration Compensation Act; redefining the term “wrongfully incarcerated person” in order to conform; amending s. 961.03, F.S.; requiring that a petition for compensation include clear and convincing evidence of actual innocence; requiring the petitioner to submit fingerprints for criminal history records checks; providing that failure to submit fingerprints within the prescribed timeframe does not warrant denial of compensation under the act; providing procedures for taking and submitting fingerprints; requiring that the results of the criminal history records checks be submitted to the clerk of the court; providing for use of the results by the court; specifying who will pay for the criminal history records checks; amending s. 961.05, F.S.; eliminating the requirement that a wrongfully incarcerated person provide certain court records and documentation from the Department of Corrections along with an application for compensation; requiring the Department of Legal Affairs to request certain records from the clerk of the court and the Department of Corrections; amending s. 961.06, F.S.; precluding submission of an application for compensation if the wrongfully incarcerated person has received a prior favorable judgment from a civil action arising out of the wrongful incarceration; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2408** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 2658** and **CS for SB 2296** was deferred.

On motion by Senator Baker, by two-thirds vote **CS for HB 1065** was withdrawn from the Committees on Transportation; Community Affairs; Judiciary; and General Government Appropriations.

On motion by Senator Baker—

**CS for HB 1065**—A bill to be entitled An act relating to aircraft safety; providing a short title; creating s. 379.2293, F.S.; providing legislative findings and intent; exempting airport authorities and other entities from penalties, restrictions, or sanctions with respect to authorized actions taken to protect human life or aircraft from wildlife hazards; defining the term “authorized action taken for the purpose of protecting human life or aircraft safety from wildlife hazards”; providing that federal or state authorizations for such actions prevail over certain other regulations, permits, comprehensive plans, and laws; providing immunity from penalties with respect to authorized action for certain individuals; providing exceptions; providing an effective date.

—a companion measure, was substituted for **CS for SB 1864** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1065** was placed on the calendar of Bills on Third Reading.

On motion by Senator Deutch—

**CS for CS for CS for SB 904**—A bill to be entitled An act relating to parental responsibility and time-sharing; amending s. 61.046, F.S.; redefining the terms “parenting plan,” “parenting plan recommendations,” and “time-sharing schedule”; creating s. 61.125, F.S.; providing for parenting coordination as an alternative dispute resolution process to resolve parenting plan disputes; providing for court referral; providing for domestic violence situations; providing the qualifications required for a parenting coordinator and for the disqualification of a coordinator; pro-

viding for the payment of parenting coordination fees and costs; providing for confidentiality; providing for emergency reporting to the court by the coordinator; providing a limitation on the coordinator’s liability; amending s. 61.13, F.S., relating to child support, parenting plans, and time-sharing; deleting obsolete provisions; requiring a parenting plan to include the address to be used for determining school boundaries; revising the elements of the rebuttable presumption that shared parental responsibility is detrimental to a child when a parent is convicted of a crime involving domestic violence; providing that the presumption applies to a crime that is a misdemeanor of the first degree or higher rather than to a crime that is a felony of the third degree or higher; allowing the modification of a parenting plan only upon a showing of substantially changed circumstances; requiring a court to make explicit written findings if, when determining the best interests of a child for the purposes of shared parental responsibility and visitation, the court considered evidence of domestic or sexual violence and child abuse, abandonment, or neglect; amending s. 61.13001, F.S., relating to parental relocation; deleting terms and redefining the terms “other person,” “parent,” and “relocation”; substituting the term “access to” for “visitation”; deleting provisions relating to the requirement for a Notice of Intent to Relocate and substituting procedures relating to filing a petition to relocate; requiring a hearing on a motion seeking a temporary relocation to be held within a certain time; providing for applicability of changes made by the act; amending ss. 61.183, 61.20, 61.21, and 61.30, F.S.; conforming provisions to changes made by the act; amending s. 741.30, F.S., relating to domestic violence; authorizing a court to issue an ex parte injunction that provides a temporary parenting plan; providing an effective date.

—was read the second time by title.

Senator Deutch moved the following amendment which was adopted:

**Amendment 1 (540462) (with title amendment)**—Delete lines 928-968.

And the title is amended as follows:

Delete lines 44-45 and insert: changes made by the act; amending ss. 61.183, 61.20, and 61.21, F.S.; conforming provisions to

Pursuant to Rule 4.19, **CS for CS for CS for SB 904** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 2326**, **CS for CS for SB 2286** and **CS for SB 1054** was deferred.

**CS for CS for SB 564**—A bill to be entitled An act relating to public campaign financing; repealing ss. 106.30-106.36, F.S., the “Florida Election Campaign Financing Act”; amending ss. 106.07, 106.141, 106.22, 106.265, 328.72, and 607.1622, F.S.; deleting references to the Election Campaign Financing Trust Fund, which expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution; amending s. 106.34, F.S.; providing expenditure limits for certain candidates for statewide office; providing effective dates, one of which is contingent.

—was read the second time by title.

Senator Lawson moved the following amendment:

**Amendment 1 (636606) (with title amendment)**—Delete lines 16-219 and insert:

Section 1. Subsection (1) of section 106.07, Florida Statutes, is amended to read:

106.07 Reports; certification and filing.—

(1) Each campaign treasurer designated by a candidate or political committee pursuant to s. 106.021 shall file regular reports of all contributions received, and all expenditures made, by or on behalf of such candidate or political committee. Reports shall be filed on the 10th day

following the end of each calendar quarter from the time the campaign treasurer is appointed, except that, if the 10th day following the end of a calendar quarter occurs on a Saturday, Sunday, or legal holiday, the report shall be filed on the next following day which is not a Saturday, Sunday, or legal holiday. Quarterly reports shall include all contributions received and expenditures made during the calendar quarter which have not otherwise been reported pursuant to this section.

(a) ~~Except as provided in paragraph (b),~~ Following the last day of qualifying for office, the reports shall be filed on the 32nd, 18th, and 4th days immediately preceding the primary and on the 46th, 32nd, 18th, and 4th days immediately preceding the election, for a candidate who is opposed in seeking nomination or election to any office, for a political committee, or for a committee of continuous existence.

~~(b) Following the last day of qualifying for office, any statewide candidate who has requested to receive contributions from the Election Campaign Financing Trust Fund or any statewide candidate in a race with a candidate who has requested to receive contributions from the trust fund shall file reports on the 4th, 11th, 18th, 25th, and 32nd days prior to the primary election, and on the 4th, 11th, 18th, 25th, 32nd, 39th, 46th, and 53rd days prior to the general election.~~

(b) ~~(e)~~ Following the last day of qualifying for office, any unopposed candidate need only file a report within 90 days after the date such candidate became unopposed. Such report shall contain all previously unreported contributions and expenditures as required by this section and shall reflect disposition of funds as required by s. 106.141.

(c) ~~(d)~~1. When a special election is called to fill a vacancy in office, all political committees and committees of continuous existence making contributions or expenditures to influence the results of such special election shall file campaign treasurers' reports with the filing officer on the dates set by the Department of State pursuant to s. 100.111.

2. When an election is called for an issue to appear on the ballot at a time when no candidates are scheduled to appear on the ballot, all political committees making contributions or expenditures in support of or in opposition to such issue shall file reports on the 18th and 4th days prior to such election.

(d) ~~(e)~~ The filing officer shall provide each candidate with a schedule designating the beginning and end of reporting periods as well as the corresponding designated due dates.

Section 2. Subsection (4) of section 106.141, Florida Statutes, is amended to read:

106.141 Disposition of surplus funds by candidates.—

~~(4)(a) Except as provided in paragraph (b),~~ Any candidate required to dispose of funds pursuant to this section shall, at the option of the candidate, dispose of such funds by any of the following means, or any combination thereof:

(a) ~~1.~~ Return pro rata to each contributor the funds that have not been spent or obligated.

(b) ~~2.~~ Donate the funds that have not been spent or obligated to a charitable organization or organizations that meet the qualifications of s. 501(c)(3) of the Internal Revenue Code.

(c) ~~3.~~ Give not more than \$10,000 of the funds that have not been spent or obligated to the political party of which such candidate is a member, except that a candidate for the Florida Senate may give not more than \$30,000 of such funds to the political party of which the candidate is a member.

(d) ~~4.~~ Give the funds that have not been spent or obligated:

1. ~~a.~~ In the case of a candidate for state office, to the state, to be deposited in either the Election Campaign Financing Trust Fund or the General Revenue Fund, as designated by the candidate; or

2. ~~b.~~ In the case of a candidate for an office of a political subdivision, to such political subdivision, to be deposited in the general fund thereof.

~~(b) Any candidate required to dispose of funds pursuant to this section who has received contributions from the Election Campaign Fi-~~

~~ancing Trust Fund shall return all surplus campaign funds to the Election Campaign Financing Trust Fund.~~

Section 3. Subsection (6) of section 106.22, Florida Statutes, is amended to read:

106.22 Duties of the Division of Elections.—It is the duty of the Division of Elections to:

(6) Make, from time to time, audits and field investigations with respect to reports and statements filed under the provisions of this chapter and with respect to alleged failures to file any report or statement required under the provisions of this chapter. ~~The division shall conduct a postelection audit of the campaign accounts of all candidates receiving contributions from the Election Campaign Financing Trust Fund.~~

Section 4. Subsections (3), (4), and (5) of section 106.265, Florida Statutes, are amended to read:

106.265 Civil penalties.—

(3) Any civil penalty collected pursuant to the provisions of this section shall be deposited into the *General Revenue Election Campaign Financing Trust Fund*.

~~(4) Notwithstanding any other provisions of this chapter, any fine assessed pursuant to the provisions of this chapter, which fine is designated to be deposited or which would otherwise be deposited into the General Revenue Fund of the state, shall be deposited into the Election Campaign Financing Trust Fund.~~

~~(4) (5)~~ In any case in which the commission determines that a person has filed a complaint against another person with a malicious intent to injure the reputation of the person complained against by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of this chapter or chapter 104, the complainant shall be liable for costs and reasonable attorney's fees incurred in the defense of the person complained against, including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees. If the complainant fails to pay such costs and fees voluntarily within 30 days following such finding by the commission, the commission shall forward such information to the Department of Legal Affairs, which shall bring a civil action in a court of competent jurisdiction to recover the amount of such costs and fees awarded by the commission.

Section 5. Subsection (11) of section 328.72, Florida Statutes, is amended to read:

328.72 Classification; registration; fees and charges; surcharge; disposition of fees; fines; marine turtle stickers.—

(11) VOLUNTARY CONTRIBUTIONS.—The application form for boat registration shall include a provision to allow each applicant to indicate a desire to pay an additional voluntary contribution to the Save the Manatee Trust Fund to be used for the purposes specified in s. 379.2431(4). This contribution shall be in addition to all other fees and charges. The amount of the request for a voluntary contribution solicited shall be \$2 or \$5 per registrant. A registrant who provides a voluntary contribution of \$5 or more shall be given a sticker or emblem by the tax collector to display, which signifies support for the Save the Manatee Trust Fund. All voluntary contributions shall be deposited in the Save the Manatee Trust Fund and shall be used for the purposes specified in s. 379.2431(4). ~~The form shall also include language permitting a voluntary contribution of \$5 per applicant, which contribution shall be transferred into the Election Campaign Financing Trust Fund. A statement providing an explanation of the purpose of the trust fund shall also be included.~~

Section 6. Subsection (1) of section 607.1622, Florida Statutes, is amended to read:

607.1622 Annual report for Department of State.—

(1) Each domestic corporation and each foreign corporation authorized to transact business in this state shall deliver to the Department of

State for filing a sworn annual report on such forms as the Department of State prescribes that sets forth:

(a) The name of the corporation and the state or country under the law of which it is incorporated. ;

(b) The date of incorporation or, if a foreign corporation, the date on which it was admitted to do business in this state. ;

(c) The address of its principal office and the mailing address of the corporation. ;

(d) The corporation's federal employer identification number, if any, or, if none, whether one has been applied for. ;

(e) The names and business street addresses of its directors and principal officers. ;

(f) The street address of its registered office and the name of its registered agent at that office in this state. ;

~~(g) Language permitting a voluntary contribution of \$5 per taxpayer, which contribution shall be transferred into the Election Campaign Financing Trust Fund. A statement providing an explanation of the purpose of the trust fund shall also be included; and~~

(g) ~~(h)~~ Such additional information as may be necessary or appropriate to enable the Department of State to carry out the provisions of this act.

Section 7. Section 106.34, Florida Statutes, is amended to read:

*(Substantial rewording of section. See s. 106.34, F.S., for present text.)*

*106.34 Expenditure limits.—*

*(1) Any candidate for Governor, Lieutenant Governor, or Cabinet officer who requests contributions from the Election Campaign Financing Trust Fund shall limit his or her total expenditures as follows:*

*(a) Governor or Lieutenant Governor: \$7 million.*

*(b) Cabinet officer: \$3 million.*

*(2) The expenditure limit for any candidate who has primary election opposition only is 60 percent of the limit provided in subsection (1).*

*(3) The expenditure limit shall be adjusted quadrennially by the Secretary of State to reflect the rate of inflation or deflation as indicated in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, 1967=100, or successor reports as reported by the Bureau of Labor Statistics of the United States Department of Labor.*

*(4) As used in this section, the term "expenditure" does not include the payment of compensation for legal and accounting services rendered on behalf of a candidate.*

Section 8. This act shall take effect July 1, 2009.

And the title is amended as follows:

Delete lines 3-12 and insert: amending ss. 106.07, 106.141, 106.22, 106.265, 328.72, and 607.1622, F.S.; deleting references to the Election Campaign Financing Trust Fund, which expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution; amending s. 106.34, F.S.; providing expenditure limits for certain candidates for statewide office; providing an effective date.

On motion by Senator Haridopolos, further consideration of **CS for CS for SB 564** with pending **Amendment 1 (636606)** was deferred.

**SJR 566**—A joint resolution proposing the repeal of Section 7 of Article VI of the State Constitution, relating to public financing of campaigns of candidates for elective statewide office who agree to campaign spending limits.

—was read the second time by title.

Senator Lawson moved the following amendment:

**Amendment 1 (853424)**—Delete line 22 and insert: elective statewide office who agree to campaign spending limits as of the general law in effect after January 1, 1998.

On motion by Senator Haridopolos, further consideration of **SJR 566** with pending **Amendment 1 (853424)** was deferred.

Consideration of **CS for CS for HB 55**, **CS for CS for SB 2482**, **CS for CS for SB 362** and **CS for SB 2198** was deferred.

**CS for CS for SB 1502**—A bill to be entitled An act relating to Fast Track Economic Stimulus for Small Businesses; establishing the New Markets Development Program; amending s. 213.053, F.S.; authorizing the Department of Revenue to disclose information relating to certain tax credits to the Office of Tourism, Trade, and Economic Development; authorizing penalties for unlawful disclosure of the information; amending s. 220.02, F.S.; revising the order in which credits against the corporate income tax or franchise tax must be applied; amending s. 220.013, F.S.; revising the definition of the term "adjusted federal income" to include the amount of certain tax credits; creating s. 288.991, F.S.; providing a short title; creating s. 288.9912, F.S.; encouraging capital investment in certain communities to create and retain jobs through the use of tax credits; creating s. 288.9913, F.S.; providing definitions; creating s. 288.9914, F.S.; requiring the Office of Tourism, Trade, and Economic Development to identify industries in which certain investments may be made; providing for a waiver of the limitation; requiring a qualified community development entity to submit an application for approval of an investment as a qualified investment; requiring the Office of Tourism, Trade, and Economic Development to review and approve or deny the applications; providing for partial approval of applications under certain circumstances; requiring a qualified community development entity to issue a qualified investment within a certain time period; requiring a qualified community development entity to report the issuance of a qualified investment within a certain time period; creating s. 288.9915, F.S.; prohibiting certain interest payments on certain qualified investments for a certain time period; requiring qualified community development entities to maintain certain records; limiting the amount of low-income community investments that may be received by a qualified active low-income community business; creating s. 288.9916, F.S.; creating the new markets tax credit; specifying the amount of the credit; specifying certain tax years in which the tax credit may be used; requiring certain insurance companies to apply the tax credit against certain taxes; limiting transferability of the tax credit; creating s. 288.9917, F.S.; requiring a qualified community development entity to submit certain reports to the Office of Tourism, Trade, and Economic Development after a credit allowance date; requiring the Office of Tourism, Trade, and Economic Development to certify the tax credit amount that may be taken by a taxpayer; creating s. 288.9918, F.S.; requiring a qualified community development entity to submit annual reports to the Office of Tourism, Trade, and Economic Development; creating s. 288.9919, F.S.; subjecting qualified community development entities to audits under the State Single Audit Act; authorizing the Office of Tourism, Trade, and Economic Development to conduct examinations to verify compliance with the New Markets Development Program Act; creating s. 288.9920, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to recapture tax credits under certain circumstances; requiring the Office of Tourism, Trade, and Economic Development to issue a proposed notice of recapture; providing an opportunity to cure a deficiency prior to recapture; authorizing penalties for submitting fraudulent information to the Office of Tourism, Trade, and Economic Development; creating s. 288.9921, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to adopt rules; creating s. 288.9922, F.S.; providing for the expiration of the New Markets Development Program Act on a certain date; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 1502** to **CS for CS for HB 485**.

Pending further consideration of **CS for CS for SB 1502** as amended, on motion by Senator Gaetz, by two-thirds vote **CS for CS for HB 485** was withdrawn from the Committees on Commerce; Community Affairs; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

On motion by Senator Gaetz—

**CS for CS for HB 485**—A bill to be entitled An act relating to fast track economic stimulus for small businesses; amending s. 213.053, F.S.; authorizing the Department of Revenue to share certain confidential taxpayer information with the Office of Tourism, Trade, and Economic Development; preserving certain confidentiality of such information; amending s. 220.02, F.S.; revising legislative intent with respect to the order of tax credits to include the New Markets Development Program tax credit; amending s. 220.13, F.S.; revising a definition; creating ss. 288.991-288.9922, F.S.; providing a short title; establishing the New Markets Development Program; providing a purpose; providing definitions; providing for a tax credit for making certain qualified equity investments; specifying a credit amount; providing for uses of the credit; prohibiting sale or transfer of such credits; authorizing allocation of the credit; specifying limitations on such credits; specifying application and certification requirements and procedures for the Office of Tourism, Trade, and Economic Development to qualify certain equity investments as eligible for tax credits; providing for application fees; providing duties and responsibilities of the Department of Revenue; limiting the amount of investments the office may certify; providing requirements and limitations on issuance of certified equity investments; providing for calculation of tax credits; limiting the amount of the tax credit that may be redeemed in a fiscal year; providing for carryover of unredeemed tax credits under certain circumstances; providing for redemption of tax credits; specifying how tax credits may be claimed by insurance companies; requiring the calculations to be certified and accompanied by audited financial statements and notarized affidavits; providing requirements for recapture of tax credits under certain circumstances; requiring notice of proposed recapture; providing requirements for compliance and audits of qualified equity investments; providing annual reporting requirements for certain community development entities; providing annual reporting requirements for the office; authorizing the office to conduct certain examinations; authorizing the office to revoke or modify tax credit authorizations under certain circumstances; providing for taxpayer liability for reimbursement of fraudulently claimed tax credits; providing penalties; authorizing the office and the department to adopt rules; providing for future repeal of the tax credit program; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1502** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 485** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dockery—

**CS for CS for SB 126**—A bill to be entitled An act relating to the confidential records of children; 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. 39.202, 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; providing an effective date.

—was read the second time by title.

Senator Dockery moved the following amendment which was adopted:

**Amendment 1 (477420)**—Between lines 60 and 61 insert:

*(d) For the purposes of this subsection, the term “caregiver” is limited to parents, legal custodians, permanent guardians, or foster parents; employees of a residential home, institution, facility, or agency at which the child resides; and other individuals legally responsible for a child’s welfare in a residential setting.*

Pursuant to Rule 4.19, **CS for CS for SB 126** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

**CS for CS for SB 564**—A bill to be entitled An act relating to public campaign financing; repealing ss. 106.30-106.36, F.S., the “Florida Election Campaign Financing Act”; amending ss. 106.07, 106.141, 106.22, 106.265, 328.72, and 607.1622, F.S.; deleting references to the Election Campaign Financing Trust Fund, which expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution; amending s. 106.34, F.S.; providing expenditure limits for certain candidates for statewide office; providing effective dates, one of which is contingent.

—which was previously considered this day. Pending **Amendment 1 (636606)** by Senator Lawson was withdrawn.

Pursuant to Rule 4.19, **CS for CS for SB 564** was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

**SJR 566**—A joint resolution proposing the repeal of Section 7 of Article VI of the State Constitution, relating to public financing of campaigns of candidates for elective statewide office who agree to campaign spending limits.

—which was previously considered this day. Pending **Amendment 1 (853424)** by Senator Lawson was withdrawn.

Pending further consideration of **SJR 566**, on motion by Senator Haridopolos, by two-thirds vote **HJR 81** was withdrawn from the Committees on Judiciary; and Rules.

On motion by Senator Haridopolos—

**HJR 81**—A joint resolution proposing the repeal of Section 7 of Article VI of the State Constitution, relating to public financing of campaigns of candidates for elective statewide office who agree to campaign spending limits.

—a companion measure, was substituted for **SJR 566** and read the second time by title.

Pursuant to Rule 4.19, **HJR 81** was placed on the calendar of Bills on Third Reading.

On motion by Senator Storms, by two-thirds vote **CS for HB 597** was withdrawn from the Committees on Children, Families, and Elder Affairs; and Community Affairs; and the Policy and Steering Committee on Ways and Means.

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

**CS for HB 597**—A bill to be entitled An act relating to homelessness; creating s. 414.161, F.S.; establishing a homelessness prevention grant program; requiring grant applicants to be ranked competitively; providing preference for certain grant applicants; providing eligibility requirements; providing grant limitations and restrictions; requiring lead agencies for local homeless assistance continuum of care to track, monitor, and report on assisted families for a specified period of time; amending s. 420.507, F.S.; conforming a cross-reference; amending s. 420.621, F.S.; conforming a cross-reference; revising, providing, and

deleting definitions; amending s. 420.622, F.S.; increasing and revising membership on the Council on Homelessness; removing a member from an obsolete organization; correcting the name of a member organization on the council; revising the date of an annual report; amending s. 420.625, F.S.; deleting a cross-reference to conform; creating s. 420.6275, F.S.; creating the Housing First program; providing legislative findings and intent; requiring the State Office on Homelessness to create specified procedures; providing methodology; providing components of the program; creating s. 420.628, F.S.; providing legislative findings and intent with respect to children and young adults leaving the child welfare system; amending s. 1003.01, F.S.; revising a definition; amending s. 1003.21, F.S.; conforming terminology; providing a school attendance exemption for certain children in foster care; amending s. 1003.22, F.S.; conforming terminology; providing a school certification of a school-entry health examination exemption for certain children in foster care; repealing s. 414.16, F.S., relating to the emergency assistance program for families with children that have lost shelter or face loss of shelter due to an emergency; providing an effective date.

—a companion measure, was substituted for **CS for SB 1054** and read the second 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:

**Amendment 1 (414608) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (22) of section 420.507, Florida Statutes, is amended to read:

420.507 Powers of the corporation.—The corporation shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers which are in addition to all other powers granted by other provisions of this part:

(22) To develop and administer the State Apartment Incentive Loan program. In developing and administering that program, the corporation may:

(a) Make first, second, and other subordinated mortgage loans including variable or fixed rate loans subject to contingent interest for all State Apartment Incentive Loans provided for in this chapter based upon available cash flow of the projects. The corporation shall make loans exceeding 25 percent of project cost available only to nonprofit organizations and public bodies that which are able to secure grants, donations of land, or contributions from other sources and to projects meeting the criteria of subparagraph 1. Mortgage loans shall be made available at the following rates of interest:

1. Zero to 3 percent interest for sponsors of projects that set aside at least 80 percent of their total units for residents qualifying as farmworkers as defined in this part, or commercial fishing workers as defined in this part, or the homeless as defined in s. 420.621 420.621(4) over the life of the loan.

2. Zero to 3 percent interest based on the pro rata share of units set aside for homeless residents if the total of such units is less than 80 percent of the units in the borrower's project.

3. One to 9 percent interest for sponsors of projects targeted at populations other than farmworkers, commercial fishing workers, or and the homeless.

Section 2. Section 420.621, Florida Statutes, is amended to read:

420.621 Definitions; ss. 420.621-420.627.—As used in ss. 420.621-420.628 420.621-420.627, the term following terms shall have the following meanings, unless the context otherwise requires:

(1) “Continuum of care” means the community components needed to organize and deliver housing and services to meet the specific needs of

people who are homeless as they move to stable housing and maximum self-sufficiency. It includes action steps to end homelessness and prevent a return to homelessness.

(2) “Council on Homelessness” means the council created in s. 420.622.

~~(1) “AFDC” means Aid to Families with Dependent Children as administered under chapter 400.~~

(3) ~~(2)~~ “Department” means the Department of Children and Family Services.

(4) ~~(3)~~ “District” means a service district of the department of Children and Family Services, as set forth in s. 20.19.

(5) ~~(4)~~ “Homeless,” applied to an individual, or “individual experiencing homelessness” means “Homeless” refers to an individual who lacks a fixed, regular, and adequate nighttime residence and includes ~~or~~ an individual who has a primary nighttime residence that is:

(a) Is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;

(b) Is living in a motel, hotel, travel trailer park, or camping ground due to a lack of alternative adequate accommodations;

~~(c) Is living in an emergency or transitional shelter; A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters, and transitional housing for the mentally ill;~~

~~(b) An institution that provides a temporary residence for individuals intended to be institutionalized; or~~

(d) ~~(e)~~ Has a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings;

(e) Is living in a car, park, public space, abandoned building, bus or train station, or similar setting; or

(f) Is a migratory individual who qualifies as homeless because he or she is living in circumstances described in paragraphs (a)-(e).

The terms do term does not refer to an any individual imprisoned or otherwise detained pursuant to state or federal law or to individuals or families who are sharing housing due to cultural preferences, voluntary arrangements, or traditional networks of support. The terms include an individual who has been released from jail, prison, the juvenile justice system, the child welfare system, a mental health and developmental disability facility, a residential addiction treatment program, or a hospital, for whom no subsequent residence has been identified, and who lacks the resources and support network to obtain housing.

(6) ~~(5)~~ “Local coalition for the homeless” means a coalition established pursuant to s. 420.623.

(7) ~~(6)~~ “New and temporary homeless” means those individuals or families who are homeless due to societal external factors, such as unemployment or other loss of income, personal or family life crises, or the shortage of low income housing.

(8) ~~(7)~~ “State Office on Homelessness” means the state office created in s. 420.622 “Secretary” means the secretary of the Department of Children and Family Services.

Section 3. Subsections (2) and (9) of section 420.622, Florida Statutes, are amended to read:

420.622 State Office on Homelessness; Council on Homelessness.—

(2) The Council on Homelessness is created to consist of a 17-member 15-member council of public and private agency representatives who shall develop policy and advise the State Office on Homelessness. The council members shall be: the Secretary of Children and Family Services, or his or her designee; the Secretary of Community Affairs, or his or her designee, to advise the council on issues related to rural development; the State Surgeon General, or his or her designee; the Executive

Director of Veterans' Affairs, or his or her designee; the Secretary of Corrections, or his or her designee; the Secretary of Health Care Administration, or his or her designee; the Commissioner of Education, or his or her designee; the Director of Workforce Florida, Inc., or his or her designee; one representative of the Florida Association of Counties; one representative from the Florida League of Cities; one representative of the Florida Coalition for Supportive Housing Coalition; the Executive Director of the Florida Housing Finance Corporation, or his or her designee; one representative of the Florida Coalition for the Homeless; ~~one representative of the Florida State Rural Development Council~~; and four members appointed by the Governor. The council members shall be volunteer, nonpaid persons and shall be reimbursed for travel expenses only. The appointed members of the council shall be appointed to serve staggered 2-year terms, and the council shall meet at least four times per year. The importance of minority, gender, and geographic representation must be considered when appointing members to the council.

(9) The council shall, by June 30 ~~December 31~~ of each year, beginning in 2010, issue to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of Children and Family Services an evaluation of the executive director's performance in fulfilling the statutory duties of the office, a report summarizing the council's recommendations to the office and the corresponding actions taken by the office, and any recommendations to the Legislature for proposals to reduce homelessness in this state.

Section 4. Section 420.6275, Florida Statutes, is created to read:

420.6275 *Housing First.*—

(1) *LEGISLATIVE FINDINGS AND INTENT.*—

(a) *The Legislature finds that many communities plan to manage homelessness rather than plan to end it.*

(b) *The Legislature also finds that for most of the past two decades, public and private solutions to homelessness have focused on providing individuals and families who are experiencing homelessness with emergency shelter, transitional housing, or a combination of both. While emergency shelter programs may provide critical access to services for individuals and families in crisis, they often fail to address their long-term needs.*

(c) *The Legislature further finds that Housing First is an alternative approach to the current system of emergency shelter or transitional housing which tends to reduce the length of time of homelessness and has proven to be cost-effective.*

(d) *It is therefore the intent of the Legislature to encourage homeless continuums of care to adopt the Housing First approach to ending homelessness for individuals and families.*

(2) *HOUSING FIRST METHODOLOGY.*—

(a) *The Housing First approach to homelessness differs from traditional approaches by providing housing assistance, case management, and support services responsive to individual or family needs after housing is obtained. By using this approach when appropriate, communities can significantly reduce the amount of time that individuals and families are homeless and prevent further episodes of homelessness. Housing First emphasizes that social services provided to enhance individual and family well-being can be more effective when people are in their own home, and:*

1. *The housing is not time-limited.*
2. *The housing is not contingent on compliance with services. Instead, participants must comply with a standard lease agreement and are provided with the services and support that are necessary to help them do so successfully.*
3. *A background check and any rehabilitation necessary to combat an addiction related to alcoholism or substance abuse has been completed by the individual for whom assistance or support services are provided.*

(b) *The Housing First approach addresses the societal causes of homelessness and advocates for the immediate return of individuals and families into housing and communities. Housing First provides a critical link between the emergency and transitional housing system and com-*

*munity-based social service, educational, and health care organizations and consists of four components:*

1. *Crisis intervention and short-term stabilization.*
2. *Screening, intake, and needs assessment.*
3. *Provision of housing resources.*
4. *Provision of case management.*

Section 5. Section 420.628, Florida Statutes, is created to read:

420.628 *Young adults leaving foster care; legislative findings.*—

(1) *The Legislature finds that the transition from childhood to adulthood is filled with opportunity and risk. Most young people who receive adequate support make this transition successfully and become healthy adults who are prepared for work and are able to become responsible, fulfilled members of their families and communities.*

(2) *The Legislature finds that there are also many young people who enter adulthood without the knowledge, skills, attitudes, habits, and relationships that enable them to be productive members of society. Those young people who, through no fault of their own, live in foster families, group homes, and institutions are among those at greatest risk.*

(3) *The Legislature finds that these young people face numerous barriers to a successful transition to adulthood. Those barriers include changes in foster care placements and schools, limited opportunities for participation in age-appropriate activities, and the inability to achieve economic stability, make connections with permanent supportive adults or family, and access housing. The main barriers to safe and affordable housing for youth who leave foster care due to age are cost, lack of availability, the unwillingness of many landlords to rent to them, and their own lack of knowledge about how to be good tenants.*

(4) *The Legislature also finds that young adults who emancipate from the child welfare system are at risk of becoming homeless and those who were formerly in foster care are disproportionately represented in the homeless population. Only about two-fifths of eligible young people receive independent living services and, of those who do, few receive adequate housing assistance. Without the stability of safe housing, other services, training, and opportunities may not be effective.*

(5) *The Legislature further finds that research on young people who emancipate from foster care suggests a nexus between foster care involvement and later episodes of homelessness and that interventions in the foster care system might help to prevent homelessness. Responding to the needs of young people leaving the foster care system with developmentally appropriate supportive housing models organized in a continuum of decreasing supervision may increase their ability to live independently.*

(6) *It is therefore the intent of the Legislature to encourage the Department of Children and Family Services, its agents, and community-based care providers operating pursuant to s. 409.1671 to develop and implement procedures designed to reduce the number of young adults who become homeless after leaving the child welfare system.*

Section 6. Subsection (12) of section 1003.01, Florida Statutes, is amended to read:

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

(12) *“Children and youths who are experiencing homelessness,” for programs authorized under subtitle B, Education for Homeless Children and Youths, of Title VII of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. ss. 11431 et seq., means children and youths who lack a fixed, regular, and adequate nighttime residence, and includes:*

(a) *Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, travel trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement.*

(b) *Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.*

(c) *Children and youths who are living in cars, parks, public spaces, abandoned buildings, bus or train stations, or similar settings.*

(d) *Migratory children who are living in circumstances described in paragraphs (a)-(c). "Homeless child" means:*

- (a) ~~One who lacks a fixed, regular nighttime residence;~~
- (b) ~~One who has a primary nighttime residence that is:~~
  - 1. ~~A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters, and transitional housing for the mentally ill;~~
  - 2. ~~An institution that provides a temporary residence for individuals intended to be institutionalized;~~ or
  - 3. ~~A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings;~~ or
- (c) ~~One who temporarily resides with an adult other than his or her parent because the parent is suffering financial hardship.~~

~~A child who is imprisoned, detained, or in the custody of the state pursuant to a state or federal law is not a homeless child.~~

Section 7. Paragraph (f) of subsection (1) and paragraph (g) of subsection (4) of section 1003.21, Florida Statutes, are amended to read:

1003.21 School attendance.—

(1)

(f) *Children and youths who are experiencing homelessness* ~~Homeless children, as defined in s. 1003.01,~~ must have access to a free public education and must be admitted to school in the school district in which they or their families live. School districts shall assist *such homeless children in meeting to meet* the requirements of subsection (4) and s. 1003.22, as well as local requirements for documentation.

(4) Before admitting a child to kindergarten, the principal shall require evidence that the child has attained the age at which he or she should be admitted in accordance with the provisions of subparagraph (1)(a)2. The district school superintendent may require evidence of the age of any child whom he or she believes to be within the limits of compulsory attendance as provided for by law. If the first prescribed evidence is not available, the next evidence obtainable in the order set forth below shall be accepted:

(g) If none of these evidences can be produced, an affidavit of age sworn to by the parent, accompanied by a certificate of age signed by a public health officer or by a public school physician, or, if ~~neither of these are not is~~ available in the county, by a licensed practicing physician designated by the district school board, which ~~certificate~~ states that the health officer or physician has examined the child and believes that the age as stated in the affidavit is substantially correct. *Children and youths who are experiencing homelessness* ~~A homeless child, as defined in s. 1003.01,~~ shall be given temporary exemption from this section for 30 school days.

Section 8. Subsection (1) and paragraph (e) of subsection (5) of section 1003.22, Florida Statutes, are amended to read:

1003.22 School-entry health examinations; immunization against communicable diseases; exemptions; duties of Department of Health.—

(1) Each district school board and the governing authority of each private school shall require that each child who is entitled to admittance to kindergarten, or is entitled to any other initial entrance into a public or private school in this state, present a certification of a school-entry health examination performed within 1 year ~~before prior to~~ enrollment in school. Each district school board, and the governing authority of each private school, may establish a policy that permits a student up to 30 school days to present a certification of a school-entry health examination. *Children and youths who are experiencing homelessness* ~~A homeless~~

~~child, as defined in s. 1003.01,~~ shall be given a temporary exemption for 30 school days. Any district school board that establishes such a policy shall include provisions in its local school health services plan to assist students in obtaining the health examinations. However, ~~a any~~ child shall be ~~exempted exempt~~ from the requirement of a health examination upon written request of the parent of the child stating objections to the examination on religious grounds.

(5) The provisions of this section shall not apply if:

(e) An authorized school official issues a temporary exemption, for ~~up to a period not to exceed~~ 30 school days, to permit a student who transfers into a new county to attend class until his or her records can be obtained. *Children and youths who are experiencing homelessness* ~~A homeless child, as defined in s. 1003.01,~~ shall be given a temporary exemption for 30 school days. The public school health nurse or authorized private school official is responsible for followup of each such student until proper documentation or immunizations are obtained. An exemption for 30 days may be issued for a student who enters a juvenile justice program to permit the student to attend class until his or her records can be obtained or until the immunizations can be obtained. An authorized juvenile justice official is responsible for followup of each student who enters a juvenile justice program until proper documentation or immunizations are obtained.

Section 9. This act shall take effect July 1, 2009.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to homelessness; amending s. 420.507, F.S.; conforming a cross-reference; amending s. 420.621, F.S.; revising, providing, and deleting definitions; amending s. 420.622, F.S.; increasing and revising membership on the Council on Homelessness; removing a member from an obsolete organization; correcting the name of a member organization on the council; revising the date of an annual report; creating s. 420.6275, F.S.; creating the Housing First program; providing legislative findings and intent; providing methodology; providing components of the program; providing that local continuums of care that adopt the program be given funding priority; creating s. 420.628, F.S.; providing legislative findings and intent relating to young adults leaving foster care; amending s. 1003.01, F.S.; revising a definition; amending ss. 1003.21 and 1003.22, F.S.; conforming terminology; providing an effective date.

Pursuant to Rule 4.19, **CS for HB 597** as amended was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

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

—which was previously considered and amended this day.

**POINT OF ORDER**

Senator Lawson raised a point of order that pursuant to Rule 4.8 the bill should be referred to the Policy and Steering Committee on Ways and Means.

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

On motion by Senator Gaetz, further consideration of **CS for SB 1122** with pending point of order by Senator Lawson was deferred.

On motion by Senator Dean—

**CS for SB 2334**—A bill to be entitled An act relating to the Water Protection and Sustainability Program Trust Fund; amending s. 373.1961, F.S.; revising requirements for the use of moneys in the trust fund; authorizing the Northwest Florida Water Management District and the Suwannee River Water Management District to use a portion of moneys in the trust fund for specific purposes; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2334** was placed on the calendar of Bills on Third Reading.

#### THE PRESIDENT PRESIDING

**CS for CS for SB 604**—A bill to be entitled An act relating to confidential informants; creating Rachel's Law; defining terms; requiring a law enforcement agency that uses confidential informants to disclose certain information to persons who are requested to serve as confidential informants; providing that a law enforcement agency must provide a person who is requested to serve as a confidential informant the opportunity to consult with legal counsel; requiring training for persons involved in the recruitment and use of confidential informants; requiring a law enforcement agency to adopt policies and procedures to preserve the safety of confidential informants, law enforcement personnel, target offenders, and the public; requiring a law enforcement agency that uses confidential informants to address the recruitment, control, and use of confidential informants in policies and procedures of the agency; requiring a law enforcement agency to establish policies and procedures to assess the suitability of using a person as a confidential informant; requiring a law enforcement agency to establish procedures to maintain the security of records relating to confidential informants; requiring a law enforcement agency to periodically review its practices regarding confidential informants; providing that the act does not grant any right or entitlement to a confidential informant or a person who is requested to be a confidential informant; providing an effective date.

—was read the second time by title.

An amendment was considered and failed and an amendment was considered and adopted to conform **CS for CS for SB 604** to **CS for CS for HB 271**.

Pending further consideration of **CS for CS for SB 604** as amended, on motion by Senator Fasano, by two-thirds vote **CS for CS for HB 271** was withdrawn from the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

On motion by Senator Fasano—

**CS for CS for HB 271**—A bill to be entitled An act relating to confidential informants; creating "Rachel's Law"; defining terms; requiring a law enforcement agency that uses confidential informants to disclose certain information to persons who are requested to serve as confidential informants; providing that a law enforcement agency must provide an opportunity to consult with legal counsel to a person who is requested to serve as a confidential informant; requiring training for persons involved with the recruitment and use of confidential informants; requiring a law enforcement agency to adopt policies and procedures to preserve the safety of confidential informants, law enforcement personnel, target offenders, and the public; requiring a law enforcement agency that uses confidential informants to address the recruitment, control, and use of confidential informants in policies and procedures of the agency; requiring a law enforcement agency to establish policies and procedures to assess the suitability of using a person as a confidential informant; requiring a law enforcement agency to establish procedures to maintain the security of records relating to confidential informants; requiring a law enforcement agency to periodically review confidential informant practices; providing that the act does not grant any right or entitlement to a confidential informant or a person who is requested to be a confidential informant; providing that any

failure to abide by the act does not create any additional right enforceable by a defendant in a criminal proceeding; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 604** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 271** was placed on the calendar of Bills on Third Reading.

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Villalobos, by two-thirds vote **SB 166**, **CS for SJR 532**, and **SJR 1828** were withdrawn from the Committee on Rules.

On motion by Senator Alexander, by two-thirds vote **CS for SB 784** was withdrawn from the Committee on Finance and Tax; and **CS for SJR 532**, **CS for SB 784**, **CS for SB 1006**, and **SJR 1828** were withdrawn from the Policy and Steering Committee on Ways and Means.

On motion by Senator Villalobos, by two-thirds vote **SB 1136**, **CS for SB 910**, **CS for CS for CS for SB 2630**, **CS for SB 254**, **CS for CS for SB 206**, **SB 166**, **CS for SB 1006**, **CS for SJR 532**, **SJR 1828**, **CS for SB 784**, **CS for CS for SJR 1302**, **CS for CS for SB 2276**, and **CS for SB 1380** were added to the Special Order Calendar for Thursday, April 30.

#### 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 Thursday, April 30.

#### 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 387**, **CS for HB 635**, **CS for HB 775**, **HB 777**, **CS for HB 1095**, **CS for HB 1113**, **CS for HB 1169**, **CS for HB 1369**, **CS for CS for HB 1375**; has passed as amended **HB 7145**, **HB 7157**; has passed by the required constitutional three-fifths vote of the membership **CS for HJR 833**, **CS for CS for HJR 919** and requests the concurrence of the Senate.

*Robert L. "Bob" Ward, Clerk*

By Representative(s) Rivera—

**HB 387**—A bill to be entitled An act relating to medical faculty certificates; amending s. 458.3145, F.S.; increasing the maximum number of medical faculty certificates issued to faculty at certain institutions; providing an effective date.

—was referred to the Committees on Health Regulation; Higher Education; and Higher Education Appropriations.

By Military & Local Affairs Policy Committee and Representative(s) Scionti, Abruzzo, Hukill, Jenne, Proctor, Sachs, Zapata—

**CS for HB 635**—A bill to be entitled An act relating to military affairs; amending s. 250.35, F.S.; clarifying and updating references with respect to courts-martial; amending s. 250.482, F.S.; revising applicability of provisions with respect to immunity from penalization for National Guard members ordered into state active duty by employers; requiring National Guard members to notify employers of intent to return to work; providing exceptions under which employers are not required to allow such members to return to work; providing for entitlement to seniority and other rights and benefits for National Guard members returning to work following state active duty; providing that such members may not be discharged from employment except for cause; providing rights and requirements with respect to use of vacation and leave by such members; removing a limitation with respect to the right of an employee ordered into state active duty to bring a civil action for a specified violation by an employer; amending s. 250.82, F.S.; clarifying provisions; creating s. 250.905, F.S.; providing for the imposition of a civil penalty for specified noncompliance with specified provisions of ch. 250, F.S., or with other specified provisions of federal law; providing an effective date.

—was referred to the Committees on Military Affairs and Domestic Security; Judiciary; Commerce; and Governmental Oversight and Accountability; and the Policy and Steering Committee on Ways and Means.

By Military & Local Affairs Policy Committee and Representative(s) Porth, Clarke-Reed—

**CS for HB 775**—A bill to be entitled An act relating to the City of Tamarac, Broward County; extending and enlarging the corporate limits of the City of Tamarac to include specified unincorporated lands within such corporate limits; providing for an election; providing for an effective date of annexation; providing for an interlocal agreement; providing for governance of an annexed area; prohibiting land use designation or zoning changes and other annexations prior to subject annexation or defeat of annexation; providing applicability to candidacies for municipal office; providing for preservation of existing contracts; providing for transfer of public roads and rights-of-way; providing an effective date.

Proof of publication of the required notice was attached.  
—was referred to the Committee on Rules.

By Representative(s) Porth, Gibbons—

**HB 777**—A bill to be entitled An act relating to the City of West Park, Broward County; extending and enlarging the corporate limits of the City of West Park to include specified Town of Pembroke Park lands within the corporate limits of the City of West Park; providing an effective date of annexation; providing construction; providing an effective date.

Proof of publication of the required notice was attached.  
—was referred to the Committee on Rules.

By Military & Local Affairs Policy Committee and Representative(s) Porth, Rogers—

**CS for HB 1095**—A bill to be entitled An act relating to the Broward County Tourist Development Council; providing legislative findings; providing for appointment of additional members to the membership of the Broward County Tourist Development Council; specifying requirements for the council members; providing for duties, responsibilities, and procedures of the council; providing for superseding certain provisions of general law; providing construction; providing an effective date.

Proof of publication of the required notice was attached.  
—was referred to the Committee on Rules.

By Military & Local Affairs Policy Committee and Representative(s) Kreegel—

**CS for HB 1113**—A bill to be entitled An act relating to the East County Water Control District, Lee and Hendry Counties; amending chapter 2000-423, Laws of Florida, as amended; amending district boundaries; providing for a board of commissioners in lieu of a board of supervisors; revising beginning of terms; revising method for filling vacancies; revising meeting attendance requirements; providing penalties for unexcused absences from meetings; providing for a salary; providing an effective date.

Proof of publication of the required notice was attached.  
—was referred to the Committee on Rules.

By Military & Local Affairs Policy Committee and Representative(s) O'Toole—

**CS for HB 1169**—A bill to be entitled An act relating to the City of Leesburg, Lake County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue up to a specified number of temporary permits to nonprofit civic organizations to sell alcoholic beverages for consumption on the premises at outdoor events on public rights-of-way and public parks in the downtown area of Leesburg; providing that such events require a special event permit from the city; providing that the permits authorized by the act are in addition to certain other authorized temporary permits; requiring the nonprofit civic organization to comply with certain statutory requirements in obtaining the permits authorized by the act; requiring the division to adopt rules; providing an effective date.

Proof of publication of the required notice was attached.  
—was referred to the Committee on Rules.

By Economic Development & Community Affairs Policy Council and Representative(s) Patronis, Precourt—

**CS for HB 1369**—A bill to be entitled An act relating to Gulf County; authorizing the Department of Environmental Protection, notwithstanding s. 161.053, F.S., to issue a permit for a single-family dwelling on a parcel if the parcel is located in Gulf County and the applicant demonstrates the parcel for which the single-family dwelling is proposed was platted or subdivided by metes and bounds prior to January 1, 2009, the owner of the parcel for which the single-family dwelling is proposed does not own another parcel immediately adjacent to and landward of the parcel for which the dwelling is proposed, the proposed single-family dwelling is located landward of the frontal dune structure, and the proposed single-family dwelling will be as far landward on its parcel as is practicable without being located seaward of or on the frontal dune; providing an effective date.

Proof of publication of the required notice was attached.  
—was referred to the Committee on Rules.

By Finance & Tax Council, Military & Local Affairs Policy Committee and Representative(s) Frishe—

**CS for CS for HB 1375**—A bill to be entitled An act relating to the Tierra Verde Community, Pinellas County; providing requirements for the municipal annexation of the community; requiring a referendum of the electors within the community prior to such annexation; describing the community boundaries; providing an effective date.

Proof of publication of the required notice was attached.  
—was referred to the Committee on Rules.

By Select Committee on Seminole Indian Compact Review and Representative(s) Galvano—

**HB 7145**—A bill to be entitled An act relating to pari-mutuel permitholders; amending s. 550.002, F.S.; revising the definition of the term "full schedule of live racing or games" in reference to quarter horse permitholders; amending s. 550.334, F.S.; revising provisions for permits to conduct quarter horse race meetings; removing provisions for application to the Division of Pari-mutuel Wagering for a permit to conduct quarter horse race meetings; removing provisions for granting a license to conduct quarter horse racing; revising a provision for governance and control of quarter horse racing; revising authorization to substitute races of other breeds of horses; providing for an exception to a prohibition against the transfer or conversion of a quarter horse permit; providing requirements for a quarter horse racing permitholder to be eligible to conduct intertrack wagering; providing requirements for a quarter horse racing permitholder to be eligible to operate a cardroom; removing certain provisions restricting intertrack wagering; creating s. 550.3345, F.S.; providing for the transfer of a quarter horse racing permit to a not-for-profit corporation; providing for membership and purpose of such corporation; providing for conversion of such permit to a limited thoroughbred permit; requiring net revenues derived by the not-for-profit corporation to be used for certain purposes relating to the thoroughbred horse racing industry; prohibiting live racing in certain locations during certain times; providing licensure requirements; providing for a change in location of the permit; prohibiting transfer of the converted permit; providing for application of state law to the permit and the corporation; providing an exception to certain provisions for failure to pay tax on handle; amending s. 551.106, F.S.; revising the license fee and tax rate for slot machine licensees; providing for minimum tax revenue from operation of slot machines; amending s. 849.086, F.S.; revising requirements for initial issuance of a cardroom license; requiring the permitholder to be licensed to conduct a full schedule of live racing or games during the state fiscal year in which the initial cardroom license is issued; permitting cardroom operators to operate 24 hours per day; increasing certain wager and buy-in limits; permitting charity tournaments under certain conditions; providing effective dates, including a contingent effective date.

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

By Finance & Tax Council and Representative(s) Bogdanoff—

**HB 7157**—A bill to be entitled An act relating to real property used for conservation purposes; creating s. 196.26, F.S.; providing definitions; providing for a full or partial exemption for land dedicated in perpetuity for conservation purposes; exempting certain real property encumbered by a conservation easement purchased by the federal or state government or by a local government; providing circumstances under which land consisting of less than 40 acres qualifies for such exemption; providing for the assessment of buildings and structures on exempted lands; requiring best management practices to be used for certain agricultural lands; providing for third-party conservation easement enforcement rights to water management districts; creating the Board of Conservation for certain purposes; providing for appointment of members; amending s. 193.501, F.S.; revising a cross-reference; amending s. 704.06, F.S.; requiring owners of property encumbered by a conservation easement to comply with marketable record title requirements to preserve the easement in perpetuity; amending s. 195.073, F.S.; specifying an additional real property assessment classification; amending s. 196.011, F.S.; providing requirements and procedures for renewal applications for exemptions for real property dedicated in perpetuity for conservation purposes; requiring owners of such property to notify the property appraiser when use of the property no longer qualifies for the exemption; providing penalties for failure to notify; providing for application of certain lien provisions; amending s. 192.0105, F.S.; conforming a cross-reference; creating s. 218.125, F.S.; requiring the Legislature to appropriate moneys to replace the reductions in ad valorem tax revenue experienced by fiscally constrained counties with a population not exceeding 25,000; requiring each fiscally constrained county to apply to the Department of Revenue to participate in the distribution of the appropriation; specifying the documentation that must be provided to the department; providing a formula for calculating the reduction in ad

valorem tax revenue; authorizing the department to adopt emergency rules effective for a specified period; providing for renewal of such rules; providing applicability; providing an effective date.

—was referred to the Committees on Community Affairs; Agriculture; Environmental Preservation and Conservation; and Finance and Tax; and the Policy and Steering Committee on Ways and Means.

By Finance & Tax Council and Representative(s) Horner, Abruzzo, Burgin, Bush, Crisafulli, Holder, Precourt, Proctor, Sachs, Scionti, Zapata—

**CS for HJR 833**—House Joint Resolution A joint resolution proposing an amendment to Section 3 of Article VII and the creation of Section 31 of Article XII of the State Constitution to provide an additional homestead property tax exemption for members of the military who receive a homestead exemption and were deployed on active duty outside the United States during the preceding year and provide an effective date.

—was referred to the Committees on Community Affairs; Military Affairs and Domestic Security; and Finance and Tax; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

By Rules & Calendar Council, PreK-12 Policy Committee and Representative(s) Weatherford, Adkins, Coley, Hooper, Mayfield, Murzin, Nelson, Plakon, Precourt—

**CS for CS for HJR 919**—House Joint Resolution A joint resolution proposing an amendment to Section 1 of Article IX and the creation of Section 31 of Article XII of the State Constitution to revise class size requirements for public schools and to provide an effective date.

—was referred to the Committees on Education Pre-K - 12; and Education Pre-K - 12 Appropriations; the Policy and Steering Committee on Ways and Means; and the Committee on Rules.

## RETURNING MESSAGES ON HOUSE BILLS

### CONFEREES APPOINTED

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment 1 to HB 7157 and agree to conference.

The Speaker has appointed the following Representatives as conferees on the part of the House: Rep. Galvano, Chair; and At Large: Reps. Abruzzo, Adams, Gibbons and Hays.

*Robert L. "Bob" Ward, Clerk*

## RETURNING MESSAGES ON SENATE BILLS

### CONFEREES APPOINTED

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has refused to recede from House amendment 1 to CS for CS for SB 788 and has acceded to the request of the Senate for the appointment of a conference committee.

The Speaker has appointed the following Representatives as conferees on the part of the House: Rep. Galvano, Chair; and At Large: Reps. Abruzzo, Adams, Gibbons and Hays.

*Robert L. "Bob" Ward, Clerk*

**CONFEREES APPOINTED**

The President appointed the following members to the Appropriations Conference Committee on Gaming for **CS for CS for SB 788** and **HB 7145**: Senator Jones, Chair; Senators Haridopolos, Altman and Lawson, At-Large; and Senators Deutch, Diaz de la Portilla and Pruitt.

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The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1796, CS for SB 1804, CS for SB 2574 and CS for CS for SB 2694 as amended and that the Senate be asked to concur with the bills as passed by the House or failing such concurrence the House agrees to conference.

*Robert L. "Bob" Ward, Clerk*

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**CONFEREES APPOINTED**

The President appointed the following conferees on **CS for CS for SB 1796**, **CS for SB 1804**, **CS for SB 2574** and **CS for CS for SB 2694**: Senator Alexander, Chair; Senator Deutch, Vice Chair; Senators Altman, Haridopolos and Lawson, Members at Large; Appropriations Conference Committee on Criminal and Civil Justice: Senator Crist, Chair; Senators Jones, Joyner, Villalobos and Wilson; Appropriations Conference Committee on Education Pre-K - 12: Senator Wise, Chair; Senators Bullard, Detert, Garcia, Richter and Siplin; Appropriations Conference Committee on Finance and Tax: Senator Altman, Chair; Senators Bennett, Justice, Pruitt and Ring; Appropriations Conference Committee on General Government: Senator Baker, Chair; Senators Aronberg, Dean, Lawson and Oelrich; Appropriations Conference Committee on Health and Human Services: Senator Peaden, Senators Gaetz, Haridopolos, Rich and Sobel; Appropriations Conference Committee on Higher Education: Senator Lynn, Chair; Senators Constantine, Deutch, Gelber and King; and Appropriations Conference Committee on Transportation and Economic Development: Senator Fasano, Chair; Senators Diaz de la Portilla, Dockery, Gardiner, Hill, Smith and Storms.

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**RETURNING MESSAGES — FINAL ACTION**

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed SB 30, CS for SB 46, CS for SB 58, CS for CS for SB 162, CS for SB 198, SB 234, SB 252, CS for CS for SB 278, SB 316, CS for SB 344, CS for SB 408, CS for SB 412, CS for CS for SB 456, CS for SB 522, SB 524, CS for CS for SB 526, CS for SB 554, CS for CS for SB 606, CS for SB 620, CS for SB 624, CS for CS for SB 714, CS for SB 718, CS for SB 720, CS for SB 742, CS for CS for SB 762, CS for CS for SB 766, CS for CS for SB 810, CS for SB 858, SB 872, CS for SB 948, CS for SB 1018, SB 1030, CS for CS for SB 1062, CS for CS for SB 1100, CS for CS for CS for SB 1128, CS for CS for SB 1144, CS for SB 1534, CS for CS for SB 1616, CS for CS for SB 1640, CS for CS for SB 1868, CS for CS for CS for SB 1986, SB 2064, CS for CS for SB 2150, CS for SB 2188, CS for CS for SB 2252, CS for SB 2504, CS for CS for SB 2538, CS for CS for SB 2612, CS for SB 2666, CS for CS for SB 2682 and CS for CS for SB 2700; adopted CS for SM 152 and SM 1330.

*Robert L. "Bob" Ward, Clerk*

The bills contained in the foregoing messages were ordered enrolled.

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of April 28 was corrected and approved.

**CO-INTRODUCERS**

Senators Haridopolos—CS for CS for CS for SB 2244; Justice—CS for CS for SB 2322

**RECESS**

On motion by Senator Villalobos, the Senate recessed at 5:55 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Thursday, April 30 or upon call of the President.